

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 09-0275.01 Brita Darling

**SENATE BILL 09-068**

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**SENATE SPONSORSHIP**

**Morse,**

**HOUSE SPONSORSHIP**

**McCann,**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING FUNDING TO SUPPORT DOMESTIC ABUSE SERVICES, AND,**  
102             **IN CONNECTION THEREWITH, ALLOCATING A PORTION OF THE**  
103             **FUNDING TO ASSIST MILITARY MEMBERS AND THEIR FAMILIES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Increases the fee for a marriage license, as well as the filing fee for a petition and response fee in a dissolution of marriage action, to fund domestic abuse services for married, separated, or divorced persons or their families.

Specifies that a percentage of the moneys collected from the fee increases shall be used for a specified time to reimburse domestic abuse

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

programs for services to members of the military and veterans or their families.

Removes the limit on the reimbursement rate.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 26-7.5-101, Colorado Revised Statutes, is amended  
3 to read:

4 **26-7.5-101. Legislative declaration.** The general assembly  
5 hereby finds that a significant number of homicides, aggravated assaults,  
6 ~~and~~ assaults and batteries, AND OTHER TYPES OF ABUSE AND COERCIVE  
7 CONTROL occur within the home; ~~between adult family members~~; that the  
8 reported incidence of domestic abuse represents only a portion of the total  
9 number of incidents of domestic abuse; that a large percentage of police  
10 officer deaths in the line of duty result from police intervention in  
11 domestic abuse situations; THAT INSTABILITY IN THE ECONOMY AND JOB  
12 MARKET AND THE EFFECTS EXPERIENCED BY MANY RETURNING SERVICE  
13 MEMBERS AS A RESULT OF MILITARY DEPLOYMENT CREATE STRESS WITHIN  
14 FAMILIES THAT CAN ESCALATE THE LEVEL OF EXISTING DOMESTIC  
15 VIOLENCE AND ABUSE; and that domestic abuse is a complex problem  
16 affecting families from all social and economic backgrounds. It is the  
17 purpose of this article to encourage the development of domestic abuse  
18 programs by units of local government and nongovernmental agencies.

19 **SECTION 2.** 26-7.5-105 (1), Colorado Revised Statutes, is  
20 amended to read:

21 **26-7.5-105. Funding of domestic abuse programs - repeal.**  
22 (1) (a) Any nongovernmental agency or unit of local government  
23 operating a domestic abuse program pursuant to this article shall, subject  
24 to available appropriations, be reimbursed by the state department at a

1 rate to be set by the general assembly in the annual appropriation bill.  
2 ~~which amount shall not exceed twenty-five dollars per day for each~~  
3 ~~person who is participating in a domestic abuse program, but in no event~~  
4 ~~shall the state reimbursements or disbursements exceed double the cash~~  
5 ~~revenue provided by local contributions or sources other than state funds.~~  
6 Not less than seventy-five percent of all contract funding under this  
7 article shall be allocated to nongovernmental agencies.

8 (b) MONEYS GENERATED FROM FEES COLLECTED PURSUANT TO  
9 SECTIONS 13-32-101 (1) (a) AND (1) (b) AND 14-2-106 (1) (a), C.R.S.,  
10 SHALL BE USED TO REIMBURSE DOMESTIC ABUSE PROGRAMS THAT PROVIDE  
11 SERVICES AS PROVIDED IN SECTION 26-7.5-103 TO MARRIED, SEPARATED,  
12 OR DIVORCED PERSONS OR THEIR FAMILIES.

13 (c) (I) SUBJECT TO SUFFICIENT REQUESTS FOR REIMBURSEMENTS,  
14 AT LEAST FIFTY PERCENT OF THE REIMBURSEMENTS MADE PURSUANT TO  
15 PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL BE MADE TO  
16 NONGOVERNMENTAL AGENCIES OR UNITS OF LOCAL GOVERNMENT THAT  
17 PROVIDE SERVICES TO CURRENT MEMBERS AND VETERANS OF THE UNITED  
18 STATES ARMED FORCES AND THE UNITED STATES NATIONAL GUARD OR  
19 THEIR FAMILIES. IN THE EVENT THAT THERE ARE INSUFFICIENT REQUESTS  
20 FOR REIMBURSEMENTS PURSUANT TO THIS SUBPARAGRAPH (I), THE  
21 EXECUTIVE DIRECTOR MAY AUTHORIZE THE EXPENDITURE OF THE  
22 REMAINING MONEYS FOR REIMBURSEMENTS TO PROGRAMS DESCRIBED IN  
23 PARAGRAPH (b) OF THIS SUBSECTION (1).

24 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2014.

25 **SECTION 3.** 13-32-101 (1) (a), (1) (b), (5) (a) (VII), (5) (a)  
26 (VIII), and (5) (b), Colorado Revised Statutes, are amended, and the said  
27 13-32-101 (5) (a) is further amended BY THE ADDITION OF THE

1 FOLLOWING NEW SUBPARAGRAPHS, to read:

2 **13-32-101. Docket fees in civil actions - judicial stabilization**  
3 **cash fund - support registry fund created - repeal.** (1) At the time of  
4 first appearance in all civil actions and special proceedings in all courts  
5 of record, except in the supreme court and the court of appeals, and  
6 except in the probate proceedings in the district court or probate court of  
7 the city and county of Denver, and except as provided in subsection (3)  
8 of this section and in sections 13-32-103 and 13-32-104, there shall be  
9 paid in advance the total docket fees, as follows:

10 (a) On and after July 1, ~~2008~~ 2009, by the petitioner in a  
11 proceeding for dissolution of marriage, legal separation, or declaration of  
12 invalidity of marriage and by the petitioner in an action for a declaratory  
13 judgment concerning the status of marriage, a fee of two hundred ~~twenty~~  
14 THIRTY dollars;

15 (b) On and after July 1, ~~2008~~ 2009, by the respondent in a  
16 proceeding for dissolution of marriage, legal separation, or declaration of  
17 invalidity of marriage and by the respondent to an action for a declaratory  
18 judgment concerning the status of marriage, a fee of one hundred ~~six~~  
19 SIXTEEN dollars;

20 (5) (a) Each fee collected pursuant to paragraph (a) of subsection  
21 (1) of this section shall be transmitted to the state treasurer and divided  
22 as follows:

23 (VII) Three dollars shall be deposited in the vital statistics records  
24 cash fund created in section 25-2-121, C.R.S.; and

25 (VIII) Five dollars shall be deposited in the displaced homemaker  
26 fund created in section 8-15.5-108, C.R.S.;

27 (IX) FIVE DOLLARS SHALL BE DEPOSITED IN THE COLORADO

1 DOMESTIC ABUSE PROGRAM FUND CREATED IN SECTION 39-22-802 (1),  
2 C.R.S.; AND

3 (X) FIVE DOLLARS SHALL BE DEPOSITED IN THE FAMILY VIOLENCE  
4 JUSTICE FUND CREATED IN SECTION 14-4-107 (1), C.R.S.

5 (b) Each fee collected pursuant to paragraph (b) of subsection (1)  
6 of this section shall be transmitted to the state treasurer and divided as  
7 follows:

8 (I) (A) Prior to July 1, 2010, forty-five dollars shall be deposited  
9 in the general fund, thirty dollars shall be deposited in the judicial  
10 stabilization cash fund created in subsection (6) of this section, five  
11 dollars shall be deposited in the court security cash fund established  
12 pursuant to section 13-1-204, ~~and~~ twenty-six dollars shall be deposited in  
13 the justice center cash fund created in paragraph (a) of subsection (7) of  
14 this section, FIVE DOLLARS SHALL BE DEPOSITED IN THE COLORADO  
15 DOMESTIC ABUSE PROGRAM FUND CREATED IN SECTION 39-22-802 (1),  
16 C.R.S., AND FIVE DOLLARS SHALL BE DEPOSITED IN THE FAMILY VIOLENCE  
17 JUSTICE FUND CREATED IN SECTION 14-4-107 (1), C.R.S.

18 (B) This subparagraph (I) is repealed, effective July 1, 2011.

19 (II) On and after July 1, 2010, seventy-five dollars shall be  
20 deposited in the judicial stabilization cash fund created in subsection (6)  
21 of this section, five dollars shall be deposited in the court security cash  
22 fund established pursuant to section 13-1-204, ~~and~~ twenty-six dollars  
23 shall be deposited in the justice center cash fund created in paragraph (a)  
24 of subsection (7) of this section, FIVE DOLLARS SHALL BE DEPOSITED IN  
25 THE COLORADO DOMESTIC ABUSE PROGRAM FUND CREATED IN SECTION  
26 39-22-802 (1), C.R.S., AND FIVE DOLLARS SHALL BE DEPOSITED IN THE  
27 FAMILY VIOLENCE JUSTICE FUND CREATED IN SECTION 14-4-107 (1), C.R.S.

1           **SECTION 4.** The introductory portion to 14-2-106 (1) (a),  
2 Colorado Revised Statutes, is amended to read:

3           **14-2-106. License to marry.** (1) (a) When a marriage  
4 application has been completed and signed by both parties to a  
5 prospective marriage and at least one party has appeared before the  
6 county clerk and recorder and has paid the marriage license fee of seven  
7 dollars, A FEE OF TWENTY DOLLARS TO BE TRANSMITTED BY THE COUNTY  
8 CLERK AND RECORDER TO THE STATE TREASURER AND CREDITED BY THE  
9 TREASURER TO THE COLORADO DOMESTIC ABUSE PROGRAM FUND  
10 CREATED IN SECTION 39-22-802 (1), C.R.S., and an additional amount  
11 established pursuant to section 25-2-121, C.R.S., such amount to be  
12 credited to the vital statistics records cash fund pursuant to section  
13 25-2-121, C.R.S., the county clerk shall issue a license to marry and a  
14 marriage certificate form upon being furnished:

15           **SECTION 5.** 14-4-107, Colorado Revised Statutes, is amended  
16 BY THE ADDITION OF A NEW SUBSECTION to read:

17           **14-4-107. Family violence justice fund - creation - grants from**  
18 **fund.** (4.5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
19 THE STATE COURT ADMINISTRATOR SHALL APPLY THE MONEYS GENERATED  
20 FROM FEES COLLECTED PURSUANT TO SECTION 13-32-101 (1) (a) AND (1)  
21 (b), C.R.S., TO GRANTS TO QUALIFYING ORGANIZATIONS THAT PROVIDE  
22 SERVICES DESCRIBED IN SUBSECTION (2) OF THIS SECTION FOR OR ON  
23 BEHALF OF INDIGENT PERSONS OR THEIR FAMILIES WHO ARE MARRIED,  
24 SEPARATED, OR DIVORCED.

25           **SECTION 6. Effective date - applicability.** This act shall take  
26 effect July 1, 2009, and shall apply to petitions, responses, and  
27 applications filed on or after said date.

1           **SECTION 7. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety.