A BILL FOR AN ACT

CONCERNING CRIMES AGAINST HOMELESS PERSONS.

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 adds homeless adults and juveniles to the at-risk crime provisions. The bill makes the required 5-year statutory appropriation.

1 Be it enacted by the General Assembly of the State of Colorado:
SECTION 1. 18-9-121 (1), the introductory portion to 18-9-121 (2), and 18-9-121 (5), Colorado Revised Statutes, are amended to read:

18-9-121. Bias-motivated crimes.  (1) The general assembly hereby finds and declares that it is the right of every person, regardless of race, color, ancestry, religion, national origin, physical or mental disability, HOMELESS STATUS, or sexual orientation to be secure and protected from fear, intimidation, harassment, and physical harm caused by the activities of individuals and groups. The general assembly further finds that the advocacy of unlawful acts against persons or groups because of a person's or group's race, color, ancestry, religion, national origin, physical or mental disability, HOMELESS STATUS, or sexual orientation for the purpose of inciting and provoking bodily injury or damage to property poses a threat to public order and safety and should be subject to criminal sanctions.

(2) A person commits a bias-motivated crime if, with the intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, HOMELESS STATUS, or sexual orientation, he or she:

(5) For purposes of this section:

(a) "HOMELESS STATUS" MEANS A PERSON WHO:

(I) LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE; OR

(II) HAS A PRIMARY NIGHTTIME RESIDENCE THAT IS:

(A) A SUPERVISIED PUBLICLY OR PRIVATELY OPERATED SHELTER DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS; OR

(B) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR, OR ORDINARILY USED AS, A REGULAR SLEEPING ACCOMMODATION FOR

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HUMAN BEINGS.

(a) (b) "Physical or mental disability" refers to a disability as used in the definition of the term "person with a disability" in section 18-6.5-102 (3).

(b) (c) "Sexual orientation" means a person's actual or perceived orientation toward heterosexuality, homosexuality, bisexuality, or transgender status.

SECTION 2. Exception to the requirements of section 2-2-703, Colorado Revised Statutes. The general assembly hereby finds that the amendments to section 18-9-121, Colorado Revised Statutes, enacted in section 1 of this act will result in the minor fiscal impact of one additional offender being convicted and sentenced to the department of corrections during the five years following passage of this act. Because of the relative insignificance of this degree of fiscal impact, these amendments are an exception to the five-year appropriation requirements specified in section 2-2-703, Colorado Revised Statutes.

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