

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0163.01 Michael Dohr

SENATE BILL 11-004

SENATE SPONSORSHIP

Guzman, Steadman

HOUSE SPONSORSHIP

Pabon,

Senate Committees

Judiciary
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING CRIMES AGAINST HOMELESS PERSONS, AND MAKING AN**
102 **APPROPRIATION THEREFOR.**

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>.)

The bill adds homeless adults and juveniles to the at-risk crime provisions. The bill makes the required 5-year statutory appropriation.

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

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.

1 SECTION 1. 18-9-121 (1), the introductory portion to 18-9-121
2 (2), and 18-9-121 (5), Colorado Revised Statutes, are amended to read:

3 18-9-121. Bias-motivated crimes. (1) The general assembly
4 hereby finds and declares that it is the right of every person, regardless of
5 race, color, ancestry, religion, national origin, physical or mental
6 disability, HOMELESS STATUS, or sexual orientation to be secure and
7 protected from fear, intimidation, harassment, and physical harm caused
8 by the activities of individuals and groups. The general assembly further
9 finds that the advocacy of unlawful acts against persons or groups
10 because of a person's or group's race, color, ancestry, religion, national
11 origin, physical or mental disability, HOMELESS STATUS, or sexual
12 orientation for the purpose of inciting and provoking bodily injury or
13 damage to property poses a threat to public order and safety and should
14 be subject to criminal sanctions.

15 (2) A person commits a bias-motivated crime if, with the intent to
16 intimidate or harass another person because of that person's actual or
17 perceived race, color, religion, ancestry, national origin, physical or
18 mental disability, HOMELESS STATUS, or sexual orientation, he or she:

19 (5) For purposes of this section:

20 (a) "HOMELESS STATUS" MEANS A PERSON WHO:

21 (I) LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME
22 RESIDENCE; OR

23 (II) HAS A PRIMARY NIGHTTIME RESIDENCE THAT IS:

24 (A) A SUPERVISED PUBLICLY OR PRIVATELY OPERATED SHELTER
25 DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS; OR

26 (B) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR, OR
27 ORDINARILY USED AS, A REGULAR SLEEPING ACCOMMODATION FOR

1 HUMAN BEINGS.

2 (a) (b) "Physical or mental disability" refers to a disability as used
3 in the definition of the term "person with a disability" in section
4 18-6.5-102 (3).

5 (b) (c) "Sexual orientation" means a person's actual or perceived
6 orientation toward heterosexuality, homosexuality, bisexuality, or
7 transgender status.

8 SECTION 2. Article 18 of title 17, Colorado Revised Statutes, is
9 amended BY THE ADDITION OF A NEW SECTION to read:

10 **17-18-108. Appropriation to comply with section 2-2-703 - SB**
11 **11-004 - repeal. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE**
12 **FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY**
13 **BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT SENATE BILL 11-004,**
14 **ENACTED IN 2011:**

15 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, 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 _____ DOLLARS (\$).

20 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN
21 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
22 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
23 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
24 FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

25 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION
26 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
27 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT

1 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

2 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, 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 _____ DOLLARS (\$).

7 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION
8 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
9 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
10 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

11 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, IN
12 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
13 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
14 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
15 FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

16 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, IN ADDITION
17 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
18 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
19 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

20 (e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, 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 _____ DOLLARS (\$).

25 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, IN ADDITION
26 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
27 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT

1 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$ _____).

2 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

3 **SECTION 3.** The introductory portion to 24-75-302 (2) and
4 24-75-302 (2) (x) and (2) (y), Colorado Revised Statutes, are amended,
5 and the said 24-75-302 (2) is further amended BY THE ADDITION OF
6 THE FOLLOWING NEW PARAGRAPHS, to read:

7 **24-75-302. Capital construction fund - capital assessment fees**
8 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
9 through July 1, ~~2012~~ 2015, a sum as specified in this subsection (2) shall
10 accrue to the capital construction fund. The state treasurer and the
11 controller shall transfer such sum out of the general fund and into the
12 capital construction fund as moneys become available in the general fund
13 during the fiscal year beginning on said July 1. Transfers between funds
14 pursuant to this subsection (2) shall not be deemed to be appropriations
15 subject to the limitations of section 24-75-201.1. The amount that shall
16 accrue pursuant to this subsection (2) shall be as follows:

17 (x) On July 1, 2011, seven hundred fifty thousand nine hundred
18 ninety dollars pursuant to S.B. 07-096, enacted at the first regular session
19 of the sixty-sixth general assembly; plus three hundred seventy-five
20 thousand four hundred ninety-five dollars pursuant to S.B. 08-239,
21 enacted at the second regular session of the sixty-sixth general assembly;
22 PLUS _____ DOLLARS PURSUANT TO S.B. 11-004, ENACTED IN 2011;

23 (y) On July 1, 2012, one hundred twelve thousand six hundred
24 forty-nine dollars pursuant to H.B. 08-1115, enacted at the second regular
25 session of the sixty-sixth general assembly; plus three hundred
26 seventy-five thousand four hundred ninety-five dollars pursuant to S.B.
27 08-239, enacted at the second regular session of the sixty-sixth general

1 assembly; plus eighty-three thousand eight hundred sixty-one dollars
2 pursuant to S.B. 10-128, enacted at the second regular session of the
3 sixty-seventh general assembly; PLUS _____ DOLLARS PURSUANT TO S.B.
4 11-004, ENACTED IN 2011;

5 (z) ON JULY 1, 2013, _____ DOLLARS PURSUANT TO S.B. 11-004,
6 ENACTED IN 2011;

7 (aa) ON JULY 1, 2014, _____ DOLLARS PURSUANT TO S.B. 11-004,
8 ENACTED IN 2011;

9 (bb) ON JULY 1, 2015, _____ DOLLARS PURSUANT TO S.B.
10 11-004, ENACTED IN 2011;

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