

HB1352_L.001

HOUSE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB09-1352 be amended as follows:

1 Amend printed bill, page 2, line 4, strike "Penalty." and substitute
2 "Penalty. (1)".

3 strike lines 10 through 25 and substitute the following:

4 "(2) (a) IN ADDITION TO THE CRIMINAL PENALTIES DESCRIBED IN
5 SUBSECTION(1) OF THIS SECTION, THE DISTRICT ATTORNEYS OF THIS STATE
6 ARE AUTHORIZED TO ENFORCE THIS PART 2 IN A CIVIL PROCEEDING. A
7 PERSON WHO IS FOUND TO HAVE VIOLATED THIS PART 2 BEYOND A
8 REASONABLE DOUBT SHALL FORFEIT AND PAY TO THE GENERAL FUND OF
9 THE STATE A CIVIL PENALTY OF NOT MORE THAN TWICE THE AMOUNT OF
10 THE BENEFIT THE PERSON OBTAINED OR WAS ATTEMPTING TO OBTAIN IN
11 ENGAGING IN THE PROHIBITED CONDUCT DESCRIBED IN THIS PART 2.

12 (b) IN DETERMINING THE AMOUNT OF A CIVIL PENALTY AWARD,
13 THE COURT SHALL CONSIDER THE FOLLOWING CIRCUMSTANCES: THE
14 GOOD OR BAD FAITH OF THE DEFENDANT; THE INJURY TO THE PUBLIC; THE
15 DEFENDANT'S ABILITY TO PAY; AND THE DESIRE TO ELIMINATE THE
16 BENEFITS DERIVED BY VIOLATIONS OF THIS PART 2.

17 (c) UNTIL THE COLORADO SUPREME COURT ADOPTS A VENUE
18 PROVISION RELATING TO THIS PART 2, ACTIONS INSTITUTED PURSUANT TO
19 THIS PART 2 MAY BE BROUGHT IN THE COUNTY WHERE AN ALLEGED
20 VIOLATION OCCURRED OR WHERE ANY PORTION OF A TRANSACTION
21 INVOLVING AN ALLEGED VIOLATION OF PART 2 OCCURRED, IN THE COUNTY
22 WHERE THE PRINCIPAL PLACE OF BUSINESS OF ANY DEFENDANT IS
23 LOCATED, OR IN THE COUNTY IN WHICH ANY DEFENDANT RESIDES."

24 Renumber succeeding section accordingly.

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