

## CHAPTER 291

---

**CRIMINAL LAW AND PROCEDURE**

---

**HOUSE BILL 03-1213**

BY REPRESENTATIVE(S) Johnson R., Stengel, Borodkin, Butcher, Carroll, Cloer, Coleman, Decker, Fairbank, Harvey, Hoppe, Madden, Marshall, Ragsdale, Rippey, Romano ff, Rose, Salazar, Schultheis, Stafford, Veiga, Weissmann, Wiens, and Williams S.; also SENATOR(S) Dyer, Anderson, Arnold, Groff, Grossman, Hanna, Hillman, Isgar, Jones, Lamborn, McElhany, Nichol, Sandoval, Taylor, and Teck.

**AN ACT****CONCERNING THE REMOVAL OF COMMERCIAL PURPOSE FROM THE CRIME OF SEXUAL EXPLOITATION OF A CHILD, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** 18-6-403 (2) (b), (3) (a), (3) (c), and (4), Colorado Revised Statutes, are amended to read:

**18-6-403. Sexual exploitation of children.** (2) As used in this section, unless the context otherwise requires:

(b) ~~"Commercial purpose" means the intention, objective, anticipation, or expectation of monetary gain or other material consideration, compensation, remuneration, or profit.~~

(3) A person commits sexual exploitation of a child if, for any purpose, he or she knowingly:

(a) Causes, induces, entices, or permits a child to engage in, or be used for, any explicit sexual conduct for ~~any commercial purpose~~ or the making of any sexually exploitative material; or

(c) Possesses with the intent to deal in, sell, or distribute, including but not limited to distributing through digital or electronic means, any sexually exploitative material; ~~for any commercial purpose~~; or

(4) ~~Although the simple possession of any sexually exploitative material is~~

---

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

~~prohibited, a presumption of commercial purpose is created by the possession of three or more identical copies of any sexually exploitative material.~~

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

**17-1-146. Appropriation to comply with section 2-2-703 - HB 03-1213.**

(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 H.B. 03-1213, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, 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) 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 TWENTY-EIGHT THOUSAND EIGHT HUNDRED EIGHTEEN DOLLARS (\$28,818).

(c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, 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-EIGHT THOUSAND EIGHT HUNDRED EIGHTEEN DOLLARS (\$28,818).

(d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, 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).

(e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, 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-EIGHT THOUSAND EIGHT HUNDRED EIGHTEEN DOLLARS (\$28,818).

(f) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, 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-SIX THOUSAND FOUR HUNDRED THIRTY-SIX DOLLARS (\$56,436).

**SECTION 3.** 24-75-302 (2) (p) and (2) (s), 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, 2005, 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:

(p) On July 1, 2003, one hundred million dollars, plus twenty-six thousand six hundred twenty-nine dollars pursuant to H.B. 01-1204, enacted at the first regular session of the sixty-third general assembly; plus one hundred thirty-eight thousand nine hundred thirty-four dollars pursuant to H.B. 01-1242, enacted at the first regular session of the sixty-third general assembly; plus four hundred eighty-six thousand two hundred sixty-nine dollars pursuant to S.B. 02-050, enacted at the second regular session of the sixty-third general assembly; plus five hundred six thousand five hundred thirty dollars pursuant to H.B. 02-1038, enacted at the second regular session of the sixty-third general assembly; PLUS SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS PURSUANT TO H.B. 03-1213, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY;

(s) On July 1, 2006, twenty-two thousand nine hundred twenty-four dollars pursuant to section 3 of H.B. 02S-1006, enacted at the third extraordinary session of the sixty-third general assembly; PLUS SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS PURSUANT TO H.B. 03-1213, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY.

**SECTION 4. Appropriation.** For implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2003, shall be adjusted as follows: The general fund appropriation to the department of corrections, institutions, utilities subprogram, utilities, is decreased by sixty-nine thousand four hundred sixty-seven dollars (\$69,467).

**SECTION 5. Effective date - applicability.** This act shall take effect July 1, 2003, and shall apply to offenses committed on or after said date.

**SECTION 6. 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 22, 2003