

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 06-0252.01 Michael Dohr

HOUSE BILL 06-1011

HOUSE SPONSORSHIP

McCluskey,

SENATE SPONSORSHIP

Sandoval,

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

SENATE
Amended 3rd Reading
May 3, 2006

A BILL FOR AN ACT

101 **CONCERNING CHILD EXPLOITATION OFFENSES, AND MAKING AN**
102 **APPROPRIATION IN CONNECTION THEREWITH.**

SENATE
Amended 2nd Reading
May 2, 2006

Bill Summary

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

HOUSE
3rd Reading Unamended
April 21, 2006

Prohibits a person from using a computer network to contact a child with the intent to lure the child to meet that person without the express consent of the child's parent or guardian if the person is not related to the child and the child is under 15 years of age and the person is at least 4 years older than the child. Requires an offender convicted of internet luring of a child to register as a sex offender. Applies the 10-year sex offense statute of limitations to internet luring of a child.

HOUSE
Amended 2nd Reading
April 20, 2006

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.*

Prohibits a person from using a computer network to entice a child to expose or touch the child's own or another person's intimate parts or observe the person's intimate parts while communicating with the child via a computer network if the child is under 15 years of age and the person is at least 4 years older than the child.

Makes possession of more than 20 different items of sexually exploitative material pertaining to children a class 4 felony.

Makes a 5-year statutory appropriation.

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

2 **SECTION 1.** 16-11.7-102 (3) (t), Colorado Revised Statutes, is
3 amended, and the said 16-11.7-102 (3) is further amended BY THE
4 ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

5 **16-11.7-102. Definitions.** As used in this article, unless the
6 context otherwise requires:

7 (3) "Sex offense" means any felony or misdemeanor offense
8 described in this subsection (3) as follows:

9 (t) Patronizing a prostituted child, in violation of section
10 18-7-406, C.R.S.; or

11 (v) CLASS 4 FELONY INTERNET LURING OF A CHILD, IN VIOLATION
12 OF SECTION 18-3-306 (3), C.R.S.; OR

13 (x) INTERNET SEXUAL EXPLOITATION OF A CHILD IN VIOLATION OF
14 SECTION 18-3-405.4, C.R.S.

15 **SECTION 2.** 16-22-102 (9), Colorado Revised Statutes, is
16 amended BY THE ADDITION OF THE FOLLOWING NEW
17 PARAGRAPHS to read:

18 **16-22-102. Definitions.** As used in this article, unless the context
19 otherwise requires:

20 (9) "Unlawful sexual behavior" means any of the following
21 offenses or criminal attempt, conspiracy, or solicitation to commit any of

1 the following offenses:

2 (x) CLASS 4 FELONY INTERNET LURING OF A CHILD, IN VIOLATION
3 OF SECTION 18-3-306 (3), C.R.S.; OR

4 (y) INTERNET SEXUAL EXPLOITATION OF A CHILD IN VIOLATION OF
5 SECTION 18-3-405.4, C.R.S.

6 **SECTION 3.** 18-1.3-1003 (5) (a), Colorado Revised Statutes, is
7 amended BY THE ADDITION OF THE FOLLOWING NEW
8 SUB-PARAGRAPHS to read:

9 **18-1.3-1003. Definitions.** (5) (a) "Sex offense" means any of the
10 following offenses:

11 (XI) CLASS 4 FELONY INTERNET LURING OF A CHILD, IN VIOLATION
12 OF SECTION 18-3-306 (3); OR

13 (XII) INTERNET SEXUAL EXPLOITATION OF A CHILD IN VIOLATION
14 OF SECTION 18-3-405.4.

15 **SECTION 4.** Part 3 of article 3 of title 18, Colorado Revised
16 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
17 read:

18 **18-3-306. Internet luring of a child.** (1) A PERSON COMMITS
19 INTERNET LURING OF A CHILD IF THE PERSON KNOWINGLY COMMUNICATES
20 A STATEMENT OVER A COMPUTER OR COMPUTER NETWORK TO A CHILD
21 UNDER FIFTEEN YEARS OF AGE, DESCRIBING EXPLICIT SEXUAL CONDUCT AS
22 DEFINED IN SECTION 18-6-403 (2) (e), AND, IN CONNECTION WITH THE
23 COMMUNICATION, MAKES A STATEMENT PERSUADING OR INVITING THE
24 CHILD TO MEET THE PERSON FOR ANY PURPOSE, AND THE PERSON IS MORE
25 THAN FOUR YEARS OLDER THAN THE CHILD.

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27 (2) IT SHALL NOT BE AN AFFIRMATIVE DEFENSE TO THIS SECTION

1 THAT:

2 (a) A MEETING DID NOT OCCUR; OR

3 (b) THE CHILD WAS ACTUALLY A LAW ENFORCEMENT OFFICER
4 POSING AS A CHILD UNDER FIFTEEN YEARS OF AGE.

5 (3) INTERNET LURING OF A CHILD IS A CLASS 5 FELONY; EXCEPT
6 THAT LURING OF A CHILD IS A CLASS 4 FELONY IF COMMITTED WITH THE
7 INTENT TO MEET FOR THE PURPOSE OF ENGAGING IN SEXUAL EXPLOITATION
8 AS DEFINED IN SECTION 18-6-403 OR SEXUAL CONTACT AS DEFINED IN
9 SECTION 18-3-401.

10 (4) FOR PURPOSES OF THIS SECTION, "IN CONNECTION WITH"
11 MEANS COMMUNICATIONS THAT FURTHER, ADVANCE, PROMOTE, OR HAVE
12 A CONTINUITY OF PURPOSE, AND MAY OCCUR BEFORE, DURING, OR AFTER
13 THE INVITATION TO MEET.

14 **SECTION 5.** Part 4 of article 3 of title 18, Colorado Revised
15 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
16 read:

17 **18-3-405.4. Internet sexual exploitation of a child.** (1) A
18 PERSON COMMITS INTERNET SEXUAL EXPLOITATION OF A CHILD IF A
19 PERSON, WHO IS AT LEAST FOUR YEARS OLDER THAN A CHILD WHO IS
20 UNDER FIFTEEN YEARS OF AGE, KNOWINGLY IMPORTUNES, INVITES, OR
21 ENTICES THE CHILD THROUGH COMMUNICATION VIA A COMPUTER
22 NETWORK OR SYSTEM TO:

23 (a) EXPOSE OR TOUCH THE CHILD'S OWN OR ANOTHER PERSON'S
24 INTIMATE PARTS WHILE COMMUNICATING WITH THE PERSON VIA A
25 COMPUTER NETWORK OR SYSTEM; OR

26 (b) OBSERVE THE PERSON'S INTIMATE PARTS WHILE
27 COMMUNICATING WITH THE PERSON VIA A COMPUTER NETWORK OR

1 SYSTEM.

2 (2) IT SHALL NOT BE AN AFFIRMATIVE DEFENSE TO THIS SECTION
3 THAT THE CHILD WAS ACTUALLY A LAW ENFORCEMENT OFFICER POSING AS
4 A CHILD UNDER FIFTEEN YEARS OF AGE.

5 (3) INTERNET SEXUAL EXPLOITATION OF A CHILD IS A CLASS 4
6 FELONY.

7 **SECTION 6.** The introductory portion to 18-3-407 (2), Colorado
8 Revised Statutes, is amended to read:

9 **18-3-407. Victim's and witness's prior history - evidentiary**
10 **hearing - victim's identity - protective order.** (2) In any criminal
11 prosecution FOR CLASS 4 FELONY INTERNET LURING OF A CHILD, AS
12 DESCRIBED IN SECTION 18-3-306 (3) OR under sections 18-3-402 to
13 18-3-405.5, 18-6-301, 18-6-302, 18-6-403, and 18-6-404, or for attempt
14 or conspiracy to commit any ~~crime under sections 18-3-402 to~~
15 ~~18-3-405.5, 18-6-301, 18-6-302, 18-6-403, and 18-6-404~~ OF SAID CRIMES,
16 if evidence, that is not excepted under subsection (1) of this section, of
17 specific instances of the victim's or a witness's prior or subsequent sexual
18 conduct, or opinion evidence of the victim's or a witness's sexual conduct,
19 or reputation evidence of the victim's or a witness's sexual conduct, or
20 evidence that the victim or a witness has a history of false reporting of
21 sexual assaults is to be offered at trial, the following procedure shall be
22 followed:

23 **SECTION 7.** 18-6-403 (5), Colorado Revised Statutes, is
24 amended to read:

25 **18-6-403. Sexual exploitation of children.** (5) The sexual
26 exploitation of a child is a class 3 felony; except that sexual exploitation
27 of a child by possession of sexually exploitative material pursuant to

1 paragraph (b.5) of subsection (3) of this section is a class 1 misdemeanor,
2 but a second or subsequent offense by such possession OR A FIRST OR
3 SUBSEQUENT OFFENSE OF POSSESSION OF MORE THAN TWENTY DIFFERENT
4 ITEMS QUALIFYING AS SEXUALLY EXPLOITATIVE MATERIAL is a class 4
5 felony.

6 **SECTION 8.** 18-3-411 (1), Colorado Revised Statutes, is
7 amended to read:

8 **18-3-411. Sex offenses against children - unlawful sexual**
9 **offense defined - limitation for commencing proceedings - evidence**
10 **- statutory privilege.** (1) As used in this section, "unlawful sexual
11 offense" means enticement of a child, as described in section 18-3-305,
12 sexual assault, as described in section 18-3-402, when the victim at the
13 time of the commission of the act is a child less than fifteen years of age,
14 sexual assault in the first degree, as described in section 18-3-402, as it
15 existed prior to July 1, 2000, when the victim at the time of the
16 commission of the act is a child less than fifteen years of age; sexual
17 assault in the second degree, as described in section 18-3-403 (1) (a), (1)
18 (b), (1) (c), (1) (d), (1) (g), or (1) (h), as it existed prior to July 1, 2000,
19 when the victim at the time of the commission of the act is a child less
20 than fifteen years of age, or as described in section 18-3-403 (1) (e), as it
21 existed prior to July 1, 2000, when the victim is less than fifteen years of
22 age and the actor is at least four years older than the victim; unlawful
23 sexual contact, as described in section 18-3-404 (1) (a), (1) (b), (1) (c), (1)
24 (d), (1) (f), or (1) (g), when the victim at the time of the commission of
25 the act is a child less than fifteen years of age; sexual assault in the third
26 degree, as described in section 18-3-404 (1) (a), (1) (b), (1) (c), (1) (d),
27 (1) (f), or (1) (g), as it existed prior to July 1, 2000, when the victim at the

1 time of the commission of the act is a child less than fifteen years of age;
2 sexual assault on a child, as described in section 18-3-405; sexual assault
3 on a child by one in a position of trust, as described in section 18-3-405.3;
4 aggravated incest, as described in section 18-6-302; trafficking in
5 children, as described in section 18-6-402; sexual exploitation of a child,
6 as described in section 18-6-403; procurement of a child for sexual
7 exploitation, as described in section 18-6-404; indecent exposure, as
8 described in section 18-7-302, soliciting for child prostitution, as
9 described in section 18-7-402; pandering of a child, as described in
10 section 18-7-403; procurement of a child, as described in section
11 18-7-403.5; keeping a place of child prostitution, as described in section
12 18-7-404; pimping of a child, as described in section 18-7-405;
13 inducement of child prostitution, as described in section 18-7-405.5;
14 patronizing a prostituted child, as described in section 18-7-406; CLASS
15 4 FELONY INTERNET LURING OF A CHILD, AS DESCRIBED IN SECTION
16 18-3-306(3); INTERNET SEXUAL EXPLOITATION OF A CHILD, AS DESCRIBED
17 IN SECTION 18-3-405.4; or criminal attempt, conspiracy, or solicitation to
18 commit any of the acts specified in this subsection (1).

19 **SECTION 9.** Title 6, Colorado Revised Statutes, is amended BY
20 THE ADDITION OF A NEW ARTICLE to read:

21 **ARTICLE 2.7**

22 **Internet Evidence For Law Enforcement Investigations**

23 **6-2.7-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
24 CONTEXT OTHERWISE REQUIRES:

25 (1) "COURT ORDER" MEANS AN ORDER FOR THE RELEASE OF
26 INFORMATION, INCLUDING BUT NOT LIMITED TO A SUBPOENA, COURT
27 ORDER, SEARCH WARRANT, OR SUMMONS.

1 (2) "INTERNET ACCESS PROVIDER" MEANS AN ENTITY THAT
2 PROVIDES ELECTRONIC COMMUNICATIONS OR REMOTE COMPUTING AS
3 DEFINED IN 18 U.S.C. SEC. 119 AND SEC. 121, TO CUSTOMERS IN
4 COLORADO. "INTERNET ACCESS PROVIDER" SHALL NOT INCLUDE
5 NONINTERNET-BASED COMMUNICATIONS.

6 **6-2.7-102. Internet evidence for law enforcement - preserve**
7 **and release evidence - reports - training materials.** (1) (a) AN
8 INTERNET ACCESS PROVIDER, UPON THE REQUEST OF A LAW ENFORCEMENT
9 AGENCY, SHALL TAKE ALL NECESSARY STEPS TO PRESERVE RECORDS AND
10 OTHER EVIDENCE IN ITS POSSESSION PENDING THE ISSUANCE OF A COURT
11 ORDER OR OTHER LEGAL PROCESS. THE INTERNET ACCESS PROVIDER
12 SHALL COMPLY WITH THE REQUEST AS SOON AS POSSIBLE FOLLOWING
13 RECEIPT.

14 (b) RECORDS REFERRED TO IN PARAGRAPH (a) OF THIS SUBSECTION
15 (1) SHALL BE RETAINED FOR A PERIOD OF NINETY DAYS, WHICH SHALL BE
16 EXTENDED FOR AN ADDITIONAL NINETY-DAY PERIOD UPON A RENEWED
17 REQUEST BY THE LAW ENFORCEMENT AGENCY.

18 (2) (a) AN INTERNET ACCESS PROVIDER SHALL RELEASE EVIDENCE
19 REGARDING ALL CATEGORIES OF INFORMATION IDENTIFIED IN 18 U.S.C.
20 SEC. 2703 (c) (2) THAT ARE IN ITS POSSESSION WITHIN TEN DAYS AFTER
21 RECEIVING A COURT ORDER REQUIRING THE INTERNET ACCESS PROVIDER
22 TO RELEASE SUCH EVIDENCE TO LAW ENFORCEMENT. IF THE INTERNET
23 ACCESS PROVIDER DEMONSTRATES TO THE REQUESTING LAW
24 ENFORCEMENT AGENCY WITHIN FIVE DAYS OF THE REQUEST THAT, FOR
25 BONA FIDE TECHNICAL REASONS, IT CANNOT COMPLY WITH THE ORDER
26 WITHIN TEN DAYS OF THE REQUEST, IT SHALL MAKE EVERY REASONABLE
27 EFFORT TO COMPLY WITH THE REQUEST AS SOON AS REASONABLY

1 POSSIBLE. ___

2 (b) IN CONNECTION WITH ANY CRIMINAL INVESTIGATION
3 REGARDING POSSIBLE SEX OFFENSES INVOLVING A CHILD UNDER SECTION
4 18-1.3-1003, C.R.S., THAT INVOLVES IMMEDIATE DANGER OF DEATH OR
5 SERIOUS BODILY HARM, A LAW ENFORCEMENT AGENCY IN THIS STATE MAY
6 ISSUE A REQUEST, WITHOUT COMPULSORY LEGAL PROCESS OR COURT
7 ORDER, TO A DESIGNATED RECIPIENT OF THE INTERNET ACCESS PROVIDER
8 TO DISCLOSE, CONSISTENT WITH 18 U.S.C. SEC. 2702 (c) (4), THE
9 INFORMATION IDENTIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2). THE
10 INTERNET ACCESS PROVIDER SHALL COMPLY WITH THE REQUEST
11 IMMEDIATELY AND WITHOUT DELAY, OR IF UNABLE TO IMMEDIATELY
12 COMPLY, COMMUNICATE WITH THE REQUESTING AGENCY TO DISCUSS THE
13 NATURE OF THE REQUEST AND TO COORDINATE A TIMELY RESPONSE.

14 (3) AN INTERNET ACCESS PROVIDER DOING BUSINESS IN THIS STATE
15 SHALL REPORT INCIDENTS OF APPARENT CHILD PORNOGRAPHY TO THE
16 NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN PURSUANT TO
17 42 U.S.C. SEC. 13032. THE REPORT SHALL INCLUDE, IF AVAILABLE, THE
18 SUBSCRIBER'S CITY AND STATE OR ZIP CODE. ___

19 (4) EACH INTERNET ACCESS PROVIDER WITH MORE THAN FIFTEEN
20 THOUSAND SUBSCRIBERS WHO ARE RESIDENTS OF THIS STATE SHALL, UPON
21 REQUEST OF THE ATTORNEY GENERAL, PROVIDE TRAINING MATERIALS TO
22 LAW ENFORCEMENT AGENCIES IN THIS STATE REGARDING BEST PRACTICES
23 FOR INVESTIGATING INTERNET-RELATED CRIMES INVOLVING SEXUAL
24 EXPLOITATION OF CHILDREN, THE INTERNET ACCESS PROVIDER'S LAW
25 ENFORCEMENT COMPLIANCE PRACTICES, AND CONTACT INFORMATION FOR
26 THE INTERNET ACCESS PROVIDER AND ITS DESIGNATED RECIPIENT FOR LAW
27 ENFORCEMENT REQUESTS.

1 (5) SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL BE
2 INTERPRETED CONSISTENT WITH THE REQUIREMENTS OF FEDERAL LAW
3 THAT APPLY TO INTERNET ACCESS PROVIDERS, INCLUDING BUT NOT
4 LIMITED TO 18 U.S.C. 2701, ET SEQ. AND 42 U.S.C. 13032.

5 **6-2.7-103. Internet evidence - failure to release or preserve -**
6 **civil penalty.** (1) AN INTERNET ACCESS PROVIDER THAT FAILS TO
7 COMPLY WITH THE REQUIREMENTS IN SECTION 6-2.7-102 (1) OR (2) SHALL
8 BE LIABLE FOR PAYMENT OF A CIVIL PENALTY OF UP TO TWO THOUSAND
9 FIVE HUNDRED DOLLARS FOR EACH INCIDENCE OF NONCOMPLIANCE;
10 EXCEPT THAT THE INTERNET ACCESS PROVIDER SHALL BE LIABLE FOR
11 PAYMENT OF UP TO TEN THOUSAND DOLLARS FOR A THIRD AND
12 SUBSEQUENT INCIDENCE OF NONCOMPLIANCE THAT OCCURS WITHIN A
13 TWELVE-MONTH PERIOD. THE STATE ATTORNEY GENERAL IS AUTHORIZED
14 TO BRING SUIT IN A COURT OF COMPETENT JURISDICTION FOR
15 ENFORCEMENT OF THE PROVISIONS OF THIS SUBSECTION (1).

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17 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1) OF THIS
18 SECTION, AN INTERNET ACCESS PROVIDER'S FAILURE TO COMPLY WITH THE
19 REQUIREMENTS SPECIFIED IN SECTION 6-2.7-102 SHALL NOT RESULT IN
20 FURTHER CIVIL LIABILITY TO THE STATE.

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

24 **17-1-153. Appropriation to comply with section 2-2-703.**
25 (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY
26 APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE
27 MADE IN ORDER TO IMPLEMENT H.B. 06-1011, ENACTED AT THE SECOND

1 REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY:

2 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, IN ADDITION
3 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
4 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
5 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
6 SECTION 17-1-116, THE SUM OF FIVE HUNDRED TWENTY-THREE THOUSAND
7 ONE HUNDRED SIXTY-FOUR DOLLARS (\$523,164).

8 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN
9 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
10 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
11 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
12 FUND CREATED IN SECTION 17-1-116, THE SUM OF FIVE HUNDRED
13 TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS
14 (\$523,164).

15 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN ADDITION
16 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
17 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
18 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED SIXTY
19 THOUSAND EIGHT HUNDRED SEVENTY-EIGHT DOLLARS (\$160,878).

20 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION
21 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
22 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
23 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
24 SECTION 17-1-116, THE SUM OF FIVE HUNDRED TWENTY-THREE THOUSAND
25 ONE HUNDRED SIXTY-FOUR DOLLARS (\$523,164).

26 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION
27 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE

1 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
2 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THREE HUNDRED
3 TWENTY-ONE THOUSAND SEVEN HUNDRED FIFTY-SIX DOLLARS (\$321,756).

4 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN
5 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
6 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
7 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
8 FUND CREATED IN SECTION 17-1-116, THE SUM OF FIVE HUNDRED
9 TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS
10 (\$523,164).

11 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION
12 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
13 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
14 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF FOUR HUNDRED
15 EIGHTY-TWO THOUSAND SIX HUNDRED THIRTY-FOUR DOLLARS (\$482,634).

16 (e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION
17 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
18 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
19 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
20 SECTION 17-1-116, THE SUM OF FIVE HUNDRED TWENTY-THREE THOUSAND
21 ONE HUNDRED SIXTY-FOUR DOLLARS (\$523,164).

22 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION
23 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
24 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
25 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SIX HUNDRED
26 FORTY-THREE THOUSAND FIVE HUNDRED TWELVE DOLLARS (\$643,512).

27 **SECTION 11.** The introductory portion to 24-75-302 (2) and

1 24-75-302 (2) (s), (2) (t), and (2) (u), Colorado Revised Statutes, are
2 amended, and the said 24-75-302 (2) is further amended BY THE
3 ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

4 **24-75-302. Capital construction fund - capital assessment fees**
5 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
6 through July 1, ~~2009~~ 2010, a sum as specified in this subsection (2) shall
7 accrue to the capital construction fund. The state treasurer and the
8 controller shall transfer such sum out of the general fund and into the
9 capital construction fund as moneys become available in the general fund
10 during the fiscal year beginning on said July 1. Transfers between funds
11 pursuant to this subsection (2) shall not be deemed to be appropriations
12 subject to the limitations of section 24-75-201.1. The amount which shall
13 accrue pursuant to this subsection (2) shall be as follows:

14 (s) On July 1, 2006, twenty-two thousand nine hundred
15 twenty-four dollars pursuant to section 3 of H.B. 02S-1006, enacted at the
16 third extraordinary session of the sixty-third general assembly; plus two
17 hundred ninety-one thousand seven hundred sixty-one dollars pursuant to
18 H.B. 03-1004, enacted at the first regular session of the sixty-fourth
19 general assembly; plus one hundred twenty-five thousand forty-one
20 dollars pursuant to H.B. 03-1138, enacted at the first regular session of
21 the sixty-fourth general assembly; plus sixty-nine thousand four hundred
22 sixty-seven dollars pursuant to H.B. 03-1213, enacted at the first regular
23 session of the sixty-fourth general assembly; plus sixty-nine thousand
24 four hundred sixty-seven dollars pursuant to H.B. 03-1317, enacted at the
25 first regular session of the sixty-fourth general assembly; plus ninety
26 thousand three hundred seven dollars pursuant to H.B. 04-1021, enacted
27 at the second regular session of the sixty-fourth general assembly; plus

1 sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B.
2 04-1016, enacted at the second regular session of the sixty-fourth general
3 assembly; PLUS FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED
4 SIXTY-FOUR DOLLARS PURSUANT TO H.B. 06-1011, ENACTED AT THE
5 SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY;

6 (t) On July 1, 2007, four hundred sixteen thousand eight hundred
7 two dollars pursuant to H.B. 03-1004, enacted at the first regular session
8 of the sixty-fourth general assembly; plus fifty-five thousand five hundred
9 seventy-four dollars pursuant to H.B. 03-1317, enacted at the first regular
10 session of the sixty-fourth general assembly; plus thirteen thousand eight
11 hundred ninety-three dollars pursuant to H.B. 04-1021, enacted at the
12 second regular session of the sixty-fourth general assembly; PLUS FIVE
13 HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS
14 PURSUANT TO H.B. 06-1011, ENACTED AT THE SECOND REGULAR SESSION
15 OF THE SIXTY-FIFTH GENERAL ASSEMBLY;

16 (u) On July 1, 2008, sixty-nine thousand four hundred sixty-seven
17 dollars pursuant to H.B. 04-1021, enacted at the second regular session
18 of the sixty-fourth general assembly; PLUS FIVE HUNDRED TWENTY-THREE
19 THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS PURSUANT TO H.B.
20 06-1011, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH
21 GENERAL ASSEMBLY;

22 (v) ON JULY 1, 2009, FIVE HUNDRED TWENTY-THREE THOUSAND
23 ONE HUNDRED SIXTY-FOUR DOLLARS PURSUANT TO H.B. 06-1011,
24 ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL
25 ASSEMBLY;

26 (w) ON JULY 1, 2010, FIVE HUNDRED TWENTY-THREE THOUSAND
27 ONE HUNDRED SIXTY-FOUR DOLLARS PURSUANT TO H.B. 06-1011,

1 ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL
2 ASSEMBLY.

3 **SECTION 12. Appropriation.** In addition to any other
4 appropriation, there is hereby appropriated, out of any moneys in the
5 general fund not otherwise appropriated, to the judicial department, for
6 the fiscal year beginning July 1, 2006, the sum of nineteen thousand six
7 hundred eighty-two dollars (\$19,682) and 0.4 FTE, or so much thereof as
8 may be necessary, for probation and related services.

9 **SECTION 13. Effective date - applicability.** Section 9 of this
10 act shall take effect October 1, 2006, and the remainder of this act shall
11 take effect July 1, 2006, and shall apply to offenses committed on or after
12 said date.

13 **SECTION 14. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.