

SB201\_L.005

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

SB21-201 be amended as follows:

1 Amend printed bill, page 3, strike lines 24 through 27.

2 Strike page 4.

3 Page 5, strike lines 1 through 7 and substitute:

4 "SECTION 3. In Colorado Revised Statutes, **amend** 26-6-111 as  
5 follows:

6 **26-6-111. Injunctive proceedings.** The department, in the name  
7 of the people of the state of Colorado, through the attorney general of the  
8 state, ~~may~~ MUST apply for an injunction in any court of competent  
9 jurisdiction to enjoin any person from operating any facility without a  
10 license that is required to be licensed under this part 1. ~~An injunction may~~  
11 ~~also be requested by the appropriate county department through the~~  
12 ~~county attorney or retained counsel.~~ IF THE PERSON DOES NOT HAVE A  
13 VALID LICENSE PURSUANT TO THIS PART 1 OR DOES NOT MEET THE  
14 LICENSING EXEMPTION CRITERIA SET FORTH IN SECTION 26-6-103, YET  
15 PROVIDES CHILD CARE, AND HAS A PATTERN OF PROVIDING SUCH CHILD  
16 CARE WITHOUT A VALID LICENSE AS REQUIRED BY THIS PART 1, AND  
17 DESPITE HAVING RECEIVED NOTIFICATION FROM THE DEPARTMENT THAT  
18 THE PERSON OR FACILITY IS IN VIOLATION OF THE LAW, THEN SUCH PERSON  
19 IS PROVIDING UNLICENSED AND THEREFORE ILLEGAL CHILD CARE. AT THE  
20 TIME THE DEPARTMENT APPLIES FOR AN INJUNCTION, THE DEPARTMENT  
21 SHALL NOTIFY LAW ENFORCEMENT OF THE INJUNCTION PROCEEDINGS. If  
22 it is established that the defendant has been or is so operating such facility  
23 WITHOUT A VALID LICENSE, the court shall enter a decree enjoining ~~said~~  
24 THE defendant from further operating ~~such~~ THE facility unless and until  
25 ~~he~~ THE PERSON obtains a license therefor. In case of violation of any  
26 injunction issued ~~under the provisions of~~ PURSUANT TO this section, the  
27 court may summarily try and punish the offender for contempt of court.  
28 Such injunctive proceedings ~~shall be~~ ARE in addition to and not in lieu of  
29 the penalty provided in section 26-6-112."

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