

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 17-0382.01 Jerry Barry x4341

HOUSE BILL 17-1023

HOUSE SPONSORSHIP

Kraft-Tharp and Wist,

SENATE SPONSORSHIP

Court and Holbert,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING A CLARIFICATION OF PROCEDURES FOR SUBPOENAS FOR**
102 **DECEPTIVE TRADE PRACTICES.**

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://leg.colorado.gov/>.)

The bill clarifies that the attorney general or a district attorney may issue a subpoena to a person whom he or she believes has engaged or is engaging in a deceptive trade practice in violation of Colorado statute. It also specifies that the subpoena may be issued pursuant to rule 4 of the Colorado rules of civil procedure.

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.

SENATE
2nd Reading Unamended
March 8, 2017

HOUSE
3rd Reading Unamended
February 6, 2017

HOUSE
Amended 2nd Reading
February 3, 2017

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

2 **SECTION 1.** In Colorado Revised Statutes, 6-1-108, **amend** (1)
3 and (2) as follows:

4 **6-1-108. Subpoenas - hearings - rules.** (1) WHEN THE
5 ATTORNEY GENERAL OR A DISTRICT ATTORNEY HAS REASONABLE CAUSE
6 TO BELIEVE THAT A PERSON, WHETHER IN THIS STATE OR ELSEWHERE, HAS
7 ENGAGED IN OR IS ENGAGING IN A DECEPTIVE TRADE PRACTICE LISTED IN
8 SECTION 6-1-105 OR PART 7 OF THIS ARTICLE 1, the attorney general or a
9 district attorney, in addition to other powers conferred upon him or her by
10 this ~~article~~ ARTICLE 1, may issue subpoenas to require the attendance of
11 witnesses or the production of documents, administer oaths, conduct
12 hearings in aid of any investigation or inquiry, and prescribe such forms
13 and promulgate such rules as may be necessary to administer the
14 provisions of this ~~article~~ ARTICLE 1.

15 (2) Service of any notice or subpoena may be made in the manner
16 prescribed by law or AS PROVIDED IN RULE 4 OF the Colorado rules of civil
17 procedure.

18 **SECTION 2.** In Colorado Revised Statutes, 6-1-107, **amend** (1)
19 introductory portion as follows:

20 **6-1-107. Powers of attorney general and district attorneys.**

21 (1) When the attorney general or a district attorney has REASONABLE
22 cause to believe that any person, whether in this state or elsewhere, has
23 engaged in or is engaging in any deceptive trade practice listed in section
24 6-1-105 or part 7 of this article, the attorney general or district attorney
25 may:

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.