

CHAPTER 266

CRIMINAL LAW AND PROCEDURE

SENATE BILL 97-084

BY SENATOR Hopper;
also REPRESENTATIVES Faatz, Agler, Alexander, Dyer, Epps, Hagedorn, Kaufman, Keller, Lawrence, and Schwarz.

AN ACT

CONCERNING STRENGTHENING OF STATUTES AFFECTING VICTIMS OF CRIME, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 24-33.5-506 (1) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-33.5-506. Victims assistance and law enforcement fund - creation. (1) (b) For allocation to criminal justice agencies in the department of public safety to help implement and coordinate statewide ~~or multi-jurisdictional~~ victim services, to victims and witnesses assistance and law enforcement boards created pursuant to article 4.2 of this title, to ~~help implement the programs and services funded by such boards,~~ to statewide organizations whose primary purpose is to address issues related to crime victims to help implement and coordinate STATEWIDE OR MULTI-JURISDICTIONAL victim programs and services, and to other Colorado state criminal justice agencies to help implement the requirements of the state constitution relating to the rights of crime victims and any enabling legislation relating to such constitutional provision; and

SECTION 2. 24-4.2-108 (2), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-4.2-108. Report of grants and expenditures. (2) The board shall report annually ~~in December~~ to the ~~legislative audit committee~~ VICTIMS COMPENSATION AND ASSISTANCE COORDINATING COMMITTEE ESTABLISHED PURSUANT TO SECTION

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

24-4.1-117.5 (2) (a) on all grants made and contracts entered into pursuant to this article. The ~~audit committee~~ VICTIMS COMPENSATION AND ASSISTANCE COORDINATING COMMITTEE may review such grants and contracts to determine the existence of any conflicts of interest involving members of boards, recipients, or contracting parties. The ~~audit committee~~ VICTIMS COMPENSATION AND ASSISTANCE COORDINATING COMMITTEE shall report to the general assembly on any such conflicts of interest.

SECTION 3. 24-4.1-102 (4) and (10) (c), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended, and the said 24-4.1-102 (10) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-4.1-102. Definitions. As used in this part 1, unless the context otherwise requires:

(4) (a) "Compensable crime" means:

(I) An intentional, knowing, reckless, or criminally negligent act of a person or any act in violation of section 42-4-1301 (1) or (2), C.R.S., that results in residential property damage to or bodily injury or death of another person or results in loss of or damage to eyeglasses, dentures, hearing aids, or other prosthetic or medically necessary devices and which, if committed by a person of full legal capacity, is punishable as a crime in this state; OR

(II) AN ACT IN VIOLATION OF SECTION 42-4-1402, C.R.S., THAT RESULTS IN THE DEATH OF ANOTHER PERSON OR SECTION 42-4-1601, C.R.S., WHERE THE ACCIDENT RESULTS IN THE DEATH OF ANOTHER PERSON.

(b) ~~The term~~ "COMPENSABLE CRIME" includes federal offenses THAT ARE COMPARABLE TO THOSE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4) AND ARE committed in this state.

(10) (c) "Victim" also means a person who is a resident of this state and who is a victim of a crime that occurred outside of this state, where the crime would be a compensable crime had it occurred in this state and where the state OR COUNTRY in which the crime occurred does not have a crime victim compensation program for which the person would be eligible.

(d) "VICTIM" ALSO MEANS A PERSON WHO IS A RESIDENT OF THIS STATE WHO IS INJURED OR KILLED BY AN ACT OF INTERNATIONAL TERRORISM, AS DEFINED IN 18 U.S.C. SEC. 2671, COMMITTED OUTSIDE OF THE UNITED STATES AND WHERE THE COUNTRY DOES NOT HAVE A CRIME VICTIM COMPENSATION PROGRAM FOR WHICH THE PERSON WOULD BE ELIGIBLE.

SECTION 4. 24-4.1-302 (1) (cc) and (1) (dd), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended, and the said 24-4.1-302 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

24-4.1-302. Definitions. As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

(1) "Crime" means any of the following offenses as defined by the statutes of the state of Colorado, whether committed by an adult or a juvenile:

(cc) Any crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3 (1), C.R.S., pursuant to section 18-6-801 (1), C.R.S.; ~~or~~

(cc.1) HARASSMENT BY STALKING, IN VIOLATION OF SECTION 18-9-111 (4), C.R.S.;

(cc.3) ETHNIC INTIMIDATION, IN VIOLATION OF SECTION 18-9-121, C.R.S.;

(cc.5) CARELESS DRIVING, IN VIOLATION OF SECTION 42-4-1402, C.R.S., THAT RESULTS IN THE DEATH OF ANOTHER PERSON;

(cc.6) FAILURE TO STOP AT THE SCENE OF AN ACCIDENT, IN VIOLATION OF SECTION 42-4-1601, C.R.S., WHERE THE ACCIDENT RESULTS IN THE DEATH OF ANOTHER PERSON; OR

(dd) Any criminal attempt, as described in section 18-2-101, C.R.S., any conspiracy, as described in section 18-2-201, C.R.S., ~~and~~ any criminal solicitation, as described in section 18-2-301, C.R.S., AND ANY ACCESSORY TO A CRIME, AS DESCRIBED IN SECTION 18-8-105, C.R.S., involving any of the crimes specified in this subsection (1).

SECTION 5. 24-4.1-302 (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

24-4.1-302. Definitions. As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

(2) "Critical stages" means the following stages of the criminal justice process:

(k.3) THE FILING OF ANY COMPLAINT, SUMMONS, OR WARRANT BY THE PROBATION DEPARTMENT FOR FAILURE TO REPORT TO PROBATION OR BECAUSE THE LOCATION OF A PERSON CONVICTED OF A CRIME IS UNKNOWN;

(k.5) THE REQUEST FOR CHANGE OF VENUE OR TRANSFER OF PROBATION SUPERVISION FROM ONE JURISDICTION TO ANOTHER;

(k.7) THE REQUEST FOR ANY RELEASE FROM PROBATION SUPERVISION PRIOR TO THE EXPIRATION OF THE ORIGINAL SENTENCE;

SECTION 6. 24-4.1-302.5 (1) (r) and (1) (s), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended, and the said 24-4.1-302.5 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-4.1-302.5. Rights afforded to victims. (1) In order to preserve and protect a victim's rights to justice and due process, each victim of a crime shall have the following rights:

(r) The right to be informed, upon written request by the victim, when a person who is or was charged with or convicted of a crime against the victim escapes or is permanently or conditionally transferred or released from any state hospital; ~~and~~

(s) The right to be informed of any rights which the victim has pursuant to the constitution of the United States or the state of Colorado; AND

(t) THE RIGHT TO BE INFORMED OF THE PROCESS FOR ENFORCING COMPLIANCE WITH THIS ARTICLE PURSUANT TO SECTION 24-4.1-303 (17).

SECTION 7. 24-4.1-303, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-4.1-303. Procedures for assuring rights of victims of crimes. (13.5) (a) FOLLOWING A SENTENCE TO PROBATION AND UPON THE WRITTEN REQUEST OF A VICTIM, THE PROBATION DEPARTMENT SHALL NOTIFY THE VICTIM OF THE FOLLOWING INFORMATION REGARDING ANY PERSON WHO WAS CHARGED WITH OR CONVICTED OF A CRIME AGAINST THE VICTIM:

(I) THE LOCATION AND TELEPHONE NUMBER OF THE PROBATION DEPARTMENT RESPONSIBLE FOR THE SUPERVISION OF THE PERSON;

(II) THE DATE OF THE PERSON'S TERMINATION FROM PROBATION SUPERVISION;

(III) ANY RELEASE OF THE PERSON IN ADVANCE OF THE ORIGINALLY IMPOSED SENTENCE;

(IV) ANY PROBATION REVOCATION OR MODIFICATION HEARING REGARDING THE PERSON AND ANY CHANGES IN THE SCHEDULING OF THE HEARINGS;

(V) ANY CHANGE OF VENUE, JURISDICTION, OR TRANSFER OF PROBATION SUPERVISION FROM ONE JURISDICTION TO ANOTHER;

(VI) ANY COMPLAINT, SUMMONS, OR WARRANT FILED BY THE PROBATION DEPARTMENT FOR FAILURE TO REPORT TO PROBATION OR BECAUSE THE LOCATION OF A PERSON CONVICTED OF A CRIME IS UNKNOWN; AND

(VII) THE DEATH OF THE PERSON WHILE UNDER THE JURISDICTION OF THE PROBATION DEPARTMENT.

(b) NO STATE GENERAL FUND MONEYS SHALL BE USED TO PAY ANY COSTS ASSOCIATED WITH THE NOTIFICATIONS REQUIRED BY THIS SUBSECTION (13.5).

SECTION 8. 24-4.2-105 (2.5) (a), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-4.2-105. Allocation of moneys from fund - application for grants - disbursements. (2.5) (a) The board shall not accept, evaluate, or approve any application requesting grants of money from the fund submitted by, or on behalf of, any state agency, including local offices of such agencies; except that:

(I) The court administrator of each judicial district may apply for grants of moneys for the purpose of collecting all moneys assessed by the courts, including moneys owed pursuant to this article, and collecting and disbursing restitution owed to victims of crime; AND

(II) THE LOCAL PROBATION DEPARTMENT MAY APPLY FOR GRANTS OF MONEYS FOR THE PURPOSE OF IMPLEMENTING THE RIGHTS OF VICTIMS ESTABLISHED PURSUANT TO ARTICLE 4.1 OF THIS TITLE.

SECTION 9. The introductory portion to 18-3-412.5 (7) and 18-3-412.5 (8), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended, and the said 18-3-412.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

18-3-412.5. Sex offenders - duty to register - penalties. (3.5) WITHIN SEVEN CALENDAR DAYS AFTER BECOMING A TEMPORARY OR PERMANENT RESIDENT OF ANY CITY, TOWN, COUNTY, OR CITY AND COUNTY IN THE STATE OF COLORADO, AND QUARTERLY THEREAFTER SO LONG AS THE PERSON RESIDES IN THE CITY, TOWN, COUNTY, OR CITY AND COUNTY, EACH PERSON WHO IS SENTENCED AS A SEXUALLY VIOLENT PREDATOR PURSUANT TO SECTION 18-3-414.5, SHALL REGISTER WITH THE LOCAL LAW ENFORCEMENT AGENCY IN THE PLACE OF SUCH PERSON'S TEMPORARY OR PERMANENT RESIDENCE BY COMPLETING A REGISTRATION FORM PROVIDED TO SUCH PERSON BY THE LOCAL LAW ENFORCEMENT AGENCY. THE REGISTRATION FORM SHALL CONTAIN SUCH INFORMATION REGARDING THE PERSON AS SHALL BE REQUIRED BY THE LOCAL LAW ENFORCEMENT AGENCY PURSUANT TO SUBSECTION (5) OF THIS SECTION. PERSONS WHO RESIDE WITHIN THE CORPORATE LIMITS OF ANY CITY, TOWN, OR CITY AND COUNTY SHALL REGISTER AT THE OFFICE OF THE CHIEF OF POLICE OF SUCH CITY, TOWN, OR CITY AND COUNTY. PERSONS WHO RESIDE OUTSIDE OF SUCH CORPORATE LIMITS SHALL REGISTER AT THE OFFICE OF THE COUNTY SHERIFF OF THE COUNTY WHERE THE PERSON RESIDES. EACH PERSON WHO IS SENTENCED AS A SEXUALLY VIOLENT PREDATOR PURSUANT TO SECTION 18-3-414.5 SHALL BE REQUIRED TO REGISTER EACH TIME THE PERSON CHANGES HIS OR HER TEMPORARY OR PERMANENT ADDRESS, REGARDLESS OF WHETHER THE PERSON HAS MOVED TO A NEW ADDRESS WITHIN THE JURISDICTION OF THE LAW ENFORCEMENT AGENCY WITH WHICH THE PERSON PREVIOUSLY REGISTERED. THE PROVISIONS OF THIS SUBSECTION (3.5) SHALL NOT APPLY TO ANY PERSON ADJUDICATED A JUVENILE DELINQUENT FOR AN OFFENSE THAT COULD QUALIFY THE PERSON AS A SEXUALLY VIOLENT PREDATOR IF THE OFFENSE HAD BEEN COMMITTED BY AN ADULT.

(7) Any person required to register pursuant to subsection (1) OR (3.5) of this section may petition the district court for an order which discontinues the requirement for such registration as follows:

(8) EXCEPT AS OTHERWISE SPECIFIED IN SUBSECTION (3.5) OF THIS SECTION, the provisions of this section shall apply to any person adjudicated as a juvenile based on the commission of any act described in subsection (1) of this section; except that, with respect to paragraphs (a) to (c) of subsection (7) of this section, a person may petition the court for an order to discontinue the duty to register as provided in those paragraphs but only if the person has not subsequently been adjudicated as a juvenile or convicted of any offense involving unlawful sexual behavior. In addition, the duty to provide notice to an offender of the duty to register, as set forth in subsection (2)

of this section, shall apply to juvenile parole and probation officers and appropriate personnel of the division of youth corrections in the department of human services.

SECTION 10. Part 4 of article 3 of title 18, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

18-3-414.5. Sexually violent predator. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "SEXUALLY VIOLENT PREDATOR" MEANS AN OFFENDER:

(a) WHO HAS BEEN CONVICTED ON OR AFTER JANUARY 1, 1999, OF ONE OF THE FOLLOWING OFFENSES:

(I) SEXUAL ASSAULT IN THE FIRST DEGREE, IN VIOLATION OF SECTION 18-3-402;

(II) SEXUAL ASSAULT IN THE SECOND DEGREE, IN VIOLATION OF SECTION 18-3-403;

(III) SEXUAL ASSAULT IN THE THIRD DEGREE, IN VIOLATION OF SECTION 18-3-404 (1.5) OR (2);

(IV) SEXUAL ASSAULT ON A CHILD, IN VIOLATION OF SECTION 18-3-405; OR

(V) SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST, IN VIOLATION OF SECTION 18-3-405.3;

(b) WHOSE VICTIM WAS A STRANGER TO THE OFFENDER OR A PERSON WITH WHOM THE OFFENDER ESTABLISHED OR PROMOTED A RELATIONSHIP PRIMARILY FOR THE PURPOSE OF SEXUAL VICTIMIZATION; AND

(c) WHO, BASED UPON THE RESULTS OF A RISK ASSESSMENT SCREENING INSTRUMENT DEVELOPED BY THE DIVISION OF CRIMINAL JUSTICE IN CONSULTATION WITH AND APPROVED BY THE SEX OFFENDER TREATMENT BOARD ESTABLISHED PURSUANT TO SECTION 16-11.7-103 (1), C.R.S., IS LIKELY TO SUBSEQUENTLY COMMIT ONE OR MORE OF THE OFFENSES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1) UNDER THE CIRCUMSTANCES DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1).

(2) AT ANY TIME AFTER CONVICTION BUT PRIOR TO SENTENCING, THE DISTRICT ATTORNEY OR THE DEPARTMENT OF PROBATION MAY REQUEST THE COURT TO FIND THAT THE DEFENDANT IS A SEXUALLY VIOLENT PREDATOR. IF A REQUEST IS MADE, THE COURT SHALL MAKE SPECIFIC FINDINGS OF FACT AND ENTER AN ORDER CONCERNING WHETHER THE DEFENDANT IS A SEXUALLY VIOLENT PREDATOR. IF THE DEFENDANT IS FOUND TO BE A SEXUALLY VIOLENT PREDATOR, THE DEFENDANT SHALL BE REQUIRED TO REGISTER PURSUANT TO SECTION 18-3-412.5 (3.5).

SECTION 11. The introductory portion to 16-11.7-103 (1) and 16-11.7-103 (1) (f), (1) (j), and (1) (k), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended, and the said 16-11.7-103 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

16-11.7-103. Sex offender treatment board - creation - duties - repeal.

(1) There is hereby created, in the department of public safety, a sex offender treatment board which shall consist of ~~eleven~~ FOURTEEN members. The membership of the board shall consist of the following persons:

(f) ~~One member~~ THREE MEMBERS appointed by the executive director of the department of public safety who ~~is a~~ ARE licensed mental health ~~professional~~ PROFESSIONALS with recognizable expertise in the treatment of sex offenders;

(j) One member appointed by the executive director of the department of public safety who is a representative of law enforcement; ~~and~~

(k) Two members appointed by the executive director of the department of public safety who are recognized experts in the field of sex abuse and who can represent sex abuse victims and victims' rights organizations; AND

(l) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY WHO IS A CLINICAL POLYGRAPH EXAMINER.

SECTION 12. 16-11.7-103 (4), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

16-11.7-103. Sex offender treatment board - creation - duties - repeal.

(4) The board shall carry out the following duties:

(c.5) ON OR BEFORE JANUARY 1, 1999, THE BOARD SHALL CONSULT ON AND APPROVE THE RISK ASSESSMENT SCREENING INSTRUMENT DEVELOPED BY THE DIVISION OF CRIMINAL JUSTICE TO ASSIST THE SENTENCING COURT IN DETERMINING THE LIKELIHOOD THAT AN OFFENDER WOULD COMMIT ONE OR MORE OF THE OFFENSES SPECIFIED IN SECTION 18-3-414.5 (1) (a), C.R.S., UNDER THE CIRCUMSTANCES DESCRIBED IN SECTION 18-3-414.5 (1) (b), C.R.S. NO STATE GENERAL FUND MONEYS SHALL BE USED TO DEVELOP THE RISK ASSESSMENT SCREENING INSTRUMENT. IN CARRYING OUT THIS DUTY, THE BOARD SHALL CONSIDER SEX OFFENDER RISK ASSESSMENT RESEARCH AND SHALL CONSIDER AS ONE ELEMENT THE RISK POSED BY A SEX OFFENDER WHO SUFFERS FROM A MENTAL ABNORMALITY, PSYCHOSIS, OR PERSONALITY DISORDER THAT MAKES THE PERSON MORE LIKELY TO ENGAGE IN SEXUALLY VIOLENT PREDATORY OFFENSES. FOR PURPOSES OF THIS SUBSECTION (4) ONLY, "MENTAL ABNORMALITY" MEANS A CONGENITAL OR ACQUIRED CONDITION THAT AFFECTS THE EMOTIONAL OR VOLITIONAL CAPACITY OF A PERSON IN A MANNER THAT PREDISPOSES THAT PERSON TO THE COMMISSION OF CRIMINAL SEXUAL ACTS TO A DEGREE THAT MAKES THE PERSON A SIGNIFICANT RISK TO THE HEALTH AND SAFETY OF OTHER PERSONS. IF A DEFENDANT IS FOUND TO BE A SEXUALLY VIOLENT PREDATOR, THE DEFENDANT SHALL BE REQUIRED TO REGISTER PURSUANT TO SECTION 18-3-412.5 (3.5), C.R.S.

SECTION 13. 24-33.5-503 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

24-33.5-503. Duties of division. (1) The division has the following duties:

(o) TO DEVELOP, IN CONSULTATION WITH THE SEX OFFENDER TREATMENT BOARD

AND THE JUDICIAL BRANCH BY JANUARY 1, 1999, THE RISK ASSESSMENT SCREENING INSTRUMENT WHICH WILL BE PROVIDED TO THE SENTENCING COURTS TO DETERMINE THE LIKELIHOOD THAT A SEX OFFENDER WOULD COMMIT ONE OR MORE OF THE OFFENSES SPECIFIED IN SECTION 18-3-414.5 (1) (a), C.R.S., UNDER THE CIRCUMSTANCES DESCRIBED IN SECTION 18-3-414.5 (1) (b), C.R.S.;

(p) TO IMPLEMENT, IN CONSULTATION WITH THE JUDICIAL BRANCH, BY JULY 1, 1999, THE RISK ASSESSMENT SCREENING INSTRUMENT DEVELOPED PURSUANT TO PARAGRAPH (o) OF THIS SUBSECTION (1).

SECTION 14. 17-2-201 (5) (c) (I), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

17-2-201. State board of parole. (5) (c) (I) As a condition of every parole, the board shall provide that the offender make restitution to the victim of his or her conduct or a member of the victim's immediate family for the actual pecuniary damages that were sustained. Such restitution shall be ordered by the board as a condition of parole. Such order shall require the offender to make restitution within the period of time that the offender is on parole as specified by the board. In the event that the defendant does not make full restitution by the date specified by the board, the restitution may be collected as provided for in section 16-11-101.6. The amount of such restitution shall be as determined by the court pursuant to section 16-11-102 (4), C.R.S. For purposes of this paragraph (c), "victim" means the party immediately and directly aggrieved by a defendant who is convicted of a criminal act and who is granted parole as well as a victim compensation board that has paid a victim compensation claim and any person or entity who has suffered a loss because of a contractual relationship with such party, including, but not limited to, an insurer, or because of liability under section ~~14-16-110~~ 14-6-110, C.R.S., or, in the absence of any of the above, the state, and "immediate family" includes the victim's spouse and the victim's parent, sibling, or child who is living with the victim. The board shall fix the manner and time of performance.

SECTION 15. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the victims assistance and law enforcement fund created pursuant to section 24-33.5-506, Colorado Revised Statutes, not otherwise appropriated, to the judicial department for allocation to the probation division, for the fiscal year beginning July 1, 1997, the sum of one hundred fourteen thousand nine hundred fifty-two dollars (\$14,952) and 3.3 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the sex offender surcharge fund created pursuant to section 18-21-103, Colorado Revised Statutes, not otherwise appropriated, to the department of public safety for allocation to the division of criminal justice, for the fiscal year beginning July 1, 1997, the sum of thirty thousand dollars (\$30,000), or so much thereof as may be necessary, for the implementation of this act. Of said sum, \$26,007 shall be cash funds and \$3,993 shall be cash funds exempt from reserves in the sex offender surcharge fund.

SECTION 16. Effective date - applicability. This act shall take effect July 1, 1997, and shall apply to offenses committed on or after said date.

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

Approved: June 4, 1997