

**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
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING CRIMES AGAINST HOMELESS PERSONS.**

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. Exception to the requirements of section 2-2-703,**
9 **Colorado Revised Statutes.** The general assembly hereby finds that the
10 amendments to section 18-9-121, Colorado Revised Statutes, enacted in
11 section 1 of this act will result in the minor fiscal impact of one additional
12 offender being convicted and sentenced to the department of corrections
13 during the five years following passage of this act. Because of the
14 relative insignificance of this degree of fiscal impact, these amendments
15 are an exception to the five-year appropriation requirements specified in
16 section 2-2-703, Colorado Revised Statutes.

17 **SECTION 3. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.