

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 17-0363.01 Richard Sweetman x4333

HOUSE BILL 17-1138

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING THE REPORTING OF HATE CRIMES BY LAW ENFORCEMENT**
102 **AGENCIES.**

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 requires the division of criminal justice within the department of public safety, on or before July 1, 2019, and on or before July 1 of each year thereafter, to:

- ! Review reports provided by each law enforcement agency in the state to the Colorado bureau of investigation;
- ! Determine whether each law enforcement agency is

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
3rd Reading Unamended
March 31, 2017

SENATE
2nd Reading Unamended
March 30, 2017

HOUSE
3rd Reading Unamended
March 13, 2017

HOUSE
Amended 2nd Reading
March 10, 2017

accurately reporting hate crimes occurring within the agency's jurisdiction; and
! Report such information to the general assembly.

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

2 **SECTION 1. Legislative declaration** (1) The general assembly
3 finds and declares that there is a pressing need in today's society, with
4 hate groups, both domestic and foreign, threatening the safety, security,
5 and democratic values of the United States of America to track hate
6 groups.

7 (2) Now, therefore, the general assembly declares that beginning
8 in 2018, and every year thereafter, the department of public safety shall
9 include as part of its "State Measurement for Accountable, Responsive,
10 and Transparent (SMART) Government Act" hearing required by section
11 2-7-203, Colorado Revised Statutes, information concerning the reports
12 submitted by law enforcement agencies, including but not limited to
13 information concerning reports of bias-motivated crimes.

14 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-412, **amend**
15 (5) as follows:

16 **24-33.5-412. Functions of bureau - legislative review -**
17 **interagency cooperation with reporting functions - processing time**
18 **for criminal history record checks - computer crime - synthetic**
19 **cannabinoids enforcement.** (5) (a) To assist the bureau in its operation
20 of the uniform crime reporting program, every law enforcement agency
21 in this state shall furnish such information to the bureau concerning
22 crimes, arrests, and stolen and recovered property as is necessary for
23 uniform compilation of statewide reported crime, arrest, and recovered
24 property statistics. In cases involving child abuse or sexual assault on a

1 child and in all other cases involving murder, sexual assault, or robbery,
2 the law enforcement agency shall furnish information to the bureau
3 concerning the modus operandi of such crimes in order to facilitate the
4 identification of cross-jurisdictional offenders. Information required to be
5 submitted pursuant to this section shall be submitted in a form specified
6 by the bureau; except that the bureau shall adopt a form and reporting
7 standards consistent with the development of the strategic plan for an
8 integrated criminal justice information system, in accordance with article
9 20.5 of title 16, ~~C.R.S.~~, that shall be consistent with applicable federal
10 and state laws and regulations such as the national criminal justice
11 information system standards. The cost to the law enforcement agency of
12 furnishing such information shall be reimbursed out of appropriations
13 made therefor by the general assembly; except that the general assembly
14 shall make no such reimbursement if said cost was incurred in a fiscal
15 year during which the Colorado crime information center was funded
16 exclusively by state or federal funds.

17 (b) BEGINNING IN 2018, AND EVERY YEAR THEREAFTER, THE
18 DEPARTMENT SHALL INCLUDE AS PART OF ITS "STATE MEASUREMENT FOR
19 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
20 GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203
21 INFORMATION CONCERNING THE REPORTS SUBMITTED BY LAW
22 ENFORCEMENT AGENCIES PURSUANT TO SUBSECTION (5)(a) OF THIS
23 SECTION, INCLUDING BUT NOT LIMITED TO INFORMATION CONCERNING
24 REPORTS OF BIAS-MOTIVATED CRIMES, AS DESCRIBED IN SECTION
25 18-9-121.

26 **SECTION 3. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2018 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.