Colorado Coalition Against Domestic Violence

Colorado's 2017 Legislative Session: SURVIVORS WIN!

I am pleased to announce CCADV had a very successful legislative session. Through the power of **your** collective voices, we spoke truth to power and were able to overcome opposition regarding our primary bills HB 1322 and HB 1035. We were able to successfully explain and pass a bill that will allow crime victims the ability to access sealed criminal justice records when they need the information to move forward with their lives. We worked to keep Survivors of stalking and habitual domestic violence a bit safer at a critical time, and we supported the creation of a statewide domestic violence fatality review initiative. This session kept us working hard right up to the last hours of session, but we were tenacious and effective in our policy advocacy work.

Our success under the gold dome is a **direct reflection of the strong Coalition of voices** we have developed both among our membership and within our communities statewide. During the session, I was honored to help facilitate public testimony by several Survivors who very courageously shared their personal stories in front of the cameras and with our legislators on several CCADV supported bills.

This document is a list and introduction of the new legislation CCADV supported or actively worked on this session and includes tips for advocates to be used as these laws are enacted. Each of the bill numbers is hyperlinked to the text of the full bill, and other information regarding fiscal notes or a bill's history of amendments or timelines can be found by navigating the tabs at the top of the bill's linking page.

While this document will highlight bills that passed the legislature, CCADV's policy team analyzed nearly 80 bills this year. A list of the bills we were monitoring, including those that did not pass the legislature, can be found on the CCADV website in the policy archives at this link http://ccadv.org/wp-content/uploads/2013/11/CCADV-Final-Monitor-Report-5.19.17.pdf

As always, I welcome your feedback and comments and I thank you for the opportunity to serve you as the Public Policy Director.

Lydia Waligorski, MPA

HB17-1035	**Sex Assault And Stalking Victims May Break Leases**
Sponsors:	D. Jackson / J. Cooke
Summary:	Under current law, if a tenant notifies his or her landlord in writing that he or she is the victim of domestic violence or domestic abuse and provides to the landlord evidence in the form of a police report written within the prior 60 days or a valid protection order, and the tenant seeks to vacate the premises due to fear of imminent danger for self or children, then the tenant may terminate the rental agreement or lease and vacate the premises with minimal remaining obligations. **The bill extends this privilege to victims of unlawful sexual behavior and stalking.** The bill also provides that a statement from an application assistant designated by the address confidentiality program or, in the case of a victim of unlawful sexual behavior, from a medical professional, confirming the tenant's victim status is a third means of presenting evidence to the landlord. If a tenant to a residential rental agreement or lease agreement notifies the landlord that the tenant is a victim of unlawful sexual behavior, stalking, domestic violence, or domestic abuse, the landlord shall not disclose such fact to any person except with the consent of the victim or as the landlord may be required to do so by law. If a tenant to a residential rental agreement or lease agreement terminates his or her lease pursuant to this section because he or she is a victim of unlawful sexual behavior, stalking, domestic violence, or domestic abuse, and the tenant provides the landlord with a new address, the landlord shall not disclose such address to any person except with the consent of the victim or as the landlord may be required to do so by law. Under current law, a dangerous or uninhabitable condition in a rented property does not constitute a breach of the warranty of habitability if the condition is caused by the misconduct of the tenant, a member of the tenant's household, a guest or invitee of the tenant, or a person under the tenant's direction or control. However, such a condition is not misconduct by a victim of domestic violence or domestic abuse if the condition is the result of domestic violence or domestic abuse and the landlord has been given written notice and evidence of domestic violence or domestic abuse. The bill adds language to provide the same protection for tenants who are victims of unlawful sexual behavior or stalking.
Advocacy Tip:	Address Confidentiality Program (ACP) Application Assistants as well as medical providers will now be able provide landlords with documentation meaning Survivors will not have to present a law enforcement report or protection order to obtain housing protections. The goal is to reduce barriers for Survivors in securing documentation. Enrolling or renewing as an ACP application assistant is a critical part to ensuring Survivors can move forward with safe housing options Please register and renew your ACP application. You can find more information about ACP here, or by calling the ACP program at (303) 866 2208 to request an in person training for your staff.
Position:	**Active Support**
Status:	6/1/2017 Signed by Governor
Fiscal Notes:	Fiscal Note

HB17-1109	**Child Sex Assault Pattern Offense Place Of Trial**
Short Title:	Child Sex Assault Pattern Offense Place Of Trial
Sponsors:	T. Carver | J. Danielson / J. Cooke | R. Fields
Summary:	In current law, several sex-assault-on-a-child crimes are designated 'pattern' offenses, meaning that the defendant has a pattern of sexually assaulting the same child repeatedly. When such assaults occur in more than one jurisdiction, the district attorney in each such jurisdiction must prosecute a case for the incident that occurred in his or her jurisdiction. The bill allows a prosecutor to charge and bring a pattern-offense case for all such assaults in any jurisdiction where one of the acts occurred. The bill allows the prosecution of a defendant charged with sex-assault-on-a-child pattern offense or sex-assault-on-a-child-in-a-position-of-trust pattern offense to be tried: • In a county where at least one or more of the incidents of sexual contact occurred; • In a county where an act in furtherance of the offense was committed; or • In a county where the victim resided during all or part of the offense. *(Note: This summary applies to this bill as introduced.)*
Position:	**Passive Support**
Status:	Sent to Governor
Fiscal Notes:	Fiscal Note

HB17-1111	**Dependency And Neglect Civil Protection Orders**
Short Title:	Dependency And Neglect Civil Protection Orders
Sponsors:	S. Beckman / R. Fields
Summary:	The bill clarifies that the juvenile court (court) has jurisdiction to enter civil protection orders in dependency and neglect actions in the same manner as district and county courts. The court must follow the same procedures for the issuance of the civil protection orders and use standardized forms. Civil protection orders must be entered into the central registry for protection orders and are enforced in the same manner as civil protection orders issued by other courts. If the civil protection order is made permanent, it remains in effect after the termination of the dependency and neglect action. The clerk of the court shall file a certified copy of a permanent civil protection order in an existing district court case, if applicable, or with the county court in the county where the protected party resides.

Advocacy Tip	When working with Survivors facing D &N cases you can now advocate for the same protections provided by a civil court protection order in front of the same judge who has heard the D&N case and who is more likely to be familiar with the facts of the case. We had heard from several Survivors over the years they were asked to seek a protection order after a D& N had concluded but were denied protection because there had been time lapses between incidents. We believe this bill will streamline the practice and help Survivors be more successful in obtaining civil legal protections.
Position:	**Active Support**
Status:	4/4/2017 Signed by Governor
Fiscal Notes:	Fiscal Note

HB17-1150	**No Bail For Stalking And Domestic Violence Offenders**
Short Title:	No Bail For Stalking And Domestic Violence Offenders
Sponsors:	C. Navarro / O. Hill
Summary:	Current law allows a court to grant bail after a person is convicted, pending sentencing or appeal; except that no bail is allowed for persons convicted of certain specific crimes. To this list of crimes the bill adds a second or subsequent conviction for stalking that occurs within 7 years after the date of a prior offense for which the person was convicted; stalking when there was a protection order, injunction, or condition of bond, probation, or parole or any other court order in effect that protected the victim from the person; and any offense that includes an act of domestic violence if the defendant at the time of sentencing has been previously convicted of three or more prior offenses that included an act of domestic violence and that were separately brought and tried and arising out of separate criminal episodes. *(Note: This summary applies to the final version of this bill)*
Advocacy Tip	This bill strengthens the provisions of last year's DV habitual offender statue and recognizes the high lethality risk window between the time the offender has been convicted of the crime and the time they report to the Department of Corrections to begin their sentence.
Position:	**Active Support**
Status:	5/3/2017 Signed by Governor
Fiscal Notes:	Fiscal Note

HB17-1175	**Domestic Violence Awareness Barbers Cosmetologists**
Short Title:	Domestic Violence Awareness Barbers Cosmetologists
Sponsors:	E. Hooton
Summary:	The bill requires barbers, hairstylists, cosmetologists, estheticians, and nail technicians, as part of the requirement to renew their professional licenses, to take a one-time training course for one hour on domestic violence and sexual assault awareness. The bill does not impose a mandatory reporting requirement on these professionals and specifically grants them immunity from civil and criminal liability for reporting or failing to report potential domestic violence or sexual assault. *(Note: This summary applies to this bill as introduced.)*
Advocacy Tip:	While this bill did not win the support of the legislature, there is another great way to accomplish the goals of educating salon professionals identify abuse and to refer clients to advocacy services if requested. The Cut It Out program, supported by the professional beauty association hosts a curriculum including a train the trainer format for advocates implementing in their communities. For information here is the website to find more information: https://probeauty.org/cutitout/ If you are interested in participating in this program for your area and would like support, please contact Lydia or Raana.
Position:	**Active Support**
Status:	Postponed indefinitely

HB17-1208	**Record Sealing Clarifications**
Short Title:	Record Sealing Clarifications
Sponsors:	M. Weissman / B. Gardner
Summary:	During the 2016 session, the general assembly adopted an expedited process for sealing the criminal records of a person who is acquitted, whose case is completely dismissed, who completed a diversion agreement, or who completed a deferred judgment and sentence. The bill clarifies that many of the general provisions related to criminal record sealing also apply to this expedited process. The bill clarifies that if the case involved a crime that requires a victim to be notified of a motion for record sealing, the court shall allow up to 42 days to provide that notification before ruling on the motion on record sealing. The bill clarifies that the filing fee for state court cases goes to the judicial stabilization fund and the filing fee in a municipal court goes to the municipality. The bill allows the prosecuting attorney or law enforcement agency to release sealed police reports or protection orders to the

	victim, if the victim demonstrates that there is a need for the reports for a lawful purpose
Advocacy Tip:	Survivors can now obtain copies of the MPO and police report even after the case is sealed. Survivors could need this documentation before they move out of a jurisdiction, apply for services, or as they move forward in a civil court action. You may need to assist Survivors access this information from the district attorney's office or law enforcement agency.
Position:	**Active Support**
Status:	Sent to Governor
Fiscal Notes:	Fiscal Note

HB17-1302	**Juvenile Sexting Crime**
Short Title:	Juvenile Sexting Crime
Sponsors:	P. Lee | Y. Willett / B. Gardner | R. Fields
Summary:	The bill creates the criminal offense of posting a private image by a juvenile. The offense can be committed in 2 ways. The first way is if a juvenile, through digital or electronic means, knowingly distributes, displays, or publishes to the view of another person a sexually explicit image of a person other than himself or herself who is at least 14 years of age or is less than 4 years younger than the juvenile: • Without the depicted person's permission; or • When the recipient did not solicit or request to be supplied with the image and suffered emotional distress; or • When the juvenile knew or should have known that the depicted person had a reasonable expectation that the image would remain private. The second way is if the juvenile knowingly distributes, displays, or publishes, to the view of another person who is at least 14 years of age or is less than 4 years younger than the juvenile, a sexually explicit image of himself or herself when the recipient did not solicit or request to be supplied with the image and suffered emotional distress. The offense is a class 2 misdemeanor; except that it is a class 1 misdemeanor if: • The juvenile committed the offense with the intent to coerce, intimidate, threaten, or otherwise cause emotional distress to the depicted person; or • The juvenile had previously posted a private image and completed a diversion program or education program for the act pursuant to the provisions of the bill or had a prior adjudication for posting a private image by a juvenile; or • The juvenile distributed, displayed, or published 3 or more images that depicted 3 or more separate and distinct persons. The bill creates the criminal offense of possessing a private image by a juvenile that prohibits a juvenile, through digital or electronic means, from knowingly possessing

	a sexually explicit image of another person who is at least 14 years of age or is less than 4 years younger than the juvenile without the depicted person's permission. It is not an offense if the juvenile: • Took reasonable steps to either destroy or delete the image within 72 hours after initially viewing the image; or • Reported the initial viewing of such image to law enforcement or a school resource officer within 72 hours after initially viewing the image. The offense is a petty offense; except that it is a class 2 misdemeanor if the unsolicited possessor of the image possessed 10 or more separate images that depicted 3 or more separate and distinct persons. The bill creates a civil infraction of exchange of a private image by a juvenile if a juvenile, through digital or electronic means: • Knowingly sends a sexually explicit image or images of himself or herself to another person who is at least 14 years of age or is less than 4 years younger than the juvenile, and the image or images depict only the sender and no other person and the sender reasonably believed that the recipient had solicited or otherwise agreed to the transmittal of the image or images; or • Knowingly possesses a sexually explicit image or images of another person who is at least 14 years of age or is less than 4 years younger than the juvenile, and the image or images depict only the sender and no other person and the juvenile reasonably believed that the depicted person had transmitted the image or images or otherwise agreed to the transmittal of the image or images. The civil infraction can be punished by participation in a program designed by the school safety resource center or other appropriate program addressing the risks and consequences of exchanging a sexually explicit image of a juvenile or a fine of up to $50, which may be waived by the court upon a showing of indigence. If a juvenile's conduct is limited to the elements of the petty offense of possession of a private image by a juvenile or limited to the elements of the civil infraction of exchange of a private image by a juvenile, then the juvenile cannot be charged with sexual exploitation of a child. If a juvenile is charged with posting a private image by a juvenile, he or she cannot be charged with sexual exploitation of a child. The bill allows a juvenile to petition the court to not impose sex offender registration if he or she is charged with sexual exploitation of a child and the juvenile's conduct satisfies posting a private image by a juvenile or possession of a private image by a juvenile. It is an affirmative defense to the two criminal offenses and the civil infraction if a juvenile is coerced, threatened, or intimated into distributing, displaying, publishing, possessing, or exchanging a sexually explicit image of a person under 18 years of age. The court must order the records of any of the 2 criminal offenses or civil infraction expunged within 42 days of completion of the sentence or program. The bill requires the school safety resource center to make available a sexting curriculum for school districts to use. *(Note: This summary applies to the final version of this bill)*
Position:	**Active Support**

Status:	Signed by Governor
Fiscal Notes:	Fiscal Note

HB17-1322	**Domestic Violence Reports By Medical Professionals**
Short Title:	Domestic Violence Reports By Medical Professionals
Sponsors:	D. Esgar | L. Landgraf / K. Lundberg | K. Donovan
Summary:	Current law requires any licensed physician, physician assistant, or anesthesiologist assistant (licensee) who attends or treats any of certain injuries, including injuries resulting from domestic violence, to report the injury at once to the police of the city, town, or city and county or the sheriff of the county in which the licensee is located. The bill states that a licensee is not required to report an injury that the licensee has reason to believe involves an act of domestic violence if: • The victim of the injury is at least 18 years of age and indicates his or her preference that the injury not be reported; • The injury is not an injury that the licensee is otherwise required to report; and • The injury is not a serious bodily injury. When a licensee declines to report an injury that he or she has reason to believe resulted from domestic violence pursuant to the victim's expressed preference, the licensee shall document the victim's request in the victim's medical record. Before a licensee reports an injury that he or she has reason to believe resulted from domestic violence, the licensee shall make a good-faith effort, confidentially, to advise the victim of the licensee's intent to do so. If a licensee has reason to believe that an injury resulted from domestic violence, then, regardless of whether the licensee reports the injury to law enforcement, the licensee shall either refer the victim to a victim's advocate or provide the victim with information concerning services available to victims of abuse. A licensee who, in good faith, refers a victim to a victim's advocate or provides a victim with information concerning services available to victims of abuse is not civilly liable for any act or omission of the victim's advocate or of any agency that provides such services to the victim. Under current law, any licensee who, in good faith, makes such a report of an injury is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making of the report. The bill states that a licensee who does not make a report under the new conditions described in the bill is also immune to such liability.
Advocacy Tip:	The train the trainer curriculum will be online at CCADV.org in July. You are encouraged to reach out to your local medical providers to provide training on domestic violence and establish a relationship for referrals between the medical provider and confidential advocacy services. To schedule an in person train the

	trainer for your staff, please contact Lydia. This law will be enacted around 9 August, 2017. Remember medical professionals will have discretion available to report over the victims' wishes, so a good working relationship between the medical providers in your community and the DV/ SA programs can help ensure medical professionals feel comfortable meeting the Survivors request for autonomy. Best practice is for the medical provider to place the patient on the phone with a confidential advocate at the time of the examination. The call can be to your existing 24/7 hotline or to the National hotline if needed.
Position:	**Active Support**
Status:	Sent to Governor for Signature
Fiscal Notes:	Fiscal Note

HB17-1360	**Allow Criminal Record Sealing Subsequent Offense**
Short Title:	Allow Criminal Record Sealing Subsequent Offense
Sponsors:	D. Pabon / D. Moreno
Summary:	Under current law, a defendant may petition a court to have a municipal offense or petty offense sealed if the person was not charged or convicted of another crime within 3 years after the discharge of the municipal or petty offense. The bill allows sealing of a municipal offense that did not involve domestic violence or a petty offense if the person had a single nonfelony conviction that did not involve domestic violence, unlawful sexual behavior, or child abuse during that 3-year period and no other convictions for 10 years after the subsequent offense. *(Note: This summary applies to the final version of this bill)*
Advocacy Tip:	As this bill was amended it will also change the sealing eligibility of the first municipal DV incident. If a defendant is convicted of a subsequent DV/SA or child abuse conviction within 3 years of the first municipal DV violation the first conviction cannot be sealed either.
Position:	**Active Amend**
Status:	Sent to Governor
Fiscal Notes:	Fiscal Note

SB17-028	**Healthy Families And Military Preparedness Act**
Short Title:	Healthy Families And Military Preparedness Act
Sponsors:	B. Gardner / D. Nordberg
Position:	**Passive Support**
Status:	Signed by Governor
Fiscal Notes:	Fiscal Note

SB17-051	**Revisions To Victims' Rights Laws**
Short Title:	Revisions To Victims' Rights Laws
Sponsors:	B. Gardner | R. Fields / P. Lawrence | M. Foote
Summary:	The bill makes various amendments to statutes concerning the rights of crime victims, including the following: The definition of 'crime' is amended to include: • Failure to stop at the scene of an accident that results in serious bodily injury of another person; • Violation of a protection order issued against a person charged with stalking; and • Posting a private image for harassment or for pecuniary gain. The definition of 'critical stages' is amended to include any full parole board review hearing. The definition of 'modification of sentence' is amended to include a resentencing following a probation revocation hearing or a request for early termination of probation. The bill creates a victim's right: • To be heard at any court proceeding at which the court considers a request for progression from a person accused or convicted of a crime against the victim and who is in the custody of the state mental health hospital. 'Progression' includes off-grounds supervised or unsupervised privileges, community placement, conditional release, unconditional discharge, or a special furlough. • To be informed of the results of a probation or parole revocation hearing; and • To be informed of the governor's decision to commute or pardon a person convicted of a crime against the victim before such information is publicly disclosed. The bill requires a district attorney's office, if practicable, to inform a victim of any pending motion to sequester the victim from a critical stage in the case. If practicable the district attorney's office shall inform the court of the victim's position on the motion or the district attorney's decision. Unless a victim requests otherwise, the district attorney shall inform each victim of the right to receive information from the state mental health hospital concerning the custody and release of a person convicted of a crime against the victim and ordered by a court into the hospital's care, including how the victim may request notification from the hospital.

	Upon the written request of a victim, the Colorado mental health institute at Pueblo or the Colorado mental health institute at Fort Logan shall notify the victim of certain information regarding any person who was charged with or convicted of a crime against the victim. The bill requires the juvenile parole board to report additional information concerning juvenile parole hearings. The court shall inform the probation department before any hearing regarding any request by a probationer for early termination of probation or any change in the terms and conditions of probation.
Advocacy Tip:	Violation of a stalking protection order is now a VRA covered offense. There was a lot of early discussion regarding adding all domestic violence related violations of protection orders (VPO) under the VRA, and the result reflected the belief the system would have been overwhelmed with this task. This means community based advocates must continue to work extra hard on these cases. Keep in mind that even though VPO is not a "covered VRA crime", most DA offices will do their best to keep the Survivors informed through the process anyway, and we can work together to keep the Survivor informed and as engaged as they want to be.
Position:	**Active Support**
Status:	4/28/2017 Governor Signed
Fiscal Notes:	Fiscal Note

SB17-126	**Domestic Violence Fatality Review Board**
Short Title:	Domestic Violence Fatality Review Board
Sponsors:	B. Gardner | L. Guzman / Y. Willett | M. Hamner
Summary:	The bill creates the Colorado domestic violence fatality review board (board) in the department of law (department). The review board includes the attorney general or his or her designee, who acts as chair, and at least 17 other members, to be appointed by the attorney general. The review board shall: • Coordinate with local and regional domestic violence review teams (review teams) to collect data; • Review and analyze the data; and • Prepare recommendations for the general assembly. The board shall submit a written report of its recommendations to the health and human services and judiciary committees of the senate and the public health care and human services and judiciary committees of the house of representatives on or before December 1, 2018, and on or before December 1 each year thereafter through December 1, 2021. The report may include, but is not limited to the following: • Recommendations for improving communication between public and private organizations and agencies; • The number of domestic violence fatalities and near-death incidents that occurred in each county during the preceding year and the factors associated with each fatality;

	• Recommendations for reducing the incidence of domestic violence in the state, and for improving responses to domestic violence incidents by the legal system and by communities; and • Recommendations directed at primary prevention of domestic violence. A city, county, or district court may establish a review team to review fatal and near-fatal incidents of domestic violence, related domestic violence matters, and suicides related to domestic abuse. Each review team shall collect data and report it to their communities and to the review board. A local or regional child fatality prevention review team may operate as a domestic violence review team. The bill creates the Colorado domestic violence review board cash fund (fund) and authorizes the department and the review board to seek, accept, and expend gifts, grants, and donations to the fund from private or public sources.
Advocacy Tip:	The board is repealed, effective September 1, 2022. Before the repeal, the review board shall be reviewed by the department of regulatory agencies. *There are several board positions available and we strongly encourage you and the **Survivors you may work with to apply for these positions**. Please contact Lydia for more information and review this link to the Governor's office: https://www.colorado.gov/governor/boards-commissions* *Hint: You may start an application, save it and come back to it as needed. The board is not yet listed as of 5/30/17, but we expect to see it online by late June/ early July.*
Position:	**Active Support**
Status:	Sent to Govenor
Fiscal Notes:	Fiscal Note

SB17-201	**Sunset Domestic Violence Offender Management Board**
Short Title:	Sunset Domestic Violence Offender Management Board
Sponsors:	J. Cooke | R. Fields / P. Lee
Summary:	**Sunset Process - Senate Judiciary Committee.** The bill extends the domestic violence offender management board (board) until September 1, 2022. In addition, the bill: • Changes the appointment authority for 5 members of the board from the executive director of the department of regulatory agencies (DORA) to the executive director of the department of public safety (director); • Changes the qualifications for 5 members of the board to require all to have experience in the field of domestic violence, at least 3 members to be licensed mental health professionals, and at least 3 to be on the list of approved providers published by the board; • Requires the director to consult with a statewide organization of criminal defense attorneys prior to appointing the private defense attorney to the board;

	• Repeals language concerning staggered terms for members of the initial board; • Authorizes the board to elect a presiding officer rather than having the director appoint the presiding officer; • Changes the responsibility for the review of providers' applications and review of mandatory continuing education course requirements from DORA to the board; and • Makes the board solely responsible for publishing the list of approved providers and relieves DORA from this responsibility. • Adds to the duties of the board to adopt and implement a standardized procedure for the treatment and evaluation of domestic violence offenders. Such procedure shall provide for the evaluation and recommend behavior management, monitoring, and treatment and include a procedure for when a treatment provider recommends that an offender does not need treatment. The board shall develop and implement methods of intervention for domestic violence offenders that have as a priority the physical and psychological safety of victims and potential victims and that are appropriate to the needs of the particular offender, so long as there is no reduction in the level of safety of victims and potential victims. *(Note: This summary applies to the final version of this bill)*
Position:	**Active Support**
Status:	Sent to Governor
Fiscal Notes:	Fiscal Note

SB17-245	**Tenancies One Month To One Year Notice**
Short Title:	Tenancies One Month To One Year Notice
Sponsors:	K. Priola / D. Pabon
Summary:	Currently, a tenancy of one month or more but less than 6 months may be terminated by either party with 7 days' notice. The bill extends the notice to 21 days. The bill also requires 21 days' notice for a landlord to increase rent in tenancies of one month or longer but less than 6 months. *(Note: This summary applies to the final version of this bill)*
Position:	**Active Support**
Status:	Sent to Governor
Fiscal Notes:	Fiscal Note

Failed Legislation Actively Opposed by CCADV

SB17-054	**Create Rotation Schedule For Tax Checkoff Programs**
Short Title:	Create Rotation Schedule For Tax Checkoff Programs
Sponsors:	L. Court / J. Wilson
Summary:	Currently, an income tax refund voluntary contribution program, commonly referred to as a 'tax checkoff program' (program), appears on the state individual income tax return form (form) until the program is repealed pursuant to the sunset clause in its organic statute or until the program fails to receive a minimum amount of contributions in any year after the 2-year 'ramp-up period' immediately following the program's creation. The number of programs that appear on the form each year is capped at 20 and preference for placement on the form is given to returning programs. If more programs exist than the form can accommodate, the excess programs are placed in a queue until a slot on the form becomes available. **Section 2** of the bill revises the tax checkoff process so that a program is allowed to appear on the form for 5 consecutive years and then take a minimum 5-year hiatus, at which point the program is again eligible to be added (via the general assembly acting by bill) to the form for another 5-year period and then removed for another 5-year hiatus, etc. This cycle may repeat indefinitely. Because they are currently exempt from the mandatory sunset process for checkoffs, the bill exempts the homeless prevention activities program fund voluntary contribution and the western slope military veterans' cemetery voluntary contribution from the hiatus requirement. Because every program will spend a dedicated amount of time on the form, the bill removes the requirement that every program receive a minimum amount of contributions to retain its place on the form. The bill retains the 20-program limit for the form and the queuing process. Section 2 also specifies that the amount that any taxpayer is permitted to donate annually through the program is capped at the amount of the taxpayer's refund for that year. For the nongame and endangered wildlife cash fund voluntary contribution program, which is currently scheduled to sunset in January 2018, **sections 3 and 4** extend its placement on the form for 2 years before the program cycles off for 5 years pursuant to the above-described process. Pursuant to the new rotation schedule, **sections 5 through 29** specify the 5-year periods in which programs currently on the form will appear on the form and the years in which any renewed fund is eligible to return to the form following the mandatory hiatus.

	Section 31 removes various laws pertaining to the following tax checkoff funds, which laws are obsolete as these funds do not currently appear on the form: • Adult stem cells cure fund voluntary contribution; • Colorado 2-1-1 first call for help fund voluntary contribution; • Goodwill Industries fund voluntary contribution; and • Families in Action for Mental Health fund voluntary contribution. **Section 30** makes a conforming amendment to account for the repeal of the adult stem cells cure fund tax checkoff provisions. *(Note: This summary applies to this bill as introduced.)*
Position:	**Active Oppose**
Status:	Postpone Indefinably

SB17-116	**Concealed Handgun Carry Without A Permit**
Short Title:	Concealed Handgun Carry Without A Permit
Sponsors:	T. Neville / K. Van Winkle
Summary:	The bill allows a person who legally possesses a handgun under state and federal law to carry a concealed handgun in Colorado. A person who carries a concealed handgun under the authority created in the bill has the same carrying rights and is subject to the same limitations that apply to a person who holds a permit to carry a concealed handgun under current law, including the prohibition on the carrying of a concealed handgun on the grounds of a public elementary, middle, junior high, or high school. *(Note: This summary applies to this bill as introduced.)*
Position:	**Active Oppose**
Status:	Postpone Indefinably

SB17-281	**Hold Colorado Government Accountable Sanctuary Jurisdictions**
Short Title:	Hold Colorado Government Accountable Sanctuary Jurisdictions
Sponsors:	V. Marble | T. Neville / P. Covarrubias | D. Williams
Summary:	The bill is known as the 'Colorado Citizen Protection Against Sanctuary Policies Act'. The bill includes a legislative declaration that states that addressing sanctuary

jurisdictions is a matter of statewide concern and that makes findings about how sanctuary policies are contrary to federal law and state interests.

The bill states that it is the policy of this state to ensure, to the fullest extent of the law, that the state or a political subdivision (jurisdiction) of the state complies with federal immigration law. In addition, pursuant to a recent presidential executive order, the United States secretary of homeland security has the authority to designate, in his or her discretion and to the extent consistent with law, a jurisdiction as a sanctuary jurisdiction that willfully refuses to comply with federal immigration law. A jurisdiction that violates the following requirements is deemed to be out of compliance with the requirements of federal immigration law and is deemed to have established a sanctuary jurisdiction policy if it:

- Prohibits, or in any way restricts any jurisdiction, official, or employee from sending to, or receiving from, federal immigration agencies information regarding the citizenship or immigration status, lawful or unlawful, of any individual; or
- Prohibits, or in any way restricts, a jurisdiction from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:
- Sending such information to, or requesting such information from, federal immigration agencies;
- Maintaining such information;
- Exchanging such information with any other federal, state, or political subdivision of the state; or
- Encourages the physical harboring of an alien in violation of federal law.

A jurisdiction is also deemed to have created a sanctuary jurisdiction policy for purposes of the bill if it is officially notified by the federal department of justice or the federal department of homeland security that it is not in compliance with federal immigration law or if it has been denied federal grant funds based on lack of compliance with federal immigration law.

The governing body of a jurisdiction is required to provide written notice to each elected official, employee, and law enforcement officer of the jurisdiction of his or her duty to communicate and cooperate with the federal government concerning enforcement of any federal or state immigration law. The governing body of any jurisdiction in this state is required to annually submit a written report and affirmation to the department of public safety (department) that the jurisdiction is in compliance with federal immigration law and the provisions of the bill. If the department does not receive those written reports and affirmations, the department is required to provide the name of that jurisdiction to the state controller.

The department is directed to compile and submit annual reports on compliance to the general assembly and to the state controller. The state controller is required to withhold the payment of any state funds to any jurisdiction that is found by the department to have failed to comply with the compliance and affirmation requirement. The state controller shall withhold funds until the department notifies the state controller that the jurisdiction is in compliance.

	The department is required to republish on its website, once the information is available, the data reported by the federal immigration and customs enforcement agency that pertains to Colorado on the apprehension and release of aliens from custody as compiled by that agency and reported weekly pursuant to a federal memorandum issued by the federal department of homeland security. The bill waives governmental immunity against a jurisdiction and against its public employees for personal injuries caused to crime victims as a result of the jurisdiction creating sanctuary jurisdiction policies in violation of the federal law. Governmental immunity is waived and compensatory damages may be awarded under the 'Colorado Governmental Immunity Act' to the crime victim if the person who engaged in the criminal activity: • Is determined to be an illegal alien; • Had established residency in a jurisdiction that had adopted a sanctuary jurisdiction policy; and • Is convicted of the crime that is a proximate cause of the injury to the crime victim. The bill states that nothing in the bill relating to compliance with federal immigration laws and nothing in the 'Colorado Governmental Immunity Act' shall be construed to require a jurisdiction or a public employee to violate an applicable court ruling from the United States tenth circuit court of appeals or the United States supreme court regarding the enforcement of any provision of federal immigration law. The bill sets forth the requirements for determining when an illegal alien has established residency in a sanctuary jurisdiction. An 'illegal alien' is defined as a person who is not lawfully present within the United States, as determined by federal immigration law or by a federal immigration agency. The bill includes a severability clause. The bill takes effect upon passage and applies to acts or omissions occurring on or after said date. *(Note: This summary applies to this bill as introduced.)*
Position:	**Active Oppose**
Status:	Postpone Indefinably