

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 20, 2007  
Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

HB07-1040 be amended as follows, and as so amended, be referred to the Committee on Judiciary with favorable recommendation:

1 Amend the State, Veterans & Military Affairs Committee Report, dated  
2 February 8, 2007, page 2, after line 17, insert the following:

3 **"16-3-503. Bonds recovered for persons illegally present in the**  
4 **country.** (1) (a) IF A LAW ENFORCEMENT AGENCY HOLDING A  
5 DEFENDANT DETERMINES THAT THE DEFENDANT IS PROBABLY ILLEGALLY  
6 PRESENT IN THE UNITED STATES, THE LAW ENFORCEMENT AGENCY SHALL  
7 NOTIFY THE DEFENDANT'S BAIL BONDING AGENT IN WRITING BEFORE THE  
8 BOND IS POSTED. PRIOR TO POSTING A BOND FOR A DEFENDANT WHO MAY  
9 BE PRESENT IN THE COUNTRY ILLEGALLY, A BONDING AGENT OR OTHER  
10 PERSON SHALL EXECUTE A WAIVER THAT STATES THE AGENT OR PERSON  
11 UNDERSTANDS THAT THE BOND OR FEES SHALL BE FORFEITED IF THE  
12 DEFENDANT IS REMOVED FROM THE COUNTRY.

13 (b) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION  
14 (1), A BONDING AGENT OR OTHER PERSON WHO POSTS BOND ON A  
15 CRIMINAL CASE, EITHER PRE-TRIAL OR POST-CONVICTION, FOR A  
16 DEFENDANT WHO IS DETERMINED TO BE ILLEGALLY PRESENT IN THE  
17 COUNTRY SHALL NOT BE ENTITLED TO RECOVER THE POSTED BOND OR FEES  
18 IF THE DEFENDANT IS REMOVED FROM THE COUNTRY, AND THE BOND OR  
19 FEES SHALL BE FORFEITED.

20 (c) IF IT IS DETERMINED THAT A DEFENDANT IS ILLEGALLY PRESENT  
21 IN THE COUNTRY AFTER A BAIL BOND IS POSTED, THE JAIL SHALL RETURN

1 ALL DOCUMENTS CONCERNING THE DEFENDANT THAT ARE SIGNED BY THE  
2 BAIL BONDING AGENT TO THE AGENT, AND THE AGENT SHALL RETURN THE  
3 FEES COLLECTED PURSUANT TO SECTION 12-7-108 (7), C.R.S.

4 (2) THE BONDS AND FEES FORFEITED PURSUANT TO SUBSECTION (1)  
5 OF THIS SECTION SHALL BE CREDITED TO THE CAPITAL CONSTRUCTION  
6 FUND CREATED IN SECTION 24-75-302, C.R.S., FOR APPROPRIATION TO THE  
7 CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116,  
8 C.R.S., FOR THE PURPOSE OF PRISON BED CONSTRUCTION.

9 **SECTION 2.** Part 1 of article 1 of title 17, Colorado Revised  
10 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
11 read:

12 **17-1-163. Appropriation to comply with section 2-2-703 - HB**  
13 **07-1040.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING  
14 STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE  
15 NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 07-1040, ENACTED  
16 AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY:

17 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN ADDITION  
18 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM  
19 MONEYS CREDITED PURSUANT TO SECTION 16-3-503 (2), C.R.S., TO THE  
20 CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO  
21 THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION  
22 17-1-116, THE SUM OF ONE MILLION ONE HUNDRED TWENTY-SIX  
23 THOUSAND FOUR HUNDRED EIGHTY-FIVE DOLLARS (\$1,126,485).

24 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN  
25 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY  
26 APPROPRIATED, FROM MONEYS CREDITED PURSUANT TO SECTION 16-3-503  
27 (2), C.R.S., TO THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION  
28 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND  
29 CREATED IN SECTION 17-1-116, THE SUM OF SEVEN HUNDRED THOUSAND  
30 NINE HUNDRED TWENTY-FOUR DOLLARS (\$700,924).

31 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION  
32 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM  
33 MONEYS CREDITED TO THE CAPITAL CONSTRUCTION FUND CREATED IN  
34 SECTION 24-75-302, C.R.S., PURSUANT TO SECTION 16-3-503 (2) C.R.S.,  
35 TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION



1 17-1-116, THE SUM OF TWO HUNDRED FORTY-EIGHT THOUSAND EIGHT  
2 HUNDRED TWENTY-THREE DOLLARS (\$248,823), WHICH AMOUNT IS  
3 FURTHER APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS.

4 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION  
5 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM  
6 MONEYS CREDITED PURSUANT TO SECTION 16-3-503 (2), C.R.S., TO THE  
7 CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO  
8 THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION  
9 17-1-116, THE SUM OF THREE HUNDRED SEVENTY-FIVE THOUSAND FOUR  
10 HUNDRED NINETY-FIVE DOLLARS (\$375,495).

11 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION  
12 TO ANY OTHER APPROPRIATION, FROM MONEYS CREDITED TO THE CAPITAL  
13 CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., PURSUANT  
14 TO SECTION 16-3-503 (2) C.R.S., TO THE CORRECTIONS EXPANSION  
15 RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF FOUR  
16 HUNDRED TWO THOUSAND SEVEN HUNDRED SEVENTY DOLLARS  
17 (\$402,770), WHICH AMOUNT IS FURTHER APPROPRIATED TO THE  
18 DEPARTMENT OF CORRECTIONS.

19 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN  
20 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY  
21 APPROPRIATED, FROM MONEYS CREDITED PURSUANT TO SECTION 16-3-503  
22 (2), C.R.S., TO THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION  
23 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND  
24 CREATED IN SECTION 17-1-116, THE SUM OF FIFTY THOUSAND SIXTY-SIX  
25 DOLLARS (\$50,066).

26 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION  
27 TO ANY OTHER APPROPRIATION, FROM MONEYS CREDITED TO THE CAPITAL  
28 CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., PURSUANT  
29 TO SECTION 16-3-503 (2) C.R.S., TO THE CORRECTIONS EXPANSION  
30 RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF FOUR  
31 HUNDRED EIGHTY-FIVE THOUSAND FIVE HUNDRED THIRTY-ONE DOLLARS  
32 (\$485,531), WHICH AMOUNT IS FURTHER APPROPRIATED TO THE  
33 DEPARTMENT OF CORRECTIONS.

34 (e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION  
35 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM  
36 MONEYS CREDITED TO THE CAPITAL CONSTRUCTION FUND CREATED IN



1 SECTION 24-75-302, C.R.S., PURSUANT TO SECTION 16-3-503 (2) C.R.S.,  
2 TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION  
3 17-1-116, THE SUM OF FOUR HUNDRED NINETY-SIX THOUSAND FIVE  
4 HUNDRED SIXTY-SIX DOLLARS (\$496,566), WHICH AMOUNT IS FURTHER  
5 APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS."

6 Renumber succeeding section accordingly.

7 Page 2 of the Committee Report, after line 20, add the following:

8 "Page 1, line 102, strike "COUNTRY." and substitute "COUNTRY, AND  
9 MAKING AN APPROPRIATION IN CONNECTION THEREWITH."."

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