

CHAPTER 136

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 17-1138

BY REPRESENTATIVE(S) Salazar, Herod, Rosenthal, Esgar, Melton, Jackson, Pabon, Gray, Ginal, Mitsch Bush, Valdez, Hansen, Buckner, Coleman, Danielson, Exum, Hooton, Lontine, McLachlan, Michaelson Jenet, Pettersen, Winter, Arndt, Becker K., Benavidez, Bridges, Foote, Garnett, Hamner, Kennedy, Lebsock, Lee, Singer, Weissman, Young, Duran; also SENATOR(S) Williams A., Aguilar, Court, Donovan, Fenberg, Garcia, Guzman, Jahn, Jones, Kagan, Kefalas, Kerr, Merrifield, Moreno, Todd, Zenzinger.

AN ACT**CONCERNING THE REPORTING OF HATE CRIMES BY LAW ENFORCEMENT AGENCIES.**

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

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

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

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

24-33.5-412. Functions of bureau - legislative review - interagency cooperation with reporting functions - processing time for criminal history record checks - computer crime - synthetic cannabinoids enforcement.

(5) (a) To assist the bureau in its operation of the uniform crime reporting program, every law enforcement agency in this state shall furnish such information to the bureau concerning crimes, arrests, and stolen and recovered property as is necessary for uniform compilation of statewide reported crime, arrest, and recovered property

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 18, 2017