

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0475.01 Brita Darling

HOUSE BILL 11-1121

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HOUSE SPONSORSHIP

Ramirez, Massey, McNulty, Szabo

SENATE SPONSORSHIP

King K.,

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House Committees  
Education

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING DISQUALIFICATION FROM SCHOOL EMPLOYMENT FOR  
102 CONVICTION OF CERTAIN OFFENSES, AND, IN CONNECTION  
103 THEREWITH, ENACTING THE "FELON-FREE SCHOOLS ACT OF  
104 2011".

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill enacts the "Felon-free Schools Act of 2011". A school district, a charter school, or an institute charter school is prohibited from

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.

employing as a nonlicensed employee a person who has a conviction for certain enumerated criminal offenses.

For positions requiring a license, if the license, endorsement, or authorization is issued on or after September 15, 2011, the state board of education shall deny a license, endorsement, or authorization if the applicant has been convicted of a felony drug offense. For a license, certificate, endorsement, or authorization initially issued prior to September 15, 2011, the state board of education shall deny, annul, suspend, or revoke the license, certificate, endorsement, or authorization if the holder is convicted of a felony drug offense on or after September 15, 2011, and may deny, annul, suspend, or revoke the license, certificate, endorsement, or authorization if the holder is convicted of a felony drug offense prior to September 15, 2011. The bill makes conforming amendments relating to this provision.

A school district board of education must ask the department of education whether an applicant for employment has received a disposition or an adjudication for an offense that would constitute felony unlawful sexual behavior if committed by an adult. The department of education is required to provide the information to the school district.

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

2           **SECTION 1. Short title.** This act shall be known and may be  
3 cited as the "Felon-free Schools Act of 2011".

4           **SECTION 2.** 22-2-119 (1), Colorado Revised Statutes, is  
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6           **22-2-119. Department of education - inquiries concerning**  
7 **prospective employees - background investigation fee.** (1) When an  
8 inquiry is made by a board of education of a school district pursuant to  
9 the provisions of section 22-32-109.7 (1) or (1.5), by the governing board  
10 of a nonpublic school pursuant to the provisions of section 22-1-121, by  
11 the governing board of a charter school pursuant to the provisions of  
12 section 22-30.5-110.5, or by the governing board of an institute charter  
13 school pursuant to the provisions of section 22-30.5-511.5, concerning a  
14 prospective or current employee, the department shall provide the

1 following information concerning such person:

2 (a.5) WHETHER THE PERSON HAS RECEIVED A DISPOSITION OR AN  
3 ADJUDICATION AS A JUVENILE FOR AN OFFENSE THAT WOULD CONSTITUTE  
4 FELONY UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102  
5 (9), C.R.S., IF COMMITTED BY AN ADULT;

6 **SECTION 3.** 22-30.5-110.7 (5), Colorado Revised Statutes, is  
7 amended, and the said 22-30.5-110.7 is further amended BY THE  
8 ADDITION OF A NEW SUBSECTION, to read:

9 **22-30.5-110.7. Fingerprint-based criminal history record**  
10 **checks - charter school employees - procedures - definitions.**

11 (5) (a) A charter school may employ a person in the charter school prior  
12 to receiving the results of the person's fingerprint-based criminal history  
13 record check; except that:

14 (I) The charter school may terminate the employment of the  
15 person if the results are inconsistent with the information provided by the  
16 person in the form submitted pursuant to subsection (2) of this section;  
17 AND

18 (II) THE CHARTER SCHOOL SHALL TERMINATE THE PERSON'S  
19 EMPLOYMENT IF THE RESULTS DISCLOSE A CONVICTION FOR AN OFFENSE  
20 DESCRIBED IN SECTION 22-32-109.8 (6.5).

21 (b) The charter school shall notify the proper district attorney of  
22 ~~such~~ inconsistent results AS DESCRIBED IN SUBPARAGRAPH (I) OF  
23 PARAGRAPH (a) OF THIS SUBSECTION (5) for purposes of action or possible  
24 prosecution.

25 (6.5) AN EMPLOYEE OR AN APPLICANT FOR EMPLOYMENT WITH A  
26 CHARTER SCHOOL IS DISQUALIFIED FROM EMPLOYMENT IF THE RESULTS OF  
27 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK DISCLOSE A

1 CONVICTION FOR AN OFFENSE DESCRIBED IN SECTION 22-32-109.8 (6.5).  
2 NOTHING IN THIS SECTION OR IN SECTION 22-32-109.8 SHALL CREATE FOR  
3 A PERSON A PROPERTY RIGHT IN OR ENTITLEMENT TO EMPLOYMENT OR  
4 CONTINUED EMPLOYMENT WITH A CHARTER SCHOOL OR IMPAIR A CHARTER  
5 SCHOOL'S RIGHT TO TERMINATE EMPLOYMENT FOR A NONDISCRIMINATORY  
6 REASON.

7 **SECTION 4.** 22-30.5-511.5, Colorado Revised Statutes, is  
8 amended BY THE ADDITION OF A NEW SUBSECTION to read:

9 **22-30.5-511.5. Background investigation - prohibition against**  
10 **employing persons - institute charter school employees' information**  
11 **provided to department.** (2.5) AN EMPLOYEE OR AN APPLICANT FOR  
12 EMPLOYMENT WITH AN INSTITUTE CHARTER SCHOOL IS DISQUALIFIED  
13 FROM EMPLOYMENT IF THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
14 HISTORY RECORD CHECK DISCLOSE A CONVICTION FOR AN OFFENSE  
15 DESCRIBED IN SECTION 22-32-109.8 (6.5). NOTHING IN THIS SECTION OR  
16 IN SECTION 22-32-109.8 SHALL CREATE FOR A PERSON A PROPERTY RIGHT  
17 IN OR ENTITLEMENT TO EMPLOYMENT OR CONTINUED EMPLOYMENT WITH  
18 AN INSTITUTE CHARTER SCHOOL OR IMPAIR AN INSTITUTE CHARTER  
19 SCHOOL'S RIGHT TO TERMINATE EMPLOYMENT FOR A NONDISCRIMINATORY  
20 REASON.

21 **SECTION 5.** 22-32-109.7 (1), Colorado Revised Statutes, is  
22 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

23 **22-32-109.7. Board of education - specific duties - employment**  
24 **of personnel.** (1) Prior to the employment of any person by a school  
25 district, the board of education shall make an inquiry concerning such  
26 person to the department of education for the purpose of determining:

27 (a.5) WHETHER THE PERSON HAS RECEIVED A DISPOSITION OR AN

1 ADJUDICATION AS A JUVENILE FOR AN OFFENSE THAT WOULD CONSTITUTE  
2 FELONY UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102  
3 (9), C.R.S., IF COMMITTED BY AN ADULT;

4 **SECTION 6.** 22-32-109.8 (3), (5), (6), (7), and (8), Colorado  
5 Revised Statutes, are amended, and the said 22-32-109.8 is further  
6 amended BY THE ADDITION OF THE FOLLOWING NEW  
7 SUBSECTIONS, to read:

8 **22-32-109.8. Applicants selected for nonlicensed positions -**  
9 **submittal of form and fingerprints - prohibition against employing**  
10 **persons - department database.** (3) In addition to any other  
11 requirements established by law, the submittal of fingerprints and the  
12 form pursuant to subsection (1) of this section shall be a prerequisite to  
13 the employment of ~~any~~ A person in a ~~noncertificated~~ NONLICENSED  
14 position in a school district, and no person shall be so employed who has  
15 not complied with the provisions of subsection (1) of this section.

16 (5) (a) A school district may employ ~~any~~ A person in a  
17 ~~noncertificated~~ NONLICENSED position in ~~such~~ THE school district prior to  
18 receiving the results regarding ~~such~~ THE selected applicant's fingerprints;  
19 however:

20 (I) The school district may terminate the PERSON'S employment ~~of~~  
21 ~~such person~~ if the results are inconsistent with the information provided  
22 by the person in the form submitted pursuant to subsection (1) of this  
23 section; AND

24 (II) THE SCHOOL DISTRICT SHALL TERMINATE THE PERSON'S  
25 EMPLOYMENT IF THE RESULTS DISCLOSE A CONVICTION FOR AN OFFENSE  
26 DESCRIBED IN SUBSECTION (6.5) OF THIS SECTION.

27 (b) The school district shall notify the proper district attorney of

1 ~~such~~ inconsistent results AS DESCRIBED IN SUBPARAGRAPH (I) OF  
2 PARAGRAPH (a) OF THIS SUBSECTION (5) for purposes of action or possible  
3 prosecution.

4 (6) (a) When ~~any~~ A school district finds good cause to believe that  
5 ~~any~~ A nonlicensed ~~personnel~~ PERSON employed by ~~such~~ THE school  
6 district has been convicted of ~~any~~ A felony or misdemeanor other than a  
7 misdemeanor traffic offense or traffic infraction subsequent to ~~such~~ HIS  
8 OR HER employment, ~~such~~ THE school district shall require ~~such~~ THE  
9 person to submit to the school district a complete set of his or her  
10 fingerprints taken by a qualified law enforcement agency. ~~Said~~ THE  
11 fingerprints shall be submitted within twenty days ~~of~~ AFTER receipt of  
12 written notification from the school district. The school district shall  
13 forward the fingerprints of ~~such~~ THE person to the Colorado bureau of  
14 investigation for the purpose of conducting a state and national  
15 fingerprint-based criminal history record check utilizing the records of the  
16 Colorado bureau of investigation and the federal bureau of investigation.  
17 IF THE RESULTS OF THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
18 CHECK DISCLOSE A CONVICTION FOR AN OFFENSE DESCRIBED IN  
19 SUBSECTION (6.5) OF THIS SECTION, THE SCHOOL DISTRICT SHALL  
20 TERMINATE THE PERSON'S EMPLOYMENT.

21 (b) School districts shall not charge ~~noncertificated~~ NONLICENSED  
22 personnel any fees for the direct and indirect costs of ~~such~~ THE school  
23 district for fingerprint processing performed pursuant to the provisions of  
24 this subsection (6).

25 (6.5) A PERSON EMPLOYED IN OR APPLYING TO A SCHOOL DISTRICT  
26 FOR EMPLOYMENT IN A NONLICENSED POSITION IS DISQUALIFIED FROM  
27 EMPLOYMENT IF:

1 (a) THE APPLICANT OR EMPLOYEE HAS BEEN CONVICTED OF, OR  
2 CONVICTED OF ATTEMPT, SOLICITATION, OR CONSPIRACY TO COMMIT, ONE  
3 OF THE FOLLOWING OFFENSES:

4 (I) FELONY CHILD ABUSE, AS DESCRIBED IN SECTION 18-6-401,  
5 C.R.S.;

6 (II) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406 (2),  
7 C.R.S.;

8 (III) A FELONY INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS  
9 DEFINED IN SECTION 16-22-102 (9), C.R.S.;

10 (IV) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS  
11 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF  
12 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.;

13 (V) A FELONY DRUG OFFENSE DESCRIBED IN PART 4 OF ARTICLE 18  
14 OF TITLE 18, C.R.S.;

15 (VI) FELONY INDECENT EXPOSURE, AS DESCRIBED IN SECTION  
16 18-7-302, C.R.S.; OR

17 (VII) AN OFFENSE IN ANY OTHER STATE, THE UNITED STATES, OR  
18 ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED STATES,  
19 WHICH, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE AN OFFENSE  
20 DESCRIBED IN SUBPARAGRAPHS (I) TO (VI) OF THIS PARAGRAPH (a);

21 (b) THE APPLICANT OR EMPLOYEE, AS A JUVENILE, PLEADED NOLO  
22 CONTENDERE OR GUILTY TO OR WAS FOUND GUILTY OF AN OFFENSE THAT  
23 WOULD CONSTITUTE FELONY UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED  
24 IN SECTION 16-22-102 (9), C.R.S., IF COMMITTED BY AN ADULT; OR

25 (c) THE APPLICANT OR EMPLOYEE FAILS TO SUBMIT FINGERPRINTS  
26 ON A TIMELY BASIS FOLLOWING RECEIPT OF THE WRITTEN REQUEST FROM  
27 THE SCHOOL DISTRICT PURSUANT TO SUBSECTION (1) OR (6) OF THIS

1 SECTION.

2 (7) For purposes of this section, a person is deemed to be  
3 convicted of committing a felony or misdemeanor AS DESCRIBED IN THIS  
4 SECTION if ~~such~~ THE person has been convicted under the laws of any  
5 other state, the United States, or any territory subject to the jurisdiction of  
6 the United States of an unlawful act which, if committed within this state,  
7 would be a felony or misdemeanor.

8 (8) For purposes of this section:

9 (a) "Convicted" means a conviction by a jury or by a court and  
10 shall also include the forfeiture of any bail, bond, or other security  
11 deposited to secure appearance by a person charged with a felony or  
12 misdemeanor, the payment of a fine, A GUILTY PLEA ACCEPTED BY A  
13 COURT, a plea of nolo contendere, and the imposition of a deferred or  
14 suspended sentence by the court.

15 (a.5) "NONLICENSED" MEANS A PERSON DOES NOT HOLD, OR A  
16 POSITION OF EMPLOYMENT DOES NOT REQUIRE, A LICENSE ISSUED  
17 PURSUANT TO ARTICLE 60.5 OF THIS TITLE.

18 (b) "Position of employment" means any job or position in which  
19 any person may be engaged in the service of a school district for salary or  
20 hourly wages, whether full time or part time and whether temporary or  
21 permanent.

22 (12) NOTHING IN THIS SECTION SHALL CREATE FOR A PERSON A  
23 PROPERTY RIGHT IN OR ENTITLEMENT TO EMPLOYMENT OR CONTINUED  
24 EMPLOYMENT WITH A SCHOOL DISTRICT OR IMPAIR A SCHOOL DISTRICT'S  
25 RIGHT TO TERMINATE EMPLOYMENT FOR A NONDISCRIMINATORY REASON.

26 **SECTION 7.** 22-60.5-103 (6) (b), Colorado Revised Statutes, is  
27 amended to read:



1           **22-60.5-103. Applicants - licenses - authorizations - submittal**  
2           **of form and fingerprints - failure to comply constitutes grounds for**

3           **denial.** (6) (b) The department of education shall forward fingerprints  
4 submitted pursuant to this subsection (6) to the Colorado bureau of  
5 investigation for the purpose of obtaining a fingerprint-based criminal  
6 history record check through the Colorado bureau of investigation and the  
7 federal bureau of investigation, to determine whether the educator has a  
8 criminal history. In addition, the department of education may use the  
9 records of the ICON system at the state judicial department, as defined in  
10 section 24-33.5-102 (3), C.R.S., or any other source available, including  
11 obtaining records from any law enforcement agency and juvenile  
12 delinquent records pursuant to section 19-1-304, C.R.S., to ascertain  
13 whether the educator has been convicted of an offense described in  
14 section 22-60.5-107 (2), ~~or~~ (2.5), OR (2.6).

15           **SECTION 8.** 22-60.5-107 (2) (d), (2) (f), (3), and (8), Colorado  
16 Revised Statutes, are amended, and the said 22-60.5-107 is further  
17 amended BY THE ADDITION OF A NEW SUBSECTION, to read:

18           **22-60.5-107. Grounds for denying, annulling, suspending, or**  
19 **revoking license, certificate, endorsement, or authorization.** (2) Any  
20 license, certificate, endorsement, or authorization may be denied,  
21 annulled, suspended, or revoked in the manner prescribed in section  
22 22-60.5-108, notwithstanding the provisions of subsection (1) of this  
23 section:

24           (d) When the applicant or holder is found guilty of a felony, other  
25 than a felony described in subsection (2.5) OR (2.6) of this section, or  
26 upon the court's acceptance of a guilty plea or a plea of nolo contendere  
27 to a felony, other than a felony described in subsection (2.5) OR (2.6) of

1 this section, in this state or, under the laws of any other state, the United  
2 States, or any territory subject to the jurisdiction of the United States, of  
3 a crime which, if committed within this state, would be a felony, other  
4 than a felony described in subsection (2.5) OR (2.6) of this section, when  
5 the commission of said felony, in the judgment of the state board of  
6 education, renders the applicant or holder unfit to perform the services  
7 authorized by his or her license, certificate, endorsement, or  
8 authorization;

9 (f) When the applicant or holder has forfeited any bail, bond, or  
10 other security deposited to secure the appearance by the applicant or  
11 holder who is charged with having committed a felony or misdemeanor,  
12 has paid a fine, has entered a plea of nolo contendere, or has received a  
13 deferred or suspended sentence imposed by the court for any offense  
14 described in subparagraph (I) or (II) of paragraph (a) of subsection (2.5)  
15 of this section OR IN SUBSECTION (2.6) OF THIS SECTION.

16 (2.6) (a) IN ADDITION TO THE OFFENSES DESCRIBED IN SUBSECTION  
17 (2.5) OF THIS SECTION, THE STATE BOARD OF EDUCATION SHALL DENY,  
18 ANNUL, SUSPEND, OR REVOKE A LICENSE, CERTIFICATE, ENDORSEMENT, OR  
19 AUTHORIZATION IF THE APPLICANT FOR OR HOLDER OF THE LICENSE,  
20 CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION:

21 (I) FOR LICENSES, CERTIFICATES, ENDORSEMENTS, OR  
22 AUTHORIZATIONS INITIALLY ISSUED PRIOR TO SEPTEMBER 15, 2011, IS  
23 CONVICTED OF A FELONY DRUG OFFENSE COMMITTED ON OR AFTER  
24 SEPTEMBER 15, 2011; OR

25 (II) FOR LICENSES, ENDORSEMENTS, OR AUTHORIZATIONS  
26 INITIALLY ISSUED ON OR AFTER SEPTEMBER 15, 2011, IS CONVICTED OF A  
27 FELONY DRUG OFFENSE COMMITTED PRIOR TO, ON, OR AFTER SEPTEMBER

1 15, 2011.

2 (b) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF  
3 PARAGRAPH (a) OF THIS SUBSECTION (2.6), FOR A LICENSE, CERTIFICATE,  
4 ENDORSEMENT, OR AUTHORIZATION ISSUED PRIOR TO SEPTEMBER 15,  
5 2011, THE STATE BOARD OF EDUCATION MAY DENY, ANNUL, SUSPEND, OR  
6 REVOKE THE LICENSE, CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION  
7 IN THE MANNER PRESCRIBED IN SECTION 22-60.5-108, IF THE HOLDER IS  
8 CONVICTED OF A FELONY DRUG OFFENSE COMMITTED PRIOR TO  
9 SEPTEMBER 15, 2011, UNLESS THE HOLDER WAS PREVIOUSLY AFFORDED  
10 THE RIGHTS SET FORTH IN SECTION 22-60.5-108 WITH RESPECT TO THE  
11 OFFENSE AND THE HOLDER RECEIVED OR RETAINED HIS OR HER LICENSE,  
12 CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION AS A RESULT.

13 (c) FOR PURPOSES OF THIS SUBSECTION (2.6), "CONVICTED" OR  
14 "CONVICTION" MEANS A CONVICTION BY A JURY VERDICT OR BY ENTRY OF  
15 A VERDICT OR ACCEPTANCE OF A GUILTY PLEA BY A COURT.

16 (3) A certified copy of the judgment of a court of competent  
17 jurisdiction of a conviction, the acceptance of a guilty plea, a plea of nolo  
18 contendere, or a deferred sentence shall be conclusive evidence for the  
19 purposes of paragraphs (b) and (c) of subsection (2) of this section. A  
20 certified copy of the judgment of a court of competent jurisdiction of a  
21 conviction or the acceptance of a guilty plea shall be conclusive evidence  
22 for the purposes of ~~subsection~~ SUBSECTIONS (2.5) AND (2.6) of this  
23 section. Upon receipt of a certified copy of the judgment, the department  
24 of education may take immediate action to deny, annul, or suspend any  
25 license, certificate, endorsement, or authorization without a hearing,  
26 notwithstanding the provisions of section 22-60.5-108. The department  
27 of education may revoke a suspended license based on a violation of

1 paragraph (b) or (c) of subsection (2) of this section and shall revoke a  
2 suspended license based on a violation of subsection (2.5) OR (2.6) of this  
3 section without a hearing and without any further action, after the  
4 exhaustion of all appeals, if any, or after the time for seeking an appeal  
5 has elapsed, and upon the entry of a final judgment.

6 (8) When an applicant's or holder's license is denied, annulled,  
7 suspended, or revoked pursuant to the provisions of subsection (2.5) OR  
8 (2.6) of this section, the department of education shall post the name of  
9 the person and basis for the denial, annulment, suspension, or revocation  
10 on its web site.

11 **SECTION 9.** 22-63-302 (3), Colorado Revised Statutes, is  
12 amended to read:

13 **22-63-302. Procedure for dismissal - judicial review.** (3) If a  
14 teacher objects to the grounds given for the dismissal, the teacher may file  
15 with the chief administrative officer a written notice of objection and a  
16 request for a hearing. Such written notice shall be filed within five  
17 working days after receipt by the teacher of the notice of dismissal. If the  
18 teacher fails to file the written notice within said time, such failure shall  
19 be deemed to be a waiver of the right to a hearing and the dismissal shall  
20 be final; except that the board of education may grant a hearing upon a  
21 determination that the failure to file written notice for a hearing was due  
22 to good cause. If the teacher files a written notice of objection, the  
23 teacher shall continue to receive regular compensation from the time the  
24 board received the dismissal recommendation from the chief  
25 administrative officer pursuant to subsection (2) of this section until the  
26 board acts on the hearing officer's recommendation pursuant to subsection  
27 (9) of this section, but in no event beyond one hundred days; except that

1 the teacher shall not receive regular compensation upon being charged  
2 criminally with an offense for which a license, certificate, endorsement,  
3 or authorization is required to be denied, annulled, suspended, or revoked  
4 due to a conviction, pursuant to section 22-60.5-107 (2.5) OR (2.6). If the  
5 final disposition of the case does not result in a conviction and the teacher  
6 has not been dismissed pursuant to the provisions of this section, the  
7 board shall reinstate the teacher, effective as of the date of the final  
8 disposition of the case. Within ten days after the reinstatement, the board  
9 shall provide the teacher with back pay and lost benefits and shall restore  
10 lost service credit.

11 **SECTION 10.** 24-5-101 (1) (b) (IV), Colorado Revised Statutes,  
12 is amended to read:

13 **24-5-101. Effect of criminal conviction on employment rights.**

14 (1) (b) This subsection (1) shall not apply to:

15 (IV) The licensure or authorization of educators prohibited  
16 pursuant to section 22-60.5-107 (2), ~~or~~ (2.5), OR (2.6), C.R.S.;

17 **SECTION 11. Act subject to petition - effective date.** This act  
18 shall take effect at 12:01 a.m. on the day following the expiration of the  
19 ninety-day period after final adjournment of the general assembly (August  
20 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
21 referendum petition is filed pursuant to section 1 (3) of article V of the  
22 state constitution against this act or an item, section, or part of this act  
23 within such period, then the act, item, section, or part shall not take effect  
24 unless approved by the people at the general election to be held in  
25 November 2012 and shall take effect on the date of the official  
26 declaration of the vote thereon by the governor.