

## CHAPTER 36

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**CRIMINAL LAW AND PROCEDURE**

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**HOUSE BILL 08-1085**

BY REPRESENTATIVE(S) King, Buescher, Carroll M., Gardner B., Jahn, Kerr J., Lambert, Massey, McNulty, Mitchell V., Primavera, Rice, Roberts, Stafford, Stephens, Todd, and Witwer;  
also SENATOR(S) Bacon.

**AN ACT**

**CONCERNING THE CREATION OF THE COLORADO BUREAU OF INVESTIGATION IDENTIFICATION UNIT FUND.**

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

**SECTION 1.** Part 4 of article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**24-33.5-426. Colorado bureau of investigation identification unit fund.** ALL MONEYS COLLECTED BY THE DEPARTMENT FOR THE PURPOSES OF FINGERPRINT CRIMINAL HISTORY RECORD CHECKS AND NAME CRIMINAL HISTORY RECORD CHECKS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE COLORADO BUREAU OF INVESTIGATION IDENTIFICATION UNIT FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". IN ADDITION, THE FUND MAY CONSIST OF MONEYS THAT MAY BE APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH CONDUCTING CRIMINAL HISTORY RECORD CHECKS. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF CRIMINAL HISTORY RECORD CHECKS MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

**SECTION 2.** 24-75-402 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

**24-75-402. Cash funds - limit on uncommitted reserves - reduction in amount of fees - exclusions.** (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(t) THE COLORADO BUREAU OF INVESTIGATION IDENTIFICATION UNIT FUND CREATED IN SECTION 24-33.5-426.

**SECTION 3. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 18, 2008