

**Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 12-0817.01 Michael Dohr x4347

**HOUSE BILL 12-1310**

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**HOUSE SPONSORSHIP**

**Gardner B.**, Barker

**SENATE SPONSORSHIP**

**Carroll**, Guzman

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**House Committees**

Judiciary

Finance

Appropriations

**Senate Committees**

Judiciary

Finance

Appropriations

SENATE  
Am ended 3rd Reading  
May 9, 2012

SENATE  
Am ended 2nd Reading  
May 8, 2012

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**A BILL FOR AN ACT**

101 **CONCERNING CHANGES TO STATUTORY PROVISIONS RELATED TO**  
102 **CRIMINAL PROCEEDINGS, AND, IN CONNECTION THEREWITH,**  
103 **MAKING AN APPROPRIATION.**

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HOUSE  
3rd Reading Unam ended  
April 24, 2012

HOUSE  
Am ended 2nd Reading  
April 23, 2012

**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>.)*

**Section 1.** The bill creates standards and a procedure for the admissibility of commercial packages for evidence.

**Sections 2, 3, and 8.** The bill defines "earnings" for garnishment purposes to collect court fines, fees, costs, restitution, and surcharges.

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.*

When a garnishment is ordered to collect court fines, fees, costs, restitution, and surcharges, it has priority over all other orders except those for child support, maintenance, or a previous garnishment related to court assessments.

**Section 4.** Under current law, the judicial department makes an annual report regarding the state's pretrial services programs. The bill expands the information that would be included in the report.

**Section 5.** Under current law, a surety must consent to the continuation of bond after the defendant pleads guilty. The bill allows a surety to indicate on the initial bond documents whether the surety consents to continuation of the bond after a guilty plea. If the surety does not indicate consent in the initial documents, it may still consent at the time of the plea or within a reasonable time thereafter.

**Section 6.** Under current law, a witness to a grand jury proceeding is given notice of his or her rights. The bill clarifies that the witness has a right to have a court appoint an attorney for him or her, but that the witness may not consult with the public defender.

**Section 7.** The bill gives a party the right to have the court impanel an alternate juror if the case involves a class 1, 2, or 3 felony or a felony listed under the victim's rights provisions.

**Section 9.** Under current law, a presentence report for each offense committed by a sex offender must contain a sex-offender evaluation if one has not been completed in the last 6 months. The bill extends that timeline to 2 years. A sex-offender evaluation would not have to be done if the new offense is a traffic misdemeanor or if the history of sex offending was a juvenile misdemeanor offense, unless the court requires the sex-offender evaluation.

**Section 10.** Under current law, when a defendant defaults on a restitution order, the collection investigator must ask the clerk of the court to issue an attachment of earnings. The bill would allow the collection investigator to issue the attachment.

**Sections 11 and 18.** Under current law, a deferred judgment may last up to 4 years from the date of the plea for a felony. The bill changes the calculation from the date of the plea if no presentence report is ordered or to the date when the court considers the presentence report. The deferred period maybe extended for an additional 2 years if the deferred judgment is for a sex offense and good cause is shown. The bill extends the time period for a juvenile deferral of adjudication for a sex offense from one year to 2 years with the opportunity to extend it up to 5 years with good cause shown.

**Section 12.** Under current law, when a person is convicted of a third felony, he or she is not eligible for probation unless the district attorney consents. The bill clarifies that a plea to a deferred judgment and sentence does not become a conviction until the deferred judgment and sentence is revoked.

**Section 13.** The bill clarifies that the court cannot charge a probationer for the costs of returning the probationer to Colorado. If a probationer applies to transfer his or her probation to another state, the probationer must pay a \$100 filing fee that is deposited into a fund to cover the costs associated with returning probationers to Colorado.

**Section 14.** Under current law, a court may convert a determinate sentence to an indeterminate sentence for certain crimes related to child prostitution and child pornography. The bill repeals that authority.

**Section 15.** The bill clarifies what "under color of his or her official authority" means as it relates to a peace officer.

**Section 16.** The bill clarifies the record-sealing rights of a person convicted of minor in possession of alcohol.

**Section 17.** Under current law, the interest earned by the money in the sex offender surcharge fund is deposited into the general fund. The bill allows the interest to remain in the fund.

**Section 19.** Under current law, if a sentencing juvenile court deviates from the recommendation of the placement report, the court must make specific findings and record for the decision. The bill eliminates this requirement.

**Section 20.** Under current law there is a crime of converting trust funds and the penalties correspond to the amount of money converted. The bill clarifies that adjustments to trust funds based on simple accounting errors is not a crime. The bill changes the penalties and amounts to correspond to the penalties and amounts for theft.

**Section 21.** Under current law, the court must sentence a person who is convicted of a second, third, or subsequent DUI to probation in order to complete certain court-ordered programs and treatment. Under the bill, if the defendant is sentenced to the department of corrections, the court does not sentence the defendant to probation and the defendant must complete the court-ordered programs and treatment while on parole.

**Sections 22 through 26.** Make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 13-25-136 as  
3 follows:

4 **13-25-136. Admissibility of commercial packaging.** (1) LABELS  
5 OR PACKAGES LISTING, INDICATING, OR DESCRIBING THE CONTENTS OR  
6 INGREDIENTS OF ANY COMMERCIALY PACKAGED ITEM ARE ADMISSIBLE  
7 IN EVIDENCE TO PROVE THAT THE ITEM CONTAINS THE CONTENTS OR

1 INGREDIENTS LISTED ON THE LABEL OR PACKAGE. A LABEL OR PACKAGE  
2 LISTING THAT IDENTIFIES THE CONTENTS OR INGREDIENTS OF A CONTAINER  
3 OR PACKAGE CONSTITUTES PRIMA FACIE EVIDENCE THAT THE ITEMS IN THE  
4 CONTAINER OR PACKAGE WERE COMPOSED IN WHOLE OR IN PART OF THE  
5 CONTENTS.

6 (2) PRIOR TO THE ADMISSION OF EVIDENCE PURSUANT TO THIS  
7 SECTION, THE COURT SHALL MAKE A PRELIMINARY DETERMINATION AS TO  
8 WHETHER THE ITEM CONSTITUTES A COMMERCIALY PACKAGED ITEM AS  
9 DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THIS DETERMINATION  
10 MAY INCLUDE ANY EVIDENCE THE COURT DEEMS APPROPRIATE, INCLUDING  
11 BUT NOT LIMITED TO EVIDENCE OF WHERE THE ITEM IS AVAILABLE FOR  
12 PURCHASE, WHETHER THE ITEM IS SUBJECT TO STATE OR FEDERAL  
13 REGULATION, OR ANY OTHER EVIDENCE OBSERVABLE ON THE PACKAGE  
14 THAT INDICATES OR CONSTITUTES INDICIA OF THE LABEL'S OR PACKAGE'S  
15 RELIABILITY. EXTRINSIC EVIDENCE THAT AN ITEM IS COMMERCIALY  
16 PACKAGED IS NOT A PREREQUISITE TO THE COURT'S DETERMINATION.

17 **SECTION 2.** In Colorado Revised Statutes, 13-54-104, **add** (1)  
18 (b) (V) as follows:

19 **13-54-104. Restrictions on garnishment and levy under**  
20 **execution or attachment.** (1) As used in this section, unless the context  
21 otherwise requires:

22 (b) (V) FOR THE PURPOSES OF ATTACHMENTS OF EARNINGS OR  
23 WRITS OF GARNISHMENT THAT ARE THE RESULT OF A JUDGMENT TAKEN  
24 FOR COURT ASSESSMENTS INCLUDING FINES, FEES, COSTS, RESTITUTION,  
25 AND SURCHARGES PURSUANT TO SECTION 16-11-101.6 OR SECTION  
26 16-18.5-105, C.R.S., "EARNINGS" ALSO MEANS THOSE ENUMERATED  
27 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

1           **SECTION 3.** In Colorado Revised Statutes, 13-54.5-101, **add** (2)  
2 (e) as follows:

3           **13-54.5-101. Definitions.** As used in this article, unless the  
4 context otherwise requires:

5           (2) (e) FOR THE PURPOSES OF ATTACHMENTS OF EARNINGS OR  
6 WRITS OF GARNISHMENT THAT ARE THE RESULT OF A JUDGMENT TAKEN  
7 FOR COURT ASSESSMENTS INCLUDING FINES, FEES, COSTS, RESTITUTION,  
8 AND SURCHARGES PURSUANT TO SECTION 16-11-101.6 OR SECTION  
9 16-18.5-105, C.R.S., "EARNINGS" ALSO MEANS THOSE ENUMERATED  
10 UNDER PARAGRAPH (a) OF THIS SUBSECTION (2).

11           

12           **SECTION 4.** In Colorado Revised Statutes, 16-4-105, **amend** (3)  
13 (e) and (3) (f) as follows:

14           **16-4-105. Selection by judge of the amount of bail and type of**  
15 **bond - criteria.** (3) (e) ~~Commencing November 1, 2000~~ JULY 1, 2012,  
16 each pretrial services program established pursuant to this subsection (3)  
17 shall provide an annual report to the state judicial department no later  
18 than November 1 of each year, regardless of whether the program existed  
19 prior to May 31, 1991. The judicial department shall present an annual  
20 combined report to the house and senate judiciary committees, OR ANY  
21 SUCCESSOR COMMITTEES, of the general assembly. The report TO THE  
22 JUDICIAL DEPARTMENT shall include, but is not limited to, the following  
23 information:

24           (I) ~~The number of interviews conducted with defendants. THE~~  
25 TOTAL NUMBER OF PRETRIAL ASSESSMENTS PERFORMED BY THE PROGRAM  
26 AND SUBMITTED TO THE COURT;

27           (II) ~~The number and nature of BOND recommendations made THE~~

1 TOTAL NUMBER OF CLOSED CASES BY THE PROGRAM IN WHICH THE  
2 DEFENDANT WAS RELEASED FROM CUSTODY AND SUPERVISED BY THE  
3 PROGRAM;

4 (III) The number of defendants under pretrial release supervision  
5 who failed to appear; and THE TOTAL NUMBER OF CLOSED CASES IN WHICH  
6 THE DEFENDANT WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE  
7 PROGRAM, AND, WHILE UNDER SUPERVISION, APPEARED FOR ALL  
8 SCHEDULED COURT APPEARANCES ON THE CASE;

9 (IV) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE  
10 DEFENDANT WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE  
11 PROGRAM, AND WAS NOT CHARGED WITH A NEW CRIMINAL OFFENSE THAT  
12 WAS ALLEGED TO HAVE OCCURRED WHILE UNDER SUPERVISION AND THAT  
13 CARRIED THE POSSIBILITY OF A SENTENCE TO JAIL OR IMPRISONMENT;

14 (V) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE  
15 DEFENDANT WAS RELEASED FROM CUSTODY AND WAS SUPERVISED BY THE  
16 PROGRAM, AND THE DEFENDANT'S BOND WAS NOT REVOKED BY THE COURT  
17 DUE TO A VIOLATION OF ANY OTHER TERMS AND CONDITIONS OF  
18 SUPERVISION; AND

19 (~~IV~~) (VI) Any additional information the state judicial department  
20 may request.

21 (f) Any pretrial services program established pursuant to this  
22 subsection (3) shall not be eligible for further program funding if the  
23 program has failed to provide the reports required in paragraph (c) of this  
24 subsection (3). FOR THE REPORTS REQUIRED IN PARAGRAPH (c) OF THIS  
25 SUBSECTION (3), THE PRETRIAL SERVICES PROGRAM SHALL INCLUDE  
26 INFORMATION DETAILING THE NUMBER OF PERSONS RELEASED ON A  
27 COMMERCIAL SURETY BOND IN ADDITION TO PRETRIAL SUPERVISION, THE

1 NUMBER OF PERSONS RELEASED ON A CASH, PRIVATE SURETY, OR  
2 PROPERTY BOND IN ADDITION TO PRETRIAL SUPERVISION, AND THE  
3 NUMBER OF PERSONS RELEASED ON ANY FORM OF A PERSONAL  
4 RECOGNIZANCE BOND IN ADDITION TO PRETRIAL SUPERVISION.

5 **SECTION 5.** In Colorado Revised Statutes, 16-4-201, **amend** (1)  
6 (c) as follows:

7 **16-4-201. Bail after conviction.** (1) (c) ~~No~~ Bond shall NOT be  
8 continued in effect following a plea of guilty or of nolo contendere or  
9 following conviction unless the written consents of the sureties, if any,  
10 are filed ~~of record.~~ ~~No~~ WITH THE COURT. IN THE INITIAL BOND  
11 DOCUMENTS FILED WITH THE COURT, A SURETY SHALL INDICATE, IN  
12 WRITING AND AT THE TIME OF THE POSTING OF BOND, IF THE SURETY  
13 CONSENTS TO THE CONTINUANCE OF THE BOND THROUGH SENTENCING OF  
14 THE DEFENDANT. IF THE SURETY DOES NOT PROVIDE WRITTEN CONSENT AT  
15 THE TIME OF THE INITIAL POSTING OF BOND, THE SURETY **MAY** PROVIDE  
16 WRITTEN CONSENT AT THE TIME OF THE PLEA OF GUILTY OR NOLO  
17 CONTENDERE OR WITHIN A REASONABLE TIME THEREAFTER AS  
18 DETERMINED BY THE COURT. A court shall NOT require the posting of any  
19 form of bond that allows for the continuance of said bond after a plea of  
20 guilty or of nolo contendere or following conviction without ~~the filing of~~  
21 ~~record of~~ WITH THE COURT THE written consents of the sureties, if any.

22 **SECTION 6.** In Colorado Revised Statutes, 16-5-204, **amend** (4)  
23 (a) as follows:

24 **16-5-204. Witnesses before a grand jury - procedure.**  
25 (4) (a) At the option of the prosecuting attorney, a grand jury subpoena  
26 may contain an advisement of rights. If the prosecuting attorney  
27 determines that an advisement is necessary, the grand jury subpoena shall

1 contain the following advisement prominently displayed on the front of  
2 the subpoena:

3 NOTICE

4 (I) You have the right to retain an attorney to  
5 represent you and to advise you regarding your grand jury  
6 appearance.

7 (II) Anything you say to the grand jury may be used  
8 against you in a court of law.

9 (III) You have the right to refuse to answer  
10 questions if you feel the answers would tend to incriminate  
11 you or to implicate you in any illegal activity.

12 (IV) If you cannot afford or obtain an attorney, ~~you~~  
13 ~~may consult with the public defender's office, or~~ YOU MAY  
14 request the court to appoint an attorney to CONSULT WITH  
15 OR represent you.

16 **SECTION 7.** In Colorado Revised Statutes, **amend** 16-10-105 as  
17 follows:

18 **16-10-105. Alternate jurors.** The court may direct that a  
19 sufficient number of jurors in addition to the regular jury be called and  
20 impaneled to sit as alternate jurors. Alternate jurors in the order in which  
21 they are called shall replace jurors who, prior to the time the jury retires  
22 to consider its verdict, become unable or disqualified to perform their  
23 duties. Alternate jurors shall be drawn in the same manner, shall have the  
24 same qualifications, shall be subject to the same examination and  
25 challenges, shall take the same oath, and shall have the same functions,  
26 powers, facilities, and privileges as the regular jurors. An alternate juror  
27 shall be discharged when the jury retires to consider its verdict or at such



1 time as determined by the court. When alternate jurors are impaneled,  
2 each side is entitled to one peremptory challenge in addition to those  
3 otherwise allowed by law. IN A CASE IN WHICH A CLASS 1, 2, OR 3 FELONY,  
4 AS DESCRIBED IN SECTION 18-1.3-401 (1) (a) (IV) AND (1) (a) (V), C.R.S.,  
5 IS CHARGED AND IN ANY CASE IN WHICH A FELONY LISTED IN SECTION  
6 24-4.1-302 (1), C.R.S., IS CHARGED, THE COURT SHALL IMPANEL AT LEAST  
7 ONE JUROR TO SIT AS AN ALTERNATE IF REQUESTED BY ANY PARTY.

8 **SECTION 8.** In Colorado Revised Statutes, 16-11-101.6, **amend**  
9 (4) as follows:

10 **16-11-101.6. Collection of fines and fees - methods - charges**  
11 **- judicial collection enhancement fund.** (4) (a) On past due orders, the  
12 court may, ON ITS OWN MOTION OR THROUGH THE USE OF A COLLECTIONS  
13 INVESTIGATOR, direct that a certain portion of a defendant's earnings, not  
14 to exceed fifty percent, be withheld and applied to any unpaid fines or  
15 fees, if such an order does not adversely impact the defendant's ability to  
16 comply with other orders of the court. An attachment of earnings under  
17 this section may be modified to a lesser or greater amount based upon  
18 changes in a defendant's circumstances as long as the amount withheld  
19 does not exceed fifty percent and may be suspended or cancelled at the  
20 court's discretion. For purposes of this section, "earnings" shall have the  
21 same meaning as set forth in section 13-54.5-101 (2), C.R.S., and shall  
22 include profits.

23 (b) AN ATTACHMENT OF EARNINGS OR A WRIT OF GARNISHMENT TO  
24 COLLECT JUDGMENTS FROM A GARNISHEE'S EARNINGS FOR COURT  
25 ASSESSMENTS, INCLUDING FINES, FEES, COSTS, RESTITUTION, AND  
26 SURCHARGES PURSUANT TO THIS SECTION OR SECTION 16-18.5-105:

27 (I) HAS PRIORITY OVER ANY OTHER GARNISHMENT, LIEN, OR

1 INCOME ASSIGNMENT EXCEPT FOR A WRIT FOR ARREARAGES FOR CHILD  
2 SUPPORT, FOR MAINTENANCE WHEN COMBINED WITH CHILD SUPPORT, FOR  
3 CHILD SUPPORT DEBTS, OR FOR MAINTENANCE OR A WRIT PREVIOUSLY  
4 SERVED ON THE SAME GARNISHEE PURSUANT TO THIS SECTION; AND

5 (II) SHALL REQUIRE THE GARNISHEE TO WITHHOLD, PURSUANT TO  
6 SECTION 13-54-104 (3), C.R.S., THE PORTION OF EARNINGS SUBJECT TO  
7 GARNISHMENT AT EACH SUCCEEDING EARNINGS DISBURSEMENT INTERVAL  
8 UNTIL THE JUDGMENT IS SATISFIED OR THE GARNISHMENT IS RELEASED BY  
9 THE COURT OR IN WRITING BY THE JUDGMENT CREDITOR.

10 **SECTION 9.** In Colorado Revised Statutes, 16-11-102, **amend**  
11 (1) (b) as follows:

12 **16-11-102. Presentence or probation investigation.**

13 (1) (b) Each presentence report prepared regarding a sex offender, as  
14 defined in section 16-11.7-102 (2), with respect to any offense committed  
15 on or after January 1, 1996, shall contain the results of an evaluation and  
16 identification conducted pursuant to article 11.7 of this title; EXCEPT  
17 THAT, IF THE OFFENSE IS A MISDEMEANOR PURSUANT TO TITLE 42, C.R.S.,  
18 OR THE HISTORY OF SEX-OFFENDING BEHAVIOR WAS A MISDEMEANOR SEX  
19 OFFENSE COMMITTED WHEN THE DEFENDANT WAS A JUVENILE, AN  
20 EVALUATION AND IDENTIFICATION CONDUCTED PURSUANT TO ARTICLE  
21 11.7 OF THIS TITLE IS NOT REQUIRED BUT MAY BE ORDERED BY THE COURT.

22 In addition, the presentence report shall include, when appropriate as  
23 provided in section 18-3-414.5, C.R.S., the results of the risk assessment  
24 screening instrument developed pursuant to section 16-11.7-103 (4) (d).  
25 Notwithstanding the provisions of subsection (4) of this section, a  
26 presentence report shall be prepared for each person convicted as a sex  
27 offender, and the court may not dispense with the presentence evaluation,

1 risk assessment, and report unless ~~such a report~~ AN EVALUATION AND RISK  
2 ASSESSMENT has been completed within the last ~~six months~~ TWO YEARS  
3 and there has been no material change that would affect the ~~report~~  
4 EVALUATION AND RISK ASSESSMENT in the past ~~six months~~ TWO YEARS.

5 **SECTION 10.** In Colorado Revised Statutes, 16-18.5-105,  
6 **amend** (3) (b) as follows:

7 **16-18.5-105. Monitoring - default - penalties.** (3) Whenever a  
8 defendant fails to make a payment of restitution within five days after the  
9 date that the payment is due pursuant to a payment schedule established  
10 pursuant to this article, in addition to any other remedy, the collections  
11 investigator may:

12 (b) ~~Request that the clerk of the court~~ Issue an attachment of  
13 earnings requiring that a certain portion of a defendant's earnings, not to  
14 exceed fifty percent, be withheld and applied to any unpaid restitution, if  
15 such an attachment does not adversely impact the defendant's ability to  
16 comply with other orders of the court. An attachment of earnings under  
17 this paragraph (b) may be modified to a lesser or greater amount based  
18 upon changes in a defendant's circumstances as long as the amount  
19 withheld does not exceed fifty percent and may be suspended or cancelled  
20 at the court's discretion. An attachment of earnings issued pursuant to this  
21 paragraph (b) shall be enforceable in the same manner as a garnishment  
22 in a civil action. For purposes of this section, "earnings" shall have the  
23 same meaning as set forth for any type of garnishment in section  
24 13-54.5-101, C.R.S., and shall include profits.

25 **SECTION 11.** In Colorado Revised Statutes, 18-1.3-102, **amend**  
26 (1) as follows:

27 **18-1.3-102. Deferred sentencing of defendant.** (1) (a) In any

1 case in which the defendant has entered a plea of guilty, the court  
2 accepting the plea has the power, with the written consent of the  
3 defendant and his or her attorney of record and the district attorney, to  
4 continue the case FOR THE PURPOSE OF ENTERING JUDGMENT AND  
5 SENTENCE UPON THE PLEA OF GUILTY for a period not to exceed four years  
6 FOR A FELONY OR TWO YEARS FOR A MISDEMEANOR OR PETTY OFFENSE OR  
7 TRAFFIC OFFENSE. THE PERIOD SHALL BEGIN TO RUN from the date of entry  
8 of a plea to a felony or two years from the date of entry of a plea to a  
9 misdemeanor, or petty offense, or traffic offense. for the purpose of  
10 entering judgment and sentence upon such plea of guilty; THAT THE  
11 COURT CONTINUES THE CASE.

12 (b) ~~except that such~~ THE period may be extended for an additional  
13 time:

14 (I) Up to one hundred eighty days if the failure to pay restitution  
15 is the sole condition of supervision which has not been fulfilled, because  
16 of inability to pay, and the defendant has shown a future ability to pay.  
17 During such time, the court may place the defendant under the  
18 supervision of the probation department; OR

19 (II) UP TO TWO YEARS IF THE DEFERRED JUDGMENT IS FOR AN  
20 OFFENSE LISTED IN SECTION 16-11.7-102 (3), C.R.S., GOOD CAUSE IS  
21 SHOWN, AND THE DISTRICT ATTORNEY AND DEFENDANT CONSENT TO THE  
22 EXTENSION.

23 **SECTION 12.** In Colorado Revised Statutes, 18-1.3-201, **add** (5)  
24 as follows:

25 **18-1.3-201. Application for probation.** (5) FOR PURPOSES OF  
26 PARAGRAPH (a.5) OF SUBSECTION (2) OF THIS SECTION AND PARAGRAPH (a)  
27 OF SUBSECTION (2.5) OF THIS SECTION, "CONVICTION" MEANS A VERDICT

1 OF GUILTY OR THE ENTRY OF A PLEA OF GUILTY OR NOLO CONTENDERE.  
2 "CONVICTION" DOES NOT INCLUDE A PLEA TO A DEFERRED JUDGMENT AND  
3 SENTENCE PURSUANT TO SECTION 18-1.3-102 UNTIL THE DEFERRED  
4 JUDGMENT AND SENTENCE IS REVOKED.

5 **SECTION 13.** In Colorado Revised Statutes, 18-1.3-204, **amend**  
6 (1.5) and (4) as follows:

7 **18-1.3-204. Conditions of probation - interstate compact**  
8 **probation transfer cash fund - creation.** (1.5) If the defendant is being  
9 sentenced to probation as a result of a conviction of a felony offense OR  
10 A QUALIFYING MISDEMEANOR OFFENSE PURSUANT TO THE "INTERSTATE  
11 COMPACT FOR ADULT OFFENDER SUPERVISION", PART 28 OF ARTICLE 60  
12 OF TITLE 24, C.R.S., a condition of probation shall be that the court shall  
13 require the defendant to execute or subscribe a written prior waiver of  
14 extradition stating that the defendant consents to extradition to this state  
15 and waives all formal proceedings in the event that he or she is arrested  
16 in another state while at liberty on such bail bond and acknowledging that  
17 he or she shall not be admitted to bail in any other state pending  
18 extradition to this state. IF THE OFFENDER IS RETURNED TO THE STATE  
19 PURSUANT TO THE "INTERSTATE COMPACT FOR ADULT OFFENDER  
20 SUPERVISION", PART 28 OF ARTICLE 60 OF TITLE 24, C.R.S., A COURT MAY  
21 NOT IMPOSE THE COST OF THE OFFENDER'S RETURN ON THE OFFENDER.

22 (4) (a) For good cause shown and after notice to the defendant, the  
23 district attorney, and the probation officer, and after a hearing if the  
24 defendant or the district attorney requests it, the judge may reduce or  
25 increase the term of probation or alter the conditions or impose new  
26 conditions.

27 (b) (I) IF AN OFFENDER APPLIES TO TRANSFER HIS OR HER

1 PROBATION TO ANOTHER STATE, THE OFFENDER SHALL PAY A FILING FEE  
2 OF ONE HUNDRED DOLLARS, UNLESS THE OFFENDER IS INDIGENT.

3 (II) (A) THE CLERK OF THE COURT SHALL TRANSMIT ALL MONEYS  
4 COLLECTED PURSUANT TO THIS PARAGRAPH (b) TO THE STATE TREASURER,  
5 WHO SHALL CREDIT THE SAME TO THE INTERSTATE COMPACT PROBATION  
6 TRANSFER CASH FUND, WHICH FUND IS HEREBY CREATED AND REFERRED  
7 TO IN THIS PARAGRAPH (b) AS THE "FUND". BEGINNING JANUARY 1, 2013,  
8 THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY  
9 THE GENERAL ASSEMBLY TO THE JUDICIAL DEPARTMENT FOR THE DIRECT  
10 AND INDIRECT COSTS ASSOCIATED WITH RETURNING PROBATIONERS TO  
11 COLORADO. THE STATE TREASURER MAY INVEST ANY MONEYS IN THE  
12 FUND NOT EXPENDED FOR THE PURPOSE OF THIS PARAGRAPH (b) AS  
13 PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST  
14 AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS  
15 IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED  
16 MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAIN  
17 IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE  
18 GENERAL FUND OR ANOTHER FUND.

19 (B) ON OR AFTER JANUARY 1, 2013, A LAW ENFORCEMENT AGENCY  
20 MAY SUBMIT TO THE STATE COURT ADMINISTRATOR A REQUEST TO BE  
21 REIMBURSED FOR THE COSTS OF RETURNING A PROBATIONER PURSUANT TO  
22 THE "INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION", PART  
23 28 OF ARTICLE 60 OF TITLE 24, C.R.S., INCURRED ON OR AFTER JANUARY  
24 1, 2013. THE STATE COURT ADMINISTRATOR SHALL, TO THE EXTENT THAT  
25 FUNDS ARE AVAILABLE, REIMBURSE REASONABLE COSTS INCURRED BY A  
26 LAW ENFORCEMENT AGENCY FOR THE RETURN OF THE PROBATIONER.

27 **SECTION 14.** In Colorado Revised Statutes, 18-1.3-1004, **repeal**

1 (4) as follows:

2 **18-1.3-1004. Indeterminate sentence.** (4) (a) ~~The court may~~  
3 ~~sentence any person pursuant to the provisions of this section if:~~

4 ~~(I) The person is convicted of or pleads guilty or nolo contendere~~  
5 ~~to a crime specified in paragraph (b) of this subsection (4); and~~

6 ~~(II) An assessment of the person pursuant to section 16-11.7-104,~~  
7 ~~C.R.S., determines that the person is likely to commit one or more of the~~  
8 ~~offenses specified in section 18-3-414.5 (1) (a) (II), under the~~  
9 ~~circumstances described in section 18-3-414.5 (1) (a) (III).~~

10 ~~(b) The provisions of this subsection (4) shall apply to any person~~  
11 ~~who is convicted of or pleads guilty or nolo contendere to any of the~~  
12 ~~following offenses or criminal attempt, conspiracy, or solicitation to~~  
13 ~~commit any of the following offenses:~~

14 ~~(I) Trafficking in children, as described in section 18-3-502;~~

15 ~~(II) Sexual exploitation of children, as described in section~~  
16 ~~18-6-403;~~

17 ~~(III) Procurement of a child for sexual exploitation, as described~~  
18 ~~in section 18-6-404;~~

19 ~~(IV) Soliciting for child prostitution, as described in section~~  
20 ~~18-7-402;~~

21 ~~(V) Pandering of a child, as described in section 18-7-403;~~

22 ~~(VI) Procurement of a child, as described in section 18-7-403.5;~~

23 ~~(VII) Keeping a place of child prostitution, as described in section~~  
24 ~~18-7-404;~~

25 ~~(VIII) Pimping of a child, as described in section 18-7-405;~~

26 ~~(IX) Inducement of child prostitution, as described in section~~  
27 ~~18-7-405.5.~~

1           ~~(c) Any person sentenced as a sex offender pursuant to this~~  
2 ~~subsection (4) shall be subject to the provisions of this part 10.~~

3           **SECTION 15.** In Colorado Revised Statutes, 18-8-104, **amend**  
4 (2) as follows:

5           **18-8-104. Obstructing a peace officer, firefighter, emergency**  
6 **medical services provider, rescue specialist, or volunteer.** (2) It is ~~no~~  
7 NOT A defense to a prosecution under this section that the peace officer  
8 was acting in an illegal manner, if he OR SHE was acting under color of his  
9 OR HER official authority. ~~as defined in section 18-8-103 (2)~~ A PEACE  
10 OFFICER ACTS "UNDER COLOR OF HIS OR HER OFFICIAL AUTHORITY" IF, IN  
11 THE REGULAR COURSE OF ASSIGNED DUTIES, HE OR SHE MAKES A  
12 JUDGMENT IN GOOD FAITH BASED ON SURROUNDING FACTS AND  
13 CIRCUMSTANCES THAT HE OR SHE MUST ACT TO ENFORCE THE LAW OR  
14 PRESERVE THE PEACE.

15           **SECTION 16.** In Colorado Revised Statutes, 18-13-122, **amend**  
16 (10) as follows:

17           **18-13-122. Illegal possession or consumption of ethyl alcohol**  
18 **by an underage person - definitions - adolescent substance abuse**  
19 **prevention and treatment fund - legislative declaration.** (10) Upon the  
20 expiration of one year from the date of a conviction, DISMISSAL,  
21 COMPLETION OF DEFERRED JUDGMENT, OR CONCLUSION OF DEFERRED  
22 PROSECUTION for a violation of subsection (2) of this section, ~~any~~ THE  
23 person convicted of such violation may petition the court in which the  
24 conviction was ~~entered~~ ASSIGNED for an order sealing the record of such  
25 conviction. The court shall grant such petition if the petitioner has not  
26 been arrested for, charged with, or convicted of any felony, misdemeanor,  
27 or petty offense during the period of one year following the date of such



1 petitioner's conviction for a violation of subsection (2) of this section.

2 **SECTION 17.** In Colorado Revised Statutes, 18-21-103, **amend**  
3 (3) as follows:

4 **18-21-103. Source of revenues - allocation of moneys - sex**  
5 **offender surcharge fund - creation.** (3) There is hereby created in the  
6 state treasury a sex offender surcharge fund which shall consist of moneys  
7 received by the state treasurer pursuant to paragraph (b) of subsection (2)  
8 of this section. ~~In accordance with section 24-36-114, C.R.S., all interest~~  
9 ~~derived from the deposit and investment of this fund shall be credited to~~  
10 ~~the general fund.~~ THE STATE TREASURER MAY INVEST ANY MONEYS IN THE  
11 FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY  
12 LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME  
13 DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO  
14 THE FUND. Any moneys not appropriated by the general assembly shall  
15 remain in the sex offender surcharge fund and shall not be transferred or  
16 revert to the general fund of the state at the end of any fiscal year. All  
17 moneys in the fund shall be subject to annual appropriation by the general  
18 assembly to the judicial department, the department of corrections, the  
19 division of criminal justice of the department of public safety, and the  
20 department of human services, after consideration of the plan developed  
21 pursuant to section 16-11.7-103 (4) (c), C.R.S., to cover the direct and  
22 indirect costs associated with the evaluation, identification, and treatment  
23 and the continued monitoring of sex offenders.

24 **SECTION 18.** In Colorado Revised Statutes, 19-2-709, **amend**  
25 (1); and **add** (1.5) as follows:

26 **19-2-709. Deferral of adjudication.** (1) EXCEPT AS OTHERWISE  
27 PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, in any case in which the

1 juvenile has agreed with the district attorney to enter a plea of guilty, the  
2 court, with the consent of the juvenile and the district attorney, upon  
3 accepting the guilty plea AND ENTERING AN ORDER DEFERRING  
4 ADJUDICATION, may continue the case for a period not to exceed one year  
5 from the date of entry of the ~~plea~~ ORDER DEFERRING ADJUDICATION. The  
6 court may continue the case for an additional one-year period for good  
7 cause.

8 (1.5) IN A CASE IN WHICH THE JUVENILE HAS AGREED WITH THE  
9 DISTRICT ATTORNEY TO ENTER A PLEA OF GUILTY, RESULTING IN A  
10 CONVICTION AS DEFINED IN SECTION 16-22-102 (3), C.R.S., FOR  
11 UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9),  
12 C.R.S., THE COURT, WITH THE CONSENT OF THE JUVENILE AND DISTRICT  
13 ATTORNEY, UPON ACCEPTING THE GUILTY PLEA AND ENTERING AN ORDER  
14 DEFERRING ADJUDICATION, MAY CONTINUE THE CASE FOR A PERIOD OF  
15 TIME NOT TO EXCEED TWO YEARS FROM THE DATE OF THE ORDER  
16 DEFERRING ADJUDICATION. UPON A SHOWING OF GOOD CAUSE, THE COURT  
17 MAY CONTINUE THE CASE FOR ADDITIONAL TIME, NOT TO EXCEED FIVE  
18 YEARS FROM THE DATE OF THE ORDER DEFERRING ADJUDICATION.

19 **SECTION 19.** In Colorado Revised Statutes, 19-2-907, **amend**  
20 (5) (a) as follows:

21 **19-2-907. Sentencing schedule - options.** (5) (a) Except as  
22 otherwise provided in section 19-2-601 for an aggravated juvenile  
23 offender, if the court finds that placement out of the home is necessary  
24 and is in the best interests of the juvenile and the community, the court  
25 shall place the juvenile, following the criteria established pursuant to  
26 section 19-2-212, in the facility or setting that most appropriately meets  
27 the needs of the juvenile, the juvenile's family, and the community. In

1 making its decision as to proper placement, the court shall utilize the  
2 evaluation for placement prepared pursuant to section 19-1-107 or the  
3 evaluation for placement required by section 19-1-115 (8) (e). Any  
4 placement recommendation in the evaluation prepared by the county  
5 department of social services shall be accorded great weight as the  
6 placement that most appropriately meets the needs of the juvenile, the  
7 juvenile's family, and the community. ~~Any deviation from such~~  
8 ~~recommendation shall be supported by specific findings on the record of~~  
9 ~~the case detailing the specific extraordinary circumstances that constitute~~  
10 ~~the reasons for deviations from the placement recommendation of the~~  
11 ~~county department of social services.~~ Such recommendation prepared by  
12 the county department of social services shall set forth specific facts and  
13 reasons for the placement recommendation. If the evaluation for  
14 placement recommends placement in a facility located in Colorado that  
15 can provide appropriate treatment and that will accept the juvenile, then  
16 the court shall not place the juvenile in a facility outside this state. If the  
17 court places the juvenile in a facility located in Colorado other than one  
18 recommended by the evaluation for placement, in a facility located  
19 outside this state in accordance with the evaluation for placement, or in  
20 a facility in which the average monthly cost exceeds the amount  
21 established by the general assembly in the general appropriation bill, it  
22 shall make specific findings of fact, including the monthly cost of the  
23 facility in which such juvenile is placed, relating to its placement  
24 decision. A copy of such findings shall be sent to the chief justice of the  
25 supreme court, who shall report monthly to the joint budget committee  
26 and annually to the house and senate committees on health and human  
27 services, or any successor committees, on such placements. If the court

1 commits the juvenile to the department of human services, it shall not  
2 make a specific placement, nor shall the provisions of this subsection (5)  
3 relating to specific findings of fact be applicable.

4 **SECTION 20.** In Colorado Revised Statutes, 25.5-6-206, **amend**  
5 (8) (a) and (8) (d) as follows:

6 **25.5-6-206. Personal needs benefits - amount - patient**  
7 **personal needs trust fund required - funeral and burial expenses -**  
8 **penalty for illegal retention and use.** (8) (a) It is unlawful for any  
9 person to knowingly fail to deposit personal needs funds received from  
10 a patient or from the state department for a patient's personal needs into  
11 the patients' personal needs trust fund within sixty days after the receipt  
12 of such moneys or to knowingly apply, spend, commit, pledge, or  
13 otherwise use a patient personal needs trust fund, or any other moneys  
14 paid by a patient or the state department for patient personal needs, for  
15 any purpose other than the personal needs of the patient to purchase  
16 necessary clothing, incidentals, or other items of personal needs that are  
17 not reimbursed by any federal or state program. Deposit or use of  
18 personal needs funds, including the use of a petty cash fund for personal  
19 needs purposes, is not a violation of this section if such deposit or use is  
20 in substantial compliance with applicable rules of the state department.  
21 ~~nor shall~~ Sums later ordered repaid to the patients' personal needs trust  
22 fund as a result of an audit adjustment RELATED TO SIMPLE ACCOUNTING  
23 ERRORS SUCH AS DATA ENTRY ERRORS, MATHEMATICAL ERRORS, OR  
24 POSTING ERRORS or a dispute related to a proration of patient payment ~~be~~  
25 ~~determined to constitute~~ IS NOT a violation of this section.

26 (d) Unlawful use of a patient personal needs trust fund is:  
27 (I) A ~~class 3~~ CLASS 2 misdemeanor, if the amount involved is less

1 than ~~one~~ FIVE hundred dollars;

2 (II) A ~~class 2~~ CLASS 1 misdemeanor, if the amount involved is ~~one~~  
3 FIVE hundred dollars or more but less than ~~five hundred~~ ONE THOUSAND  
4 dollars;

5 (III) A class 4 felony, if the amount involved is ~~five hundred~~ ONE  
6 THOUSAND dollars or more but less than ~~fifteen~~ TWENTY thousand dollars;

7 (IV) A class 3 felony, if the amount involved is ~~fifteen~~ TWENTY  
8 thousand dollars or more.

9 **SECTION 21.** In Colorado Revised Statutes, 42-4-1307, **amend**  
10 (5) (a) (IV) and (6) (a) (IV) as follows:

11 **42-4-1307. Penalties for traffic offenses involving alcohol and**  
12 **drugs - repeal.** (5) **Second offenses.** (a) Except as otherwise provided  
13 in subsection (6) of this section, a person who is convicted of DUI, DUI  
14 per se, DWAI, or habitual user who, at the time of sentencing, has a prior  
15 conviction of DUI, DUI per se, DWAI, habitual user, vehicular homicide  
16 pursuant to section 18-3-106 (1) (b), C.R.S., vehicular assault pursuant to  
17 section 18-3-205 (1) (b), C.R.S., aggravated driving with a revoked  
18 license pursuant to section 42-2-206 (1) (b) (I) (A) or (1) (b) (I) (B), or  
19 driving while the person's driver's license was under restraint pursuant to  
20 section 42-2-138 (1) (d), shall be punished by:

21 (IV) A period of probation of at least two years, which period  
22 shall begin immediately upon the commencement of any part of the  
23 sentence that is imposed upon the person pursuant to this section, and a  
24 suspended sentence of imprisonment in the county jail for one year, as  
25 described in subsection (7) of this section; EXCEPT THAT THE COURT  
26 SHALL NOT SENTENCE THE DEFENDANT TO PROBATION IF THE DEFENDANT  
27 IS SENTENCED TO THE DEPARTMENT OF CORRECTIONS BUT SHALL STILL

1 SENTENCE THE DEFENDANT TO THE PROVISIONS OF PARAGRAPH (b) OF  
2 SUBSECTION (7) OF THIS SECTION. THE DEFENDANT SHALL COMPLETE ALL  
3 COURT-ORDERED PROGRAMS PURSUANT TO PARAGRAPH (b) OF  
4 SUBSECTION (7) BEFORE THE COMPLETION OF HIS OR HER PERIOD OF  
5 PAROLE.

6 (6) **Third and subsequent offenses.** (a) A person who is  
7 convicted of DUI, DUI per se, DWAI, or habitual user who, at the time  
8 of sentencing, has two or more prior convictions of DUI, DUI per se,  
9 DWAI, habitual user, vehicular homicide pursuant to section 18-3-106 (1)  
10 (b), C.R.S., vehicular assault pursuant to section 18-3-205 (1) (b), C.R.S.,  
11 aggravated driving with a revoked license pursuant to section 42-2-206  
12 (1) (b) (I) (A) or (1) (b) (I) (B), or driving while the person's driver's  
13 license was under restraint pursuant to section 42-2-138 (1) (d) shall be  
14 punished by:

15 (IV) A period of probation of at least two years, which period  
16 shall begin immediately upon the commencement of any part of the  
17 sentence that is imposed upon the person pursuant to this section, and a  
18 suspended sentence of imprisonment in the county jail for one year, as  
19 described in subsection (7) of this section; EXCEPT THAT THE COURT  
20 SHALL NOT SENTENCE THE DEFENDANT TO PROBATION IF THE DEFENDANT  
21 IS SENTENCED TO THE DEPARTMENT OF CORRECTIONS, BUT SHALL STILL  
22 SENTENCE THE DEFENDANT TO THE PROVISIONS OF PARAGRAPH (b) OF  
23 SUBSECTION (7) OF THIS SECTION. THE DEFENDANT SHALL COMPLETE ALL  
24 COURT-ORDERED PROGRAMS PURSUANT TO PARAGRAPH (b) OF  
25 SUBSECTION (7) OF THIS SECTION BEFORE THE COMPLETION OF HIS OR HER  
26 PERIOD OF PAROLE.

27 **SECTION 22.** In Colorado Revised Statutes, 17-22.5-403.5,

1 **amend** (3) (c) (II) as follows:

2 **17-22.5-403.5. Special needs parole.** (3) (c) (II) At the same  
3 time that the department completes the notification required by  
4 subparagraph (I) of this paragraph (c), the department shall notify the  
5 district attorney that prosecuted the offender if the offender is serving a  
6 sentence for a conviction of a crime of violence as described in section  
7 18-1.3-406, C.R.S., or a sex offense as listed in section ~~18-1.3-1004 (4)~~  
8 16-22-102 (9) (j), (9) (k), (9) (l), (9) (n), (9) (o), (9) (p), (9) (q), (9) (r), or  
9 (9) (s), C.R.S. A district attorney shall have thirty days after receiving  
10 notification to submit a response to the department. The department shall  
11 include any district attorney response in the referral to the state board of  
12 parole.

13 **SECTION 23.** In Colorado Revised Statutes, 18-1.3-1003,  
14 **amend** (4) as follows:

15 **18-1.3-1003. Definitions.** As used in this part 10, unless the  
16 context otherwise requires:

17 (4) "Sex offender" means a person who is convicted of or pleads  
18 guilty or nolo contendere to a sex offense. ~~"Sex offender" also means any~~  
19 ~~person sentenced as a sex offender pursuant to section 18-1.3-1004 (4).~~

20 **SECTION 24.** In Colorado Revised Statutes, 18-1.3-1004,  
21 **amend** (5) (a) as follows:

22 **18-1.3-1004. Indeterminate sentence.** (5) (a) Any sex offender  
23 sentenced pursuant to subsection (1) ~~or (4)~~ of this section and convicted  
24 of one or more additional crimes arising out of the same incident as the  
25 sex offense shall be sentenced for the sex offense and such other crimes  
26 so that the sentences are served consecutively rather than concurrently.

27 **SECTION 25.** In Colorado Revised Statutes, 18-1.3-1005,

1 **amend** (1) (c) as follows:

2 **18-1.3-1005. Parole - intensive supervision program.** (1) The  
3 department shall establish an intensive supervision parole program for sex  
4 offenders sentenced to incarceration and subsequently released on parole  
5 pursuant to this part 10. In addition, the parole board may require a  
6 person, as a condition of parole, to participate in the intensive supervision  
7 parole program established pursuant to this section if the person is  
8 convicted of:

9 (c) Any of the offenses specified in section ~~18-1.3-1004 (4) (b)~~  
10 16-22-102 (9) (j), (9) (k), (9) (l), (9) (n), (9) (o), (9) (p), (9) (q), (9) (r), or  
11 (9) (s), C.R.S.

12 **SECTION 26.** In Colorado Revised Statutes, 18-1.3-1007,  
13 **amend** (1) (a) (III) as follows:

14 **18-1.3-1007. Probation - intensive supervision program.**  
15 (1) (a) The judicial department shall establish an intensive supervision  
16 probation program for sex offenders sentenced to probation pursuant to  
17 this part 10. In addition, the court shall require a person, as a condition of  
18 probation, to participate in the intensive supervision probation program  
19 established pursuant to this section if the person is convicted of one of the  
20 following offenses and sentenced to probation:

21 (III) Any of the offenses specified in section ~~18-1.3-1004 (4) (b)~~  
22 16-22-102 (9) (j), (9) (k), (9) (l), (9) (n), (9) (o), (9) (p), (9) (q), (9) (r), or  
23 (9) (s), C.R.S.;

24 **SECTION 27.** In Colorado Revised Statutes, 17-2-201, **amend**  
25 (3) (h.1) (I) as follows:

26 **17-2-201. State board of parole.** (3) The chairperson, in addition  
27 to other provisions of law, has the following powers and duties:



1 (h.1) To contract with qualified individuals to serve as release  
2 hearing officers:

3 (I) To conduct parole application hearings for inmates convicted  
4 of ~~nonviolent~~ CLASS 4, CLASS 5, OR CLASS 6 felonies who have been  
5 assessed to be ~~low or very low risk~~ LESS THAN HIGH RISK by the Colorado  
6 risk assessment scale developed pursuant to section 17-22.5-404 (2) (a),  
7 C.R.S., pursuant to rules adopted by the parole board; and

8 **SECTION 28.** In Colorado Revised Statutes, 16-11.3-103, **add**  
9 **(2.7) as follows:**

10 **16-11.3-103. Duties of the commission - mission - staffing -**  
11 **repeal.** **(2.7)(a) USING EMPIRICAL ANALYSIS AND EVIDENCE-BASED DATA**  
12 **AND RESEARCH, THE COMMISSION SHALL CONSIDER THE DEVELOPMENT OF**  
13 **A COMPREHENSIVE DRUG SENTENCING SCHEME FOR ALL DRUG CRIMES**  
14 **DESCRIBED IN ARTICLE 18 OF TITLE 18, C.R.S. THE SENTENCING SCHEME**  
15 **SHALL CONSIDER:**

16 **(I) DEVELOPMENT OF A SENTENCING STRUCTURE THAT BETTER**  
17 **DIFFERENTIATES DRUG OFFENDERS WHO ARE PRIMARILY USERS AND**  
18 **ADDICTS FROM THOSE MORE SERIOUS OFFENDERS WHO ARE INVOLVED IN**  
19 **DRUG DISTRIBUTION, MANUFACTURING, OR TRAFFICKING;**

20 **(II) DEVELOPMENT OF RESOURCES THROUGH CHANGES IN THE**  
21 **CRIMINAL CODE THAT WILL ENHANCE INTERVENTION, SUPERVISION, AND**  
22 **TREATMENT IN THE COMMUNITY AND ENHANCE PUBLIC SAFETY BY**  
23 **ADDRESSING DRUG ABUSE AND ADDICTION AND BY DECREASING CRIME**  
24 **THROUGH DRUG ABUSE RECOVERY;**

25 **(III) METHODS BY WHICH OFFENDERS CAN GAIN ACCESS TO**  
26 **ASSESSMENT-BASED TREATMENT SERVICES THAT ARE BASED ON**  
27 **TREATMENT NEED REGARDLESS OF THE LEVEL OR CLASSIFICATION OF THE**

1 CRIME;  
2 (IV) CREATION OF EQUIVALENT PENALTIES FOR CRIMES THAT POSE  
3 SIMILAR RISKS TO PUBLIC SAFETY;  
4 (V) ENHANCEMENT OF PENALTIES WHEN BEHAVIORS CLEARLY  
5 PRESENT A PUBLIC SAFETY RISK;  
6 (VI) DEVELOPMENT OF RESOURCES FOR ADDITIONAL PRE-FILLING  
7 DIVERSION PROGRAMS AROUND THE STATE FOR DRUG OFFENDERS;  
8 (VII) USE OF DRUG COURTS AND HOW LEGISLATIVE CHANGES  
9 COULD SUPPORT MORE EFFECTIVE USE OF THOSE RESOURCES;  
10 (VIII) RELEVANT NEGATIVE IMPACTS RELATED TO CRIMINAL  
11 CONVICTIONS; AND  
12 (IX) ANY OTHER ISSUES THAT THE COMMISSION DETERMINES TO  
13 BE IMPORTANT AND RELEVANT TO THE GOALS OF THE COMMISSION AND  
14 THE LEGISLATIVE INTENT OF HOUSE BILL 12-1310, ENACTED IN 2012.  
15 (b) BY DECEMBER 15, 2012, THE COMMISSION SHALL PROVIDE TO  
16 THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
17 SENATE, OR THEIR SUCCESSOR COMMITTEES, A WRITTEN REPORT OF THE  
18 COMMISSION'S RECOMMENDATIONS FOR A COMPREHENSIVE DRUG  
19 SENTENCING SCHEME. IF THE COMMISSION IS UNABLE TO BRING FORTH ANY  
20 RECOMMENDATIONS FOR THE GENERAL ASSEMBLY TO CONSIDER, THE  
21 COMMISSION SHALL PROVIDE IN THE REPORT THE REASONS THE  
22 COMMISSION COULD NOT MAKE ANY RECOMMENDATIONS AND, IF  
23 POSSIBLE, DESCRIBE THE SPECIFIC AREAS OF DISAGREEMENT THAT  
24 PREVENTED THE COMMISSION FROM MAKING ANY RECOMMENDATIONS.  
25 (c) THIS SUBSECTION (2.7) IS REPEALED, EFFECTIVE JULY 1, 2013.  
26 **SECTION 29.** In Colorado Revised Statutes, 18-18-102, amend  
27 (5); and add (3.5) as follows:

1 **18-18-102. Definitions. As used in this article:**

2 **(3.5) (a) "CATHINONES" MEANS ANY SYNTHETIC OR NATURAL**  
3 **MATERIAL CONTAINING ANY QUANTITY OF A CATHINONE CHEMICAL**  
4 **STRUCTURE, INCLUDING ANY ANALOGS, SALTS, ISOMERS, OR SALTS OF**  
5 **ISOMERS OF ANY SYNTHETIC OR NATURAL MATERIAL CONTAINING A**  
6 **CATHINONE CHEMICAL STRUCTURE, INCLUDING BUT NOT LIMITED TO THE**  
7 **FOLLOWING SUBSTANCES AND ANY ANALOGS, SALTS, ISOMERS, OR SALTS**  
8 **OF ISOMERS OF ANY OF THE FOLLOWING SUBSTANCES:**

9 **(I) ALPHA-PHTHALIMIDOPROPIOPHENONE;**

10 **(II) N, N-DIMETHYLCATHINONE (METAMFEPRAMONE);**

11 **(III) N-ETHYLCATHINONE (ETHCATHINONE);**

12 **(IV) ALPHA-PYRROLIDINOPROPIOPHENONE ( $\alpha$ -PPP);**

13 **(V) 2-METHYLAMINO-1-PHENYLBUTAN-1-ONE (BUPHEDRONE);**

14 **(VI) ALPHA-PYRROLIDINOBTIOPHENONE ( $\alpha$ -PBP);**

15 **(VII) ALPHA-PYRROLIDINOVALEROPHENONE ( $\alpha$ -PVP, PVP);**

16 **(VIII) 4-METHYLMETHCATHINONE (4-MMC, MEPHEDRONE);**

17 **(IX) 4'-METHYL-ALPHA-PYRROLIDINOPROPIOPHENONE (MPPP);**

18 **(X) 4'-METHYL-ALPHA-PYRROLIDINOBTIOPHENONE (MPBP);**

19 **(XI) 4'-METHYL-ALPHA-PYRROLIDINOHEXIOPHENONE (MPHP);**

20 **(XII) 4-METHOXYMETHCATHINONE (PMMC, METHEDRONE,**  
21 **BK-PMMA);**

22 **(XIII) 4'-METHOXY-ALPHA-PYRROLIDINOPROPIOPHENONE**  
23 **(MOPPP);**

24 **(XIV) FLUOROMETHCATHINONE (4-FMC, FLEPHEDRONE, 3-FMC);**

25 **(XV) 3,4-METHYLENEDIOXYMETHCATHINONE (METHYLONE,**  
26 **BK-MDMA);**

27 **(XVI) 3,4-METHYLENEDIOXYETHCATHINONE (ETHYLONE,**

1 BK-MDEA);  
2 (XVII) 3',4'-METHYLENEDIOXY-ALPHA-  
3 PYRROLIDINOPROPIOPHENONE (MDPPP);  
4 (XVIII) 2-METHYLAMINO-1-(3,4- METHYLENEDIOXYPHENYL)-  
5 1-BUTANONE (BUTYLONE, BK-MDBD);  
6 (XIX) 3',4'-METHYLENEDIOXY-ALPHA-  
7 PYRROLIDINOBUTIOPHENONE (MDPBP);  
8 (XX) 2-METHYLAMINO-1-(3,4-METHYLENEDIOXYPHENYL)  
9 -1-CPENTANONE (BK-MBDP);  
10 (XXI) 3,4-METHYLENEDIOXYPYROVALERONE (MDPV);  
11 (XXII) NAPHTHYLPYROVALERONE (NAPHYRONE);  
12 (XXIII) 2-(METHYLAMINO)-1-PHENYL-1-PENTANONE  
13 PENTEDRONE); AND  
14 (XXIV) N-METHYLETHCATHINONE (4-MEC).  
15 (b) "CATHINONES" DOES NOT INCLUDE DIETHYLPROPRION OR  
16 BUPROPRION.  
17 (c) AS USED IN THIS SUBSECTION (3.5), "ANALOG" MEANS ANY  
18 CHEMICAL THAT IS SUBSTANTIALLY SIMILAR IN CHEMICAL STRUCTURE TO  
19 THE CHEMICAL STRUCTURE OF ANY CATHINONES.  
20 (5) "Controlled substance" means a drug, substance, or immediate  
21 precursor included in schedules I through V of part 2 of this article,  
22 including cocaine, marijuana, marijuana concentrate, A CATHINONE, any  
23 synthetic cannabinoid, and salvia divinorum.  
24 **SECTION 30.** In Colorado Revised Statutes, **repeal** 18-18-203  
25 (2)(e)(I).  
26 **SECTION 31.** In Colorado Revised Statutes, **add** 18-18-406.7  
27 and 18-18-406.8 as follows:

1           **18-18-406.7. Unlawful possession of cathinones.** (1) IT IS  
2 UNLAWFUL FOR ANY PERSON TO POSSESS ANY AMOUNT OF ANY  
3 CATHINONES.

4           (2) A PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION (1)  
5 OF THIS SECTION COMMITS A CLASS 1 MISDEMEANOR.

6           **18-18-406.8. Unlawful distribution, manufacturing,**  
7 **dispensing, or sale of cathinones.** (1) IT IS UNLAWFUL FOR ANY PERSON  
8 TO KNOWINGLY:

9           (a) DISTRIBUTE, MANUFACTURE, DISPENSE, OR SELL, OR TO  
10 POSSESS WITH INTENT TO DISTRIBUTE, MANUFACTURE, DISPENSE, OR SELL,  
11 ANY AMOUNT OF ANY CATHINONES; OR

12           (b) INDUCE, ATTEMPT TO INDUCE, OR CONSPIRE WITH ONE OR MORE  
13 OTHER PERSONS TO DISTRIBUTE, MANUFACTURE, DISPENSE, OR SELL, OR  
14 POSSESS WITH INTENT TO DISTRIBUTE, MANUFACTURE, DISPENSE, OR SELL,  
15 ANY AMOUNT OF ANY CATHINONES.

16           (2) A PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION  
17 COMMITS A CLASS 3 FELONY AND SHALL BE SENTENCED AS PROVIDED IN  
18 SECTION 18-1.3-401; EXCEPT THAT, UNLESS A GREATER SENTENCE IS  
19 PROVIDED UNDER ANY OTHER STATUTE, THE PERSON SHALL BE SENTENCED  
20 TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE  
21 MINIMUM, BUT NOT MORE THAN TWICE THE MAXIMUM, OF THE  
22 PRESUMPTIVE RANGE PROVIDED FOR THE OFFENSE IN SECTION 18-1.3-401

23 (1)(a) AS MODIFIED PURSUANT TO SECTION 18-1.3-401 (10), IF THE PERSON  
24 IS AT LEAST EIGHTEEN YEARS OF AGE AND:

25           (a) DISTRIBUTED, DISPENSED, OR SOLD; OR POSSESSED WITH  
26 INTENT TO DISTRIBUTE, DISPENSE, OR SELL; ANY AMOUNT OF ANY  
27 CATHINONES TO A MINOR UNDER EIGHTEEN YEARS OF AGE WHO IS AT

1 LEAST TWO YEARS YOUNGER THAN SAID PERSON; OR

2 (b) INDUCED, ATTEMPTED TO INDUCE, OR CONSPIRED WITH ONE OR  
3 MORE OTHER PERSONS TO DISTRIBUTE, DISPENSE, OR SELL ANY AMOUNT OF  
4 ANY CATHINONES TO A MINOR UNDER EIGHTEEN YEARS OF AGE WHO IS AT  
5 LEAST TWO YEARS YOUNGER THAN SAID PERSON.

6 **SECTION 32.** In Colorado Revised Statutes, add 6-1-723 as  
7 follows:

8 **6-1-723. Cathinone bath salts - deceptive trade practice.** (1) IT  
9 IS UNLAWFUL FOR ANY PERSON OR ENTITY TO DISTRIBUTE, DISPENSE,  
10 MANUFACTURE, OR SELL TO A PURCHASER ANY PRODUCT THAT IS LABELED  
11 AS A BATH SALT OR ANY OTHER TRADEMARK IF THE PRODUCT CONTAINS  
12 ANY AMOUNT OF ANY CATHINONES, AS DEFINED IN SECTION 18-18-102  
13 (3.5), C.R.S.

14 (2) A VIOLATION OF THIS SECTION SHALL BE DEEMED A DECEPTIVE  
15 TRADE PRACTICE AS PROVIDED IN SECTION 6-1-105 (1) (e), AND THE  
16 VIOLATOR SHALL BE SUBJECT TO A CIVIL PENALTY AS DESCRIBED IN  
17 SECTION 6-1-112 (1) (d) IN ADDITION TO ANY APPLICABLE CRIMINAL  
18 PENALTY.

19 **SECTION 33.** In Colorado Revised Statutes, 6-1-112, add (1) (d)  
20 as follows:

21 **6-1-112. Civil penalties.** (1) (d) ANY PERSON WHO VIOLATES OR  
22 CAUSES ANOTHER TO VIOLATE THE PROVISIONS OF SECTIONS 6-1-105 (1)  
23 (e) AND 6-1-723 BY DISTRIBUTING, DISPENSING, OR SELLING ANY PRODUCT  
24 THAT IS LABELED AS A "BATH SALT" OR ANY OTHER TRADEMARK IF THE  
25 PRODUCT CONTAINS ANY AMOUNT OF ANY CATHINONES, AS DEFINED IN  
26 SECTION 18-18-102 (3.5), C.R.S., SHALL FORFEIT AND PAY TO THE  
27 GENERAL FUND OF THE STATE A CIVIL PENALTY OF NOT LESS THAN TEN

1 THOUSAND DOLLARS AND NOT MORE THAN FIVE HUNDRED THOUSAND  
2 DOLLARS FOR EACH SUCH VIOLATION; EXCEPT THAT THE PERSON SHALL  
3 FORFEIT AND PAY TO THE GENERAL FUND OF THE STATE A CIVIL PENALTY  
4 OF NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS AND NOT MORE  
5 THAN FIVE HUNDRED THOUSAND DOLLARS FOR EACH SUCH VIOLATION IF  
6 THE PERSON DISTRIBUTES, DISPENSES, OR SELLS THE PRODUCT TO A MINOR  
7 UNDER THE AGE OF EIGHTEEN AND THE PERSON IS AT LEAST EIGHTEEN  
8 YEARS OF AGE AND AT LEAST TWO YEARS OLDER THAN THE MINOR.

9 **SECTION 34. Exception to the requirements of section**  
10 **2-2-703, Colorado Revised Statutes.** The general assembly hereby finds  
11 that section 18-18-406.8, Colorado Revised Statutes, which is added to  
12 statute in this act, will result in the minor fiscal impact of one additional  
13 offender being convicted and sentenced to the department of corrections  
14 during the five years following passage of this act. Because of the relative  
15 insignificance of this degree of fiscal impact, these amendments are an  
16 exception to the five-year appropriation requirements specified in section  
17 2-2-703, Colorado Revised Statutes.

18 **SECTION 35.** In Colorado Revised Statutes, 18-19-103, **amend**  
19 **(3) (d), (3.5) (b), (4) (a), (5), and (5.5); add (4) (a.5); and repeal (3.5) (a)**  
20 **as follows:**

21 **18-19-103. Source of revenues - allocation of moneys - repeal.**  
22 **(3) The clerk of the court shall disburse the surcharge required by**  
23 **subsection (1) of this section as follows:**

24 **(d) Ninety percent shall be disbursed to the state treasurer who**  
25 **shall credit the same to the ~~drug offender surcharge fund~~ CORRECTIONAL**  
26 **TREATMENT CASH FUND created pursuant to subsection (4) of this section.**

27 **(3.5) (a) Moneys appropriated by the general assembly pursuant**

1 to House Bill 10-1352, enacted in 2010, shall be deposited into the drug  
2 offender surcharge fund created pursuant to subsection (4) of this section.  
3 and shall be allocated pursuant to section 16-11.5-102 (3) (c), C.R.S.

4 (b) Each fiscal year, The general assembly shall appropriate to the  
5 drug offender surcharge fund CORRECTIONAL TREATMENT CASH FUND  
6 created pursuant to subsection (4) of this section the savings generated by  
7 AT LEAST SEVEN MILLION SIX HUNDRED FIFTY-SIX THOUSAND TWO  
8 HUNDRED DOLLARS IN FISCAL YEAR 2012-13 FROM THE GENERAL FUND, AT  
9 LEAST NINE MILLION FIVE HUNDRED THOUSAND DOLLARS IN FISCAL YEAR  
10 2013-14 FROM THE GENERAL FUND, AND EACH YEAR THEREAFTER  
11 GENERATED FROM ESTIMATED SAVINGS FROM House Bill 10-1352,  
12 enacted in 2010. The appropriation shall be made after consideration of  
13 the division of criminal justice's annual report required pursuant to  
14 section 24-33.5-503 (1) (u), C.R.S.

15 (4) (a) There is hereby created in the state treasury a drug offender  
16 surcharge fund THE CORRECTIONAL TREATMENT CASH FUND, REFERRED TO  
17 IN THIS PARAGRAPH (a) AS THE "FUND", which shall consist of moneys  
18 received by the state treasurer pursuant to paragraph (d) of subsection (3)  
19 of this section and subsection (3.5) of this section, AND, IN ADDITION,  
20 EACH YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE AT LEAST TWO  
21 MILLION TWO HUNDRED THOUSAND DOLLARS GENERATED FROM  
22 ESTIMATED SAVINGS FROM THE ENACTMENT OF SENATE BILL 03-318,  
23 ENACTED IN 2003, TO THE FUND. THE MONEYS IN THE FUND SHALL BE  
24 USED FOR THE PURPOSES DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (5)  
25 OF THIS SECTION. All interest derived from the deposit and investment of  
26 moneys in the fund shall be credited to the fund. Any moneys not  
27 appropriated by the general assembly shall remain in the drug offender



1 surcharge fund and shall not be transferred or revert to the general fund  
2 of the state at the end of any fiscal year. All moneys in the fund shall be  
3 subject to annual appropriation by the general assembly to the judicial  
4 department, the department of corrections, the division of criminal justice  
5 of the department of public safety, and the department of human services,  
6 after consideration of the plan developed pursuant to section 16-11.5-102  
7 (3), C.R.S., to cover the costs associated with substance abuse  
8 assessment, testing, education, and treatment.

9 (a.5) AFTER THE DRUG OFFENDER SURCHARGE FUND IS RENAMED  
10 THE CORRECTIONAL TREATMENT CASH FUND, ANY APPROPRIATION MADE  
11 BY THE GENERAL ASSEMBLY FROM THE DRUG OFFENDER SURCHARGE FUND  
12 FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2011, IS FROM THE  
13 CORRECTIONAL TREATMENT CASH FUND CREATED IN PARAGRAPH (a) OF  
14 THIS SUBSECTION (4). THIS PARAGRAPH (a.5) IS REPEALED, EFFECTIVE  
15 JULY 1, 2012.

16 (5) The department of public safety shall award such moneys  
17 received by it pursuant to subsection (4) of this section as are designated  
18 in the plan developed pursuant to section 16-11.5-102 (3), C.R.S., and  
19 appropriated by the general assembly for such purpose (a) THE  
20 CORRECTIONAL TREATMENT BOARD, CREATED HEREIN AND REFERRED TO  
21 IN THIS SUBSECTION (5) AS THE "BOARD", SHALL PREPARE AN ANNUAL  
22 TREATMENT FUNDING PLAN THAT INCLUDES A FAIR AND REASONABLE  
23 ALLOCATION OF RESOURCES FOR PROGRAMS THROUGHOUT THE STATE.  
24 THE JUDICIAL DEPARTMENT SHALL INCLUDE THE ANNUAL TREATMENT  
25 FUNDING PLAN IN ITS ANNUAL PRESENTATION TO THE JOINT BUDGET  
26 COMMITTEE.

27 (b) THE BOARD CONSISTS OF:

1           (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
2           CORRECTIONS OR HIS OR HER DESIGNEE;

3           (II) THE DIRECTOR OF THE DIVISION OF PROBATION SERVICES IN  
4           THE JUDICIAL DEPARTMENT OR HIS OR HER DESIGNEE;

5           (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
6           SAFETY OR HIS OR HER DESIGNEE;

7           (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN  
8           SERVICES OR HIS OR HER DESIGNEE. IF THE EXECUTIVE DIRECTOR APPOINTS  
9           A DESIGNEE, THE EXECUTIVE DIRECTOR IS ENCOURAGED TO SELECT  
10           SOMEONE WITH EXPERTISE IN ADDICTION COUNSELING AND SUBSTANCE  
11           ABUSE ISSUES;

12           (V) THE STATE PUBLIC DEFENDER OR HIS OR HER DESIGNEE;

13           (VI) THE PRESIDENT OF THE STATEWIDE ASSOCIATION  
14           REPRESENTING DISTRICT ATTORNEYS OR HIS OR HER DESIGNEE; AND

15           (VII) THE PRESIDENT OF THE STATEWIDE ASSOCIATION  
16           REPRESENTING COUNTY SHERIFFS OR HIS OR HER DESIGNEE.

17           ==

18           (c) THE BOARD MAY DIRECT THAT MONEYS IN THE CORRECTIONAL  
19           TREATMENT CASH FUND MAY BE USED FOR THE FOLLOWING PURPOSES:

20           (I) ALCOHOL AND DRUG SCREENING, ASSESSMENT, AND  
21           EVALUATION;

22           (II) ALCOHOL AND DRUG TESTING;

23           (III) SUBSTANCE ABUSE EDUCATION AND TRAINING;

24           (IV) AN ANNUAL STATEWIDE CONFERENCE REGARDING  
25           SUBSTANCE ABUSE TREATMENT;

26           (V) TREATMENT FOR ASSESSED SUBSTANCE ABUSE AND  
27           CO-OCCURRING DISORDERS;

1           (VI) RECOVERY SUPPORT SERVICES; AND

2           (VII) ADMINISTRATIVE SUPPORT TO THE CORRECTIONAL  
3 TREATMENT BOARD INCLUDING, BUT NOT LIMITED TO, FACILITATING AND  
4 COORDINATING DATA COLLECTION, CONDUCTING DATA ANALYSIS,  
5 DEVELOPING CONTRACTS, PREPARING REPORTS, SCHEDULING AND  
6 STAFFING BOARD AND SUBCOMMITTEE MEETINGS, AND ENGAGING IN  
7 BUDGET PLANNING AND ANALYSIS.

8           (d) MONEYS FROM THE CORRECTIONAL TREATMENT CASH FUND  
9 MAY BE USED TO SERVE THE FOLLOWING POPULATIONS:

10           (I) ADULTS AND JUVENILES SERVING A DIVERSION SENTENCE FOR  
11 A STATE OFFENSE;

12           (II) ADULTS AND JUVENILES SERVING A PROBATION SENTENCE FOR  
13 A STATE OFFENSE, INCLUDING DENVER COUNTY;

14           (III) ADULTS AND JUVENILES ON PAROLE;

15           (IV) OFFENDERS SENTENCED OR TRANSITIONED TO A COMMUNITY  
16 CORRECTIONS PROGRAM; AND

17           (V) OFFENDERS SERVING A SENTENCE IN A COUNTY JAIL, ON A  
18 WORK-RELEASE PROGRAM SUPERVISED BY THE COUNTY JAIL, OR  
19 RECEIVING AFTER-CARE TREATMENT FOLLOWING RELEASE FROM JAIL IF  
20 THE OFFENDER PARTICIPATED IN A JAIL TREATMENT PROGRAM.

21           (e) BEFORE ADOPTING THE ANNUAL TREATMENT FUND PLAN, THE  
22 BOARD SHALL REVIEW THE INFORMATION SPECIFIED IN PARAGRAPH (f) OF  
23 THIS SUBSECTION (5) AND SHALL CONSIDER PROPOSALS FROM THE DRUG  
24 OFFENDER TREATMENT BOARDS CREATED IN SECTION 18-19-104 FOR  
25 FUNDING LOCAL ASSESSED TREATMENT NEEDS.

26           (f) THE BOARD SHALL DETERMINE THE SCOPE, METHOD, AND  
27 FREQUENCY OF THE DATA COLLECTION AND THE PARTIES RESPONSIBLE FOR

1 DATA COLLECTION, ANALYSIS, AND REPORTING. THE DATA SHALL BE  
2 ORGANIZED BY JUDICIAL DISTRICT AND SHALL INCLUDE, AT A MINIMUM,  
3 THE FOLLOWING FROM EACH TREATMENT PROGRAM:

4 (I) NAME AND LOCATION OF THE PROGRAM, INCLUDING THE  
5 COUNTY AND JUDICIAL DISTRICT;

6 (II) THE REFERRING CRIMINAL AGENCY;

7 (III) DEMOGRAPHIC INFORMATION INCLUDING GENDER AND  
8 ETHNICITY;

9 (IV) LEVEL OF TREATMENT DELIVERED;

10 (V) ACTUAL LENGTH OF TIME IN TREATMENT FOR EACH CLIENT;

11 (VI) DISCHARGE STATUS AND, IF THE STATUS IS NEGATIVE, THE  
12 REASON FOR THE NEGATIVE DISCHARGE; AND

13 (VII) ANY SPECIAL LICENSES HELD BY THE TREATMENT PROGRAM.

14 ~~(5.5) (a) There is hereby created in the state treasury a drug~~  
15 ~~offender treatment fund that shall consist of moneys appropriated thereto.~~  
16 ~~In addition, the fund may accept gifts, grants, and donations. All interest~~  
17 ~~derived from the deposit and investment of moneys in the fund shall be~~  
18 ~~credited to the fund. Any moneys not appropriated by the general~~  
19 ~~assembly shall remain in the drug offender treatment fund and shall not~~  
20 ~~be transferred or revert to the general fund of the state at the end of any~~  
21 ~~fiscal year. All moneys in the fund shall be subject to annual~~  
22 ~~appropriation by the general assembly to the judicial department for~~  
23 ~~allocation to the interagency task force on treatment for costs associated~~  
24 ~~with community-based substance abuse treatment~~ ON JULY 1, 2012, THE  
25 STATE TREASURER SHALL TRANSFER ALL UNENCUMBERED MONEYS THAT  
26 REMAIN IN THE DRUG OFFENDER TREATMENT FUND TO THE CORRECTIONAL  
27 TREATMENT CASH FUND CREATED IN SUBSECTION (4) OF THIS SECTION.

1 THIS SUBSECTION (5.5) IS REPEALED, EFFECTIVE JULY 2, 2012.

2 (b) Notwithstanding any provision of paragraph (a) of this  
3 subsection (5.5) to the contrary, on April 20, 2009, the state treasurer  
4 shall deduct three hundred fifty thousand dollars from the fund and  
5 transfer such sum to the general fund.

6 (c) Notwithstanding any provision of paragraph (a) of this  
7 subsection (5.5) to the contrary, on June 30, 2011, the state treasurer shall  
8 deduct six hundred seventy-two thousand seven hundred twenty-five  
9 dollars from the drug offender treatment fund and transfer such sum to  
10 the general fund.

11 **SECTION 36.** In Colorado Revised Statutes, 18-19-104, amend  
12 (1) and (2) and repeal (4) as follows:

13 **18-19-104. Judicial district drug offender treatment boards.**

14 (1) Each judicial district shall create a drug offender treatment board,  
15 WHOSE MEMBERSHIP IS KNOWLEDGEABLE ABOUT ADULT CRIMINAL AND  
16 JUVENILE JUSTICE MATTERS, consisting of:

17 (a) The district attorney serving the judicial district or his or her  
18 designee;

19 (b) The chief public defender serving the judicial district or his or  
20 her designee;

21 (c) THE CHAIR OF THE LOCAL COMMUNITY CORRECTIONS BOARD  
22 OR HIS OR HER DESIGNEE;

23 (d) A PAROLE OFFICER WORKING IN THE JUDICIAL DISTRICT CHOSEN  
24 BY THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS OR HIS OR HER  
25 DESIGNEE;

26 (e) A SHERIFF THAT SERVES THE JUDICIAL DISTRICT CHOSEN BY  
27 THE CHIEF JUDGE OF THE JUDICIAL DISTRICT;

1           (f) A REPRESENTATIVE OF A DRUG COURT OR SIMILAR  
2 PROBLEM-SOLVING COURT IF SUCH A COURT EXISTS IN THE JUDICIAL  
3 DISTRICT CHOSEN BY THE CHIEF JUDGE OF THE JUDICIAL DISTRICT;

4           (g) A PERSON WITH EXPERTISE IN JUVENILE MATTERS CHOSEN BY  
5 THE CHIEF JUDGE OF THE JUDICIAL DISTRICT; AND

6           (h) A probation officer working in the judicial district chosen by  
7 the chief judge of the judicial district.

8           (2) Each drug offender treatment board shall receive moneys from  
9 the state drug offender treatment board pursuant to section 16-11.5-102  
10 (7) (a), C.R.S., and shall distribute those moneys to drug treatment  
11 programs based in the judicial district. No program shall receive moneys  
12 from the drug offender treatment board without a majority vote of the  
13 board. The board shall give priority to drug court funding if the  
14 jurisdiction operates a drug court AND THE DRUG COURT OPERATES WITH  
15 BEST EVIDENCE-BASED OR PROMISING PRACTICES. EACH DRUG OFFENDER  
16 TREATMENT BOARD SHALL ANNUALLY MAKE RECOMMENDATIONS TO THE  
17 CORRECTIONAL TREATMENT BOARD FOR FUNDING LOCAL ASSESSED  
18 TREATMENT NEEDS.

19           (4) Each judicial district's drug offender treatment board shall  
20 submit a report to the interagency task force on treatment created in  
21 section 16-11.5-102 (4), C.R.S., and the judiciary committees of the  
22 senate and house of representatives detailing the amount and to whom the  
23 board distributed its funding in the previous year and the amount of  
24 funding received by the board from the interagency task force on  
25 treatment by January 31 of each year beginning the first year after the  
26 judicial district drug offender treatment boards receive funding.

27           **SECTION 37.** In Colorado Revised Statutes, 16-11.5-102, **repeal**

1 (2), (3), (4), (5), (6), (7), and (8) as follows:

2 **16-11.5-102. Substance abuse assessment - standardized**

3 **procedure.** (2) The procedures for assessment, treatment, and sanctions  
4 required to be developed by subsection (1) of this section shall be  
5 implemented only to the extent moneys are available in the drug offender  
6 surcharge fund created in section 18-19-103 (4), C.R.S., on July 1, 1992.

7 (3) (a) The executive directors of the department of corrections,  
8 department of public safety, department of human services, and the state  
9 court administrator shall appoint six members including the directors or  
10 designees of the division of adult parole, community corrections and  
11 youthful offender system in the department of corrections, division of  
12 criminal justice of the department of public safety, the unit in the  
13 department of human services that administers behavioral health  
14 programs and services, including those related to mental health and  
15 substance abuse, youth corrections within the department of human  
16 services, and the division of probation services in the judicial department  
17 who shall cooperate to develop a plan for the allocation of moneys  
18 deposited in the drug offender surcharge fund created pursuant to section  
19 18-19-103 (4), C.R.S., among the judicial department, the department of  
20 corrections, the division of criminal justice of the department of public  
21 safety, and the department of human services. The plan developed  
22 pursuant to this subsection (3) shall be submitted to the general assembly  
23 with the judicial department's annual budget request.

24 (b) Repealed.

25 (c) (1) The moneys allocated to the drug offender surcharge fund  
26 pursuant to section 18-19-103 (3.5), C.R.S., shall only be used to cover  
27 the costs associated with the treatment of substance abuse or co-occurring

1 disorders of adult offenders who are assessed to be in need of treatment  
2 and who are:

3 (A) On diversion;

4 (B) On probation;

5 (C) On parole;

6 (D) In community corrections; or

7 (E) In jail.

8 (H) The plan to allocate moneys deposited in the drug offender  
9 surchage fund pursuant to section 18-19-103 (3.5), C.R.S., shall be  
10 developed pursuant to paragraph (a) of this subsection (3) and shall also  
11 include a representative designated by the Colorado district attorney's  
12 council, the state public defender, a representative from a statewide  
13 association representing county sheriffs, and a representative from a  
14 statewide association representing counties.

15 (4) There is hereby created the interagency task force on treatment  
16 that shall consist of the following members:

17 (a) The individuals referenced in paragraph (a) of subsection (3)  
18 of this section;

19 (b) Three elected district attorneys or their designees selected by  
20 the president of the Colorado district attorneys' council as follows:

21 (I) One from the third, sixth, tenth, twelfth, fifteenth, sixteenth, or  
22 twenty-second judicial district;

23 (II) One from the fifth, seventh, ninth, fourteenth, or twenty-first  
24 judicial district;

25 (III) One from the first, second, fourth, eighth, eleventh,  
26 thirteenth, seventeenth, eighteenth, nineteenth, or twentieth judicial  
27 district; and



1           (c) The state public defender or his or her designee.

2           (5) The interagency task force on treatment shall elect a chairman  
3 and vice-chairman at the first meeting. The chairman shall call the  
4 meetings of the interagency task force on treatment and set the agenda for  
5 each meeting called.

6           (6) The interagency task force on treatment's authority shall be  
7 limited to those duties specified in subsections (7) and (8) of this section.

8           (7) (a) The interagency task force on treatment shall allocate at  
9 least eighty percent of the yearly drug offender treatment fund allocation  
10 to the judicial district drug offender treatment boards created pursuant to  
11 section 18-19-104, C.R.S. Such allocation shall be based upon a formula  
12 developed by the state drug offender treatment board. The interagency  
13 task force on treatment shall develop an allocation formula for the  
14 allocation of the moneys from the drug offender treatment fund. The  
15 formula shall only be based upon a judicial district's population and the  
16 number of use and possession drug case filings in the judicial district.  
17 Each judicial district drug treatment board shall submit a plan, based upon  
18 the proposed allocation formula, to the interagency task force on  
19 treatment beginning September 1 of the first year funding is appropriated  
20 to the judicial department from the drug offender treatment fund and  
21 September 1 of each year thereafter to be included in the judicial  
22 department's annual budget request. The interagency task force on  
23 treatment shall not have the authority to reject the plan submitted from the  
24 local judicial drug treatment boards.

25           (b) The interagency task force on treatment may allocate up to  
26 twenty percent of the yearly drug offender treatment fund allocation to  
27 drug treatment programs that serve more than one judicial district. When

1 allocating funds pursuant to this paragraph (b), the state drug offender  
2 treatment board is encouraged to fund and develop innovative and  
3 effective drug treatment programs.

4 (8) The interagency task force on treatment shall report to the  
5 judiciary committees of the house of representatives and senate on or  
6 before January 31, 2005, and January 31, 2007, regarding the anticipated  
7 savings generated by the enactment of Senate Bill 03-318, enacted at the  
8 first regular session of the sixty-fourth general assembly.

9 **SECTION 38.** In Colorado Revised Statutes, **repeal** 24-33.5-503  
10 (1) (u).

11 **SECTION 39.** In Colorado Revised Statutes, 19-2-601, **amend**  
12 (6) (b) and (8); and **add** (5) (a) (I) (D) and (10) as follows:

13 **19-2-601. Aggravated juvenile offender.** (5) (a) (I) Upon  
14 adjudication as an aggravated juvenile offender:

15 (D) WHEN THE PETITION ALLEGES THE OFFENSE OF MURDER IN THE  
16 FIRST DEGREE OR MURDER IN THE SECOND DEGREE, AND THE JUVENILE IS  
17 ADJUDICATED A DELINQUENT FOR EITHER MURDER IN THE FIRST DEGREE  
18 OR MURDER IN THE SECOND DEGREE, THEN THE COURT MAY SENTENCE THE  
19 JUVENILE CONSECUTIVELY OR CONCURRENTLY FOR ANY CRIME OF  
20 VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, C.R.S., OR AGGRAVATED  
21 JUVENILE OFFENDER PETITION ARISING FROM THAT PETITION.

22 (6) (b) Parole supervision of a juvenile who has been transferred  
23 to the department of corrections shall be IS governed by the provisions for  
24 adult felony offenders in titles 16, and 17, AND 18, C.R.S., as if the  
25 juvenile had been sentenced as an adult felony offender; EXCEPT THAT, IF  
26 THE JUVENILE WAS ADJUDICATED AND SENTENCED FOR MURDER IN THE  
27 FIRST DEGREE, THEN THE JUVENILE SHALL SERVE A TEN-YEAR PERIOD OF

1 MANDATORY PAROLE AFTER COMPLETION OF HIS OR HER SENTENCE.

2 (8) (a) (I) When a juvenile in the custody of the department of  
3 human services pursuant to this section reaches the age of twenty years  
4 and six months, the department of human services shall file a motion with  
5 the court of commitment regarding further jurisdiction of the juvenile.  
6 Upon the filing of such a motion, the court shall notify the interested  
7 parties, APPOINT COUNSEL FOR THE JUVENILE, and set the matter for a  
8 hearing. THE COURT SHALL, AS PART OF THIS HEARING, RECONSIDER THE  
9 LENGTH OF THE REMAINING SENTENCE AND CONSIDER THE FACTORS AS SET  
10 FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (8) HEREIN.

11 (II) WHEN THE COURT NOTIFIES THE INTERESTED PARTIES, THE  
12 COURT SHALL ORDER THAT THE JUVENILE SUBMIT TO AND COOPERATE  
13 WITH A PSYCHOLOGICAL EVALUATION AND RISK ASSESSMENT BY A  
14 MENTAL HEALTH PROFESSIONAL TO DETERMINE WHETHER THE JUVENILE  
15 IS A DANGER EITHER TO HIMSELF OR HERSELF OR TO OTHERS. THE MENTAL  
16 HEALTH PROFESSIONAL SHALL PREPARE A WRITTEN REPORT AND SHALL  
17 PROVIDE A COPY OF THE REPORT TO THE COURT THAT ORDERED IT, THE  
18 PROSECUTING ATTORNEY, AND COUNSEL FOR THE JUVENILE AT LEAST  
19 FIFTEEN DAYS BEFORE THE HEARING.

20 (b) At the hearing upon the motion, the court may either transfer  
21 the custody of and jurisdiction over the juvenile to the department of  
22 corrections FOR PLACEMENT IN A CORRECTIONAL FACILITY, THE YOUTHFUL  
23 OFFENDER SYSTEM, OR A COMMUNITY CORRECTIONS PROGRAM; authorize  
24 early release of the juvenile pursuant to subsection (7) of this section;  
25 PLACE THE JUVENILE ON ADULT PAROLE FOR A PERIOD OF FIVE YEARS; or  
26 order that custody and jurisdiction over the juvenile shall remain with the  
27 department of human services; except that the custody of and jurisdiction

1 over the juvenile by the department of human services shall terminate  
2 when the juvenile reaches twenty-one years of age.

3 (c) IN CONSIDERING WHETHER OR NOT TO TRANSFER THE CUSTODY  
4 OF AND JURISDICTION OVER THE JUVENILE TO THE DEPARTMENT OF  
5 CORRECTIONS, THE COURT SHALL CONSIDER ALL RELEVANT FACTORS  
6 INCLUDING, BUT NOT LIMITED TO, THE COURT-ORDERED PSYCHOLOGICAL  
7 EVALUATION AND RISK ASSESSMENT, THE NATURE OF THE CRIMES  
8 COMMITTED, THE PRIOR CRIMINAL HISTORY OF THE OFFENDER, THE  
9 MATURITY OF THE OFFENDER, THE OFFENDER'S BEHAVIOR IN CUSTODY, THE  
10 OFFENDER'S PROGRESS AND PARTICIPATION IN CLASSES, PROGRAMS, AND  
11 EDUCATIONAL IMPROVEMENT, THE IMPACT OF THE CRIMES ON THE  
12 VICTIMS, THE LIKELIHOOD OF REHABILITATION, THE PLACEMENT WHERE  
13 THE OFFENDER IS MOST LIKELY TO SUCCEED IN REINTEGRATING IN THE  
14 COMMUNITY, AND THE INTEREST OF THE COMMUNITY IN THE IMPOSITION  
15 OF PUNISHMENT COMMENSURATE WITH THE GRAVITY OF THE OFFENSE.

16 (10) "MENTAL HEALTH PROFESSIONAL" MEANS A PERSON WHO IS  
17 EMPLOYED BY THE DEPARTMENT OF HUMAN SERVICES OR IS EMPLOYED  
18 UNDER CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES AND IS:

19 (a) A LICENSED PHYSICIAN WITH THE APPROPRIATE TRAINING AND  
20 EXPERTISE IN PSYCHIATRY; OR

21 (b) A LICENSED PSYCHOLOGIST.

22 **SECTION 40. Appropriation - adjustments in 2012 long bill.**

23 (1) For the implementation of this act, appropriations made in the annual  
24 general appropriation act to the department of corrections for the fiscal  
25 year beginning July 1, 2012, are adjusted as follows:

26 (a) The cash funds appropriation for inmate programs, drug and  
27 alcohol treatment subprogram, drug offender surcharge program, is

1 decreased by \$995,127. Said sum is from the drug offender surcharge  
2 fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

3 (b) The cash funds appropriation for inmate programs, drug and  
4 alcohol treatment subprogram, contract services, is decreased by  
5 \$250,000. Said sum is from the drug offender surcharge fund created in  
6 section 18-19-103 (4) (a), Colorado Revised Statutes.

7 (c) The reappropriated funds appropriation for community  
8 services, parole subprogram, contract services, is decreased by  
9 \$1,757,100. Said sum is from moneys transferred from the judicial  
10 department.

11 (2) For the implementation of this act, appropriations made in the  
12 annual general appropriation act to the department of human services for  
13 the fiscal year beginning July 1, 2012, are adjusted as follows:

14 (a) The cash funds appropriation for mental health and alcohol  
15 and drug abuse services, alcohol and drug abuse division, treatment  
16 services, treatment and detoxification contracts, is decreased by \$887,300.  
17 Said sum is from the drug offender surcharge fund created in section  
18 18-19-103 (4) (a), Colorado Revised Statutes.

19 (b) The cash funds appropriation for mental health and alcohol  
20 and drug abuse services, alcohol and drug abuse division, treatment  
21 services, short-term intensive residential remediation and treatment  
22 (STIRRT), is decreased by \$383,316. Said sum is from the drug offender  
23 surcharge fund created in section 18-19-103 (4) (a), Colorado Revised  
24 Statutes.

25 (c) The reappropriated funds appropriation for mental health and  
26 alcohol and drug abuse services, co-occurring behavioral health services,  
27 substance use disorder offender services (H.B. 10-1352), is decreased by

1 \$1,819,900. Said sum is from moneys transferred from the judicial  
2 department.

3 (3) For the implementation of this act, appropriations made in the  
4 annual general appropriation act to the judicial department for the fiscal  
5 year beginning July 1, 2012, are adjusted as follows:

6 (a) The cash funds appropriation for courts administration, central  
7 appropriations, for various centrally appropriated line items, is decreased  
8 by \$81,998. Said sum is from the drug offender surcharge fund created in  
9 section 18-19-103 (4) (a), Colorado Revised Statutes.

10 (b) The cash funds appropriation for probation and related  
11 services, probation programs, is decreased by \$702,114. Said sum is from  
12 the drug offender surcharge fund created in section 18-19-103 (4) (a),  
13 Colorado Revised Statutes.

14 (c) The cash funds appropriation for probation and related  
15 services, offender treatment and services, is decreased by \$1,010,006.  
16 Said sum is from the drug offender surcharge fund created in section  
17 18-19-103 (4) (a), Colorado Revised Statutes.

18 (d) The reappropriated funds appropriation for probation and  
19 related services, offender treatment and services, is decreased by  
20 \$7,656,200. Said sum is from general fund moneys credited to the drug  
21 offender surcharge fund pursuant to section 18-19-103 (3.5), Colorado  
22 Revised Statutes.

23 (e) The general fund appropriation for probation and related  
24 services, S.B. 03-318 community treatment funding, is decreased by  
25 \$2,200,000.

26 (f) The general fund appropriation for probation and related  
27 services, H.B. 10-1352 appropriation to drug offender surcharge fund, is

1 decreased by \$7,656,200.

2 (4) For the implementation of this act, appropriations made in the  
3 annual general appropriation act to the department of public safety for the  
4 fiscal year beginning July 1, 2012, are adjusted as follows:

5 (a) The cash funds appropriation for the executive director's  
6 office, administration, for various centrally appropriated line items, is  
7 decreased by \$10,793. Said sum is from the drug offender surcharge fund  
8 created in section 18-19-103 (4) (a), Colorado Revised Statutes.

9 (b) The cash funds appropriation for the division of criminal  
10 justice, administration, DCJ administrative services, is decreased by  
11 \$84,803. Said sum is from the drug offender surcharge fund created in  
12 section 18-19-103 (4) (a), Colorado Revised Statutes.

13 (c) The general fund appropriation for the division of criminal  
14 justice, administration, DCJ administrative services, is decreased by  
15 \$37,964 and 0.5 FTE.

16 (d) The cash funds appropriation for the division of criminal  
17 justice, administration, indirect cost assessment, is decreased by \$8,401.  
18 Said sum is from the drug offender surcharge fund created in section  
19 18-19-103 (4) (a), Colorado Revised Statutes.

20 (e) The cash funds appropriation for the division of criminal  
21 justice, community corrections, community corrections placement, is  
22 decreased by \$994,019. Said sum is from the drug offender surcharge  
23 fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

24 (f) The reappropriated funds appropriation for the division of  
25 criminal justice, community corrections, treatment for substance abuse  
26 and co-occurring disorders, is decreased by \$1,568,750. Said sum is from  
27 moneys transferred from the judicial department.

1            **SECTION 41. Appropriation.** (1) In addition to any other  
2 appropriation, there is hereby appropriated, to the department of  
3 corrections, for the fiscal year beginning July 1, 2012, the sum of  
4 \$3,002,227, or so much thereof as may be necessary, for services and  
5 activities authorized by sections 18-19-103 (5) (c) and (d), Colorado  
6 Revised Statutes. Said sum is from reappropriated funds transferred from  
7 the judicial department from the appropriations made in paragraphs (b)  
8 and (c) of subsection (3) of this section.

9            (2) In addition to any other appropriation, there is hereby  
10 appropriated, to the department of human services, for the fiscal year  
11 beginning July 1, 2012, the sum of \$3,090,516, or so much thereof as may  
12 be necessary, for allocation to the mental health and alcohol and drug  
13 abuse services section for services and activities authorized by sections  
14 18-19-103 (5) (c) and (d), Colorado Revised Statutes. Said sum is from  
15 reappropriated funds transferred from the judicial department from the  
16 appropriations made in paragraphs (b) and (c) of subsection (3) of this  
17 section.

18            (3) In addition to any other appropriation, there is hereby  
19 appropriated, to the judicial department, for the fiscal year beginning July  
20 1, 2012, the sum of \$25,120,277, or so much thereof as may be necessary,  
21 to be allocated for implementation of this act as follows:

22            (a) \$90,128 reappropriated funds and 1.0 FTE for courts  
23 administration, administration and technology, general courts  
24 administration, for personal services; said sum is from general fund  
25 moneys credited to the correctional treatment cash fund through the  
26 appropriation made in paragraph (d) of subsection (3) of this section;

27            (b) \$950 reappropriated funds for courts administration,



1 administration and technology, general courts administration, for  
2 operating expenses; said sum is from general fund moneys credited to the  
3 correctional treatment cash fund through the appropriation made in  
4 paragraph (d) of subsection (3) of this section;

5 (c) \$4,703 reappropriated funds for courts administration,  
6 centrally administered programs, courthouse capital/infrastructure  
7 maintenance, for capital outlay expenses; said sum is from general fund  
8 moneys credited to the correctional treatment cash fund through the  
9 appropriation made in paragraph (d) of subsection (3) of this section;

10 (d) \$9,856,200 general fund for probation and related services, to  
11 be credited to the correctional treatment cash fund pursuant to sections  
12 18-19-103 (3.5) (b) and 18-19-103 (4) (a), Colorado Revised Statutes;

13 (e) \$5,407,877 cash funds for probation and related services, for  
14 services and activities authorized by sections 18-19-103 (5) (c) and (d),  
15 Colorado Revised Statutes; said sum is from the correctional treatment  
16 cash fund created in section 18-19-103 (3.5) (b), Colorado Revised  
17 Statutes; and

18 (f) \$9,760,419 reappropriated funds for probation and related  
19 services, for services and activities authorized by sections 18-19-103 (5)  
20 (c) and (d), Colorado Revised Statutes; said sum is from general fund  
21 moneys credited to the correctional treatment cash fund through the  
22 appropriation made in paragraph (d) of subsection (3) of this section.

23 (4) In addition to any other appropriation, there is hereby  
24 appropriated, to the department of public safety, for the fiscal year  
25 beginning July 1, 2012, the sum of \$2,666,766, or so much thereof as may  
26 be necessary, for allocation to the division of criminal justice for services  
27 and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado

1 Revised Statutes. Said sum shall be from reappropriated funds transferred  
2 from the judicial department from the appropriations made in paragraphs  
3 (b) and (c) of subsection (3) of this section.

4 **SECTION 42. Appropriation.** (1) In addition to any other  
5 appropriation, there is hereby appropriated, out of any moneys in the  
6 general fund not otherwise appropriated, to the department of corrections,  
7 for the fiscal year beginning July 1, 2012, the sum of \$11,840, or so much  
8 thereof as may be necessary, to be allocated for the implementation of  
9 section 19-2-601, Colorado Revised Statutes, as amended by this act for  
10 the purchase of computer center services.

11 (2) In addition to any other appropriation, there is hereby  
12 appropriated to the governor - lieutenant governor - state planning and  
13 budgeting, for the fiscal year beginning July 1, 2012, the sum of \$11,840,  
14 or so much thereof as may be necessary, for allocation to the office of  
15 information technology, for the provision of computer center services for  
16 the department of corrections related to the implementation of section  
17 19-2-601, Colorado Revised Statutes as amended by this act. Said sum is  
18 from reappropriated funds received from the department of corrections  
19 out of the appropriation made in subsection (1) of this section.

20 **SECTION 43. Appropriation.** In addition to any other  
21 appropriation, there is hereby appropriated, out of any moneys in the  
22 interstate compact probation transfer cash fund created in section  
23 18-1.3-204 (4) (b) (II) (A), Colorado Revised Statutes, not otherwise  
24 appropriated, to the judicial department, for the fiscal year beginning July  
25 1, 2012, the sum of \$93,750, or so much thereof as may be necessary, for  
26 allocation to probation and related services for reimbursing law  
27 enforcement agencies for the costs of returning a probationer pursuant to

1 section 18-1.3-204 (4) (b) (II) (B), Colorado Revised Statutes.

2           **SECTION 44. Safety clause.** The general assembly hereby finds,  
3 determines, and declares that this act is necessary for the immediate  
4 preservation of the public peace, health, and safety.