

CHAPTER 14

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 06-1136

BY REPRESENTATIVE(S) Witwer, Berens, Carroll T., and Liston;
also SENATOR(S) Shaffer, and Williams.**AN ACT****CONCERNING A REQUIREMENT TO NOTIFY THE STATE ATTORNEY GENERAL WHEN A DEFENDANT ALLEGES A LAW IS UNCONSTITUTIONAL.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** Article 9 of title 16, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:**PART 5
MOTIONS ALLEGING AN UNCONSTITUTIONAL LAW****16-9-501. Notice to the attorney general when a defendant alleges a law is unconstitutional.** IF A DEFENDANT IN A CRIMINAL PROCEEDING FILES A MOTION OR OTHER PLEADING THAT INCLUDES A CLAIM ALLEGING A STATE STATUTE OR MUNICIPAL ORDINANCE IS UNCONSTITUTIONAL, THE DEFENDANT SHALL SERVE THE ATTORNEY GENERAL WITH A COPY OF THE MOTION OR PLEADING. THE ATTORNEY GENERAL SHALL BE ENTITLED TO BE HEARD ON THE MATTER. FAILURE TO COMPLY WITH THIS SECTION SHALL NOT CONSTITUTE A WAIVER OF A DEFENDANT'S CONSTITUTIONAL RIGHTS OR A DEFENDANT'S RIGHT TO RAISE A CONSTITUTIONAL CHALLENGE.**SECTION 2. Effective date - applicability.** This act shall take effect upon passage and shall apply to motions or pleadings filed on or after the effective date of this act.

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

SECTION 3. 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: March 13, 2006