

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading 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

A BILL FOR AN ACT

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

Bill Summary

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

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.

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.

SENATE
Amended 2nd Reading
May 2, 2006

HOUSE
3rd Reading Unamended
April 21, 2006

HOUSE
Amended 2nd Reading
April 20, 2006

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.

5 **6-2.7-102. Internet evidence for law enforcement - preserve**
6 **and release evidence - reports - training materials.** (1) (a) AN
7 INTERNET ACCESS PROVIDER, UPON THE REQUEST OF A LAW ENFORCEMENT
8 AGENCY, SHALL TAKE ALL NECESSARY STEPS TO PRESERVE RECORDS AND
9 OTHER EVIDENCE IN ITS POSSESSION PENDING THE ISSUANCE OF A COURT
10 ORDER OR OTHER LEGAL PROCESS. THE INTERNET ACCESS PROVIDER
11 SHALL COMPLY WITH THE REQUEST AS SOON AS POSSIBLE FOLLOWING
12 RECEIPT.

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

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

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

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

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

27 (5) SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL BE

1 INTERPRETED CONSISTENT WITH THE REQUIREMENTS OF FEDERAL LAW
2 THAT APPLY TO INTERNET ACCESS PROVIDERS, INCLUDING BUT NOT
3 LIMITED TO 18 U.S.C. 2701, ET SEQ. AND 42 U.S.C. 13032.

4 **6-2.7-103. Internet evidence - failure to release or preserve -**
5 **civil penalty.** (1) AN INTERNET ACCESS PROVIDER THAT FAILS TO
6 COMPLY WITH THE REQUIREMENTS IN SECTION 6-2.7-102 (1) OR (2) SHALL
7 BE LIABLE FOR PAYMENT OF A CIVIL PENALTY OF UP TO TWO THOUSAND
8 FIVE HUNDRED DOLLARS FOR EACH INCIDENCE OF NONCOMPLIANCE;
9 EXCEPT THAT THE INTERNET ACCESS PROVIDER SHALL BE LIABLE FOR
10 PAYMENT OF UP TO TEN THOUSAND DOLLARS FOR A THIRD AND
11 SUBSEQUENT INCIDENCE OF NONCOMPLIANCE THAT OCCURS WITHIN A
12 TWELVE-MONTH PERIOD. THE STATE ATTORNEY GENERAL IS AUTHORIZED
13 TO BRING SUIT IN A COURT OF COMPETENT JURISDICTION FOR
14 ENFORCEMENT OF THE PROVISIONS OF THIS SUBSECTION (1).

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

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

23 **17-1-153. Appropriation to comply with section 2-2-703.**
24 (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY
25 APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE
26 MADE IN ORDER TO IMPLEMENT H.B. 06-1011, ENACTED AT THE SECOND
27 REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY:

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

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

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

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

25 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION
26 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
27 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL

1 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THREE HUNDRED
2 TWENTY-ONE THOUSAND SEVEN HUNDRED FIFTY-SIX DOLLARS (\$321,756).

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

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

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

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

26 **SECTION 11.** The introductory portion to 24-75-302 (2) and
27 24-75-302 (2) (s), (2) (t), and (2) (u), Colorado Revised Statutes, are

1 amended, and the said 24-75-302 (2) is further amended BY THE
2 ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

3 **24-75-302. Capital construction fund - capital assessment fees**
4 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
5 through July 1, ~~2009~~ 2010, a sum as specified in this subsection (2) shall
6 accrue to the capital construction fund. The state treasurer and the
7 controller shall transfer such sum out of the general fund and into the
8 capital construction fund as moneys become available in the general fund
9 during the fiscal year beginning on said July 1. Transfers between funds
10 pursuant to this subsection (2) shall not be deemed to be appropriations
11 subject to the limitations of section 24-75-201.1. The amount which shall
12 accrue pursuant to this subsection (2) shall be as follows:

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

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

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

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

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

25 (w) ON JULY 1, 2010, FIVE HUNDRED TWENTY-THREE THOUSAND
26 ONE HUNDRED SIXTY-FOUR DOLLARS PURSUANT TO H.B. 06-1011,
27 ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL

1 ASSEMBLY.

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

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

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