

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Lindsay

1 Amend the Froelich floor amendment (SB094_L.019), strike line 3 and
2 substitute:

3 **"SECTION 11.** In Colorado Revised Statutes, **add** 38-12-512 as
4 follows:

5 **38-12-512. Enforcement by the attorney general - district**
6 **court - penalties.** (1) (a) IN ACCORDANCE WITH SECTION 24-31-115 (1),
7 THE ATTORNEY GENERAL MAY COMMENCE A CIVIL ACTION IN ANY
8 DISTRICT COURT OF APPROPRIATE JURISDICTION AGAINST ANY PERSON
9 THAT HAS COMMITTED OR IS ENGAGING IN A PATTERN OR PRACTICE OF
10 VIOLATIONS OF THIS PART 5.

11 (b) THE ATTORNEY GENERAL MAY, UPON TIMELY APPLICATION,
12 INTERVENE BY RIGHT IN A CIVIL ACTION IN ANY COUNTY COURT OR
13 DISTRICT COURT THAT INVOLVES A CLAIM, DEFENSE, OR COUNTERCLAIM
14 BROUGHT PURSUANT TO THIS PART 5.

15 (2) IN EXERCISING THE ATTORNEY GENERAL'S POWERS TO
16 COMMENCE OR INTERVENE IN A CIVIL ACTION PURSUANT TO SUBSECTION
17 (1) OF THIS SECTION, THE ATTORNEY GENERAL MAY PRIORITIZE CASES IN
18 WHICH:

19 (a) A PERSON OR GROUP OF PERSONS HAS ENGAGED IN, OR IS
20 ENGAGED IN A PATTERN OR PRACTICE OF, RESISTANCE TO OR
21 NONCOMPLIANCE WITH THIS PART 5; OR

22 (b) A PERSON HAS VIOLATED THIS PART 5 OR HAS DENIED A PERSON
23 ANY RIGHT OR PROTECTION GRANTED BY THIS PART 5 AND SUCH
24 VIOLATION OR DENIAL RAISES AN ISSUE OF PUBLIC IMPORTANCE.

25 (3) IF THE ATTORNEY GENERAL INTERVENES IN A CIVIL ACTION IN
26 A COUNTY COURT PURSUANT TO SECTION (1)(b) OF THIS SECTION, THE
27 ATTORNEY GENERAL MAY REQUEST THE ACTION BE TRANSFERRED TO A
28 DISTRICT COURT OF COMPETENT JURISDICTION. UPON SUCH REQUEST BY
29 THE ATTORNEY GENERAL, ALL COUNTY COURT PROCEEDINGS SHALL BE
30 DISCONTINUED, AND THE CLERK OF THE COUNTY COURT SHALL CERTIFY
31 ALL RECORDS IN THE CASE AND TRANSFER THE ACTION TO THE
32 APPROPRIATE DISTRICT COURT.

33 (4) (a) WHEN THE ATTORNEY GENERAL HAS CAUSE TO BELIEVE
34 THAT A PERSON HAS ENGAGED IN OR IS ENGAGING IN A VIOLATION OF THIS
35 PART 5, THE ATTORNEY GENERAL MAY, IN ACCORDANCE WITH SECTION
36 24-31-115 (8)(a), APPLY FOR AND OBTAIN A TEMPORARY RESTRAINING
37 ORDER OR INJUNCTION, OR BOTH, THAT PROHIBITS THE PERSON FROM
38 CONTINUING OR ENGAGING IN THE ACTIONS THAT VIOLATE THIS PART 5 OR
39 FROM DOING ANY ACT IN FURTHERANCE OF SUCH ACTION.".

40 Renumber succeeding sections accordingly.

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