

CHAPTER 158

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 00-1247

BY REPRESENTATIVES Fairbank, Lee, Allen, Chavez, Decker, Hagedorn, Kaufman, Lawrence, Scott, Stengel, and Witwer;
also SENATORS Sullivant and Wham.

AN ACT

CONCERNING ACTIONS OF PERSONS THAT RESULT IN UNLAWFUL POSSESSION OF A HANDGUN BY A
JUVENILE, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 18-12-108.7, Colorado Revised Statutes, is amended to read:

18-12-108.7. Unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun - penalty. (1) (a) Any person who intentionally, knowingly, or recklessly provides a handgun with or without remuneration to any person under the age of eighteen years in violation of section 18-12-108.5 or any ~~parent or legal guardian of a person under eighteen years of age~~ PERSON who knows of such juvenile's conduct which violates section 18-12-108.5 and fails to make reasonable efforts to prevent such violation commits the crime of unlawfully providing A HANDGUN TO A JUVENILE or permitting a juvenile to possess a handgun.

(b) Unlawfully providing A HANDGUN TO A JUVENILE or permitting a juvenile to possess a handgun in violation of this subsection (1) is a class 4 felony.

(2) (a) Any ~~parent or guardian~~ PERSON who intentionally, knowingly, or recklessly provides a handgun to a juvenile or permits a juvenile to possess a handgun, even though such ~~parent or guardian~~ PERSON is aware of a substantial risk that such juvenile will use a handgun to commit a felony offense, or who, being aware of such substantial risk, fails to make reasonable efforts to prevent the commission of the offense, commits the crime of unlawfully providing or permitting a juvenile to possess a handgun. A ~~parent or guardian~~ PERSON shall be deemed to have violated this paragraph (a) if such ~~parent or guardian~~ PERSON provides a handgun to or permits the possession of a handgun by any juvenile who has been convicted of a crime of violence, as defined in section 16-11-309, C.R.S., or any juvenile who has been

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

adjudicated a juvenile delinquent for an offense which would constitute a crime of violence, as defined in section 16-11-309, C.R.S., if such juvenile were an adult.

(b) Unlawfully providing A HANDGUN TO A JUVENILE or permitting a juvenile to possess a handgun in violation of this subsection (2) is a class 4 felony.

(3) IT SHALL NOT BE AN OFFENSE UNDER THIS SECTION IF A PERSON BELIEVES THAT A JUVENILE WILL PHYSICALLY HARM THE PERSON IF THE PERSON ATTEMPTS TO DISARM THE JUVENILE OR PREVENT THE JUVENILE FROM COMMITTING A VIOLATION OF SECTION 18-12-108.5.

SECTION 2. Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-1-126. Appropriation to comply with section 2-2-703. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HB 00-1247, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2000, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS (\$69,467).

(b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS (\$69,467).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-SIX THOUSAND TWO HUNDRED THIRTY-EIGHT DOLLARS (\$26,238).

(c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF FORTY THOUSAND FIVE HUNDRED TWENTY-TWO DOLLARS (\$40,522).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF FIFTY-TWO THOUSAND FOUR HUNDRED SEVENTY-SIX DOLLARS (\$52,476).

(d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, IN ADDITION TO ANY OTHER

APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SIXTY-SEVEN THOUSAND SEVEN HUNDRED EIGHTY-TWO DOLLARS (\$67,782).

(e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SIXTY-SEVEN THOUSAND SEVEN HUNDRED EIGHTY-TWO DOLLARS (\$67,782).

SECTION 3. 24-75-302 (2) (m), (2) (n), and (2) (o), Colorado Revised Statutes, are amended to read:

24-75-302. Capital construction fund - capital assessment fees - calculation.

(2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 2002, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(m) On July 1, 2000, one hundred million dollars, plus one hundred eighty-four thousand ninety dollars pursuant to H.B. 97-1186; plus four hundred seventy-eight thousand six hundred thirty-four dollars pursuant to H.B. 97-1077, enacted at the first regular session of the sixty-first general assembly; plus twelve thousand two hundred seventeen dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus seventy-one thousand two hundred seven dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; PLUS SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS PURSUANT TO H.B. 00-1247, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY;

(n) On July 1, 2001, one hundred million dollars, plus one hundred fifty-four thousand six hundred thirty-six dollars pursuant to H.B. 97-1186; plus nine hundred five thousand seven hundred twenty-three dollars pursuant to H.B. 97-1077, enacted at the first regular session of the sixty-first general assembly; plus nine thousand eight hundred ninety dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus three hundred forty-nine thousand fifty-five dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; PLUS SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS PURSUANT TO H.B. 00-1247, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY; and

(o) On July 1, 2002, thirteen thousand nine hundred sixty-two dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus eight million three hundred seven thousand five hundred nine dollars pursuant to H.B. 98-1156, enacted at the second regular session of the sixty-first general assembly; plus three hundred ninety-seven thousand nine hundred twenty-three

dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly. ASSEMBLY; PLUS FORTY THOUSAND FIVE HUNDRED TWENTY-TWO DOLLARS PURSUANT TO H.B. 00-1247, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 2000, and shall apply to offenses committed on or after said date.

SECTION 5. 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: May 19, 2000