

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

February 4, 2020

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB20-1120 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 2, line 3, strike "(2)(e), (3)(b), (3)(b.5), and
- 2 (3)(d); and **add** (2)(f.5), (2)(i.5)," and substitute "(2)(e), (2)(j), (3)(b),
- 3 (3)(b.5), (3)(d), and (5)(b); and **add** (2)(i.5)".
  
- 4 Page 2, strike lines 11 through 16.
  
- 5 Page 3, strike lines 1 through 5.
  
- 6 Page 3, line 6, strike "A REAL OR SIMULATED" and substitute "AN".
  
- 7 Page 3, after line 11 insert:
- 8 "(j) "Sexually exploitative material" means any photograph,
- 9 motion picture, video, recording or broadcast of moving visual images,
- 10 LIVESTREAM, print, negative, slide, or other mechanically, electronically,
- 11 chemically, or digitally reproduced visual material that depicts a child
- 12 engaged in, participating in, observing, or being used for explicit sexual
- 13 conduct."
  
- 14 Page 3, line 17, strike "TRANSPORTS, TRANSFERS, OR RECEIVES," and
- 15 substitute "TRANSPORTS OR TRANSFERS TO ANOTHER PERSON, OR MAKES
- 16 ACCESSIBLE TO ANOTHER PERSON,".
  
- 17 Page 3, line 20, strike "ACCESSES," and substitute "ACCESSES WITH
- 18 INTENT TO VIEW,".

- 1 Page 4, line 3, after "ACCESSES" insert "WITH INTENT TO VIEW".
- 2 Page 4, line 4, strike "CHILD." and substitute "CHILD IF THE CONDUCT IN  
3 THE PERFORMANCE WAS CAUSED, INDUCED, ENTICED, REQUESTED,  
4 DIRECTED, OR SPECIFIED BY THE VIEWER OR POTENTIAL VIEWER."
- 5 Page 4, after line 4 insert:  
6 "(5) (b) Sexual exploitation of a child ~~by possession of sexually~~  
7 ~~exploitative material~~ pursuant to ~~paragraph (b.5) of subsection (3)~~  
8 SUBSECTION (3)(b.5) of this section is a class 5 felony; except that said  
9 offense is a class 4 felony if:  
10 (I) It is a second or subsequent offense; or  
11 (II) The possession is of a video, recording or broadcast of  
12 moving visual images, or motion picture. ~~or more than twenty different~~  
13 ~~items qualifying as sexually exploitative material."~~
- 14 Page 5, line 22, strike "IS:" and substitute "IS, BASED ON THE MOST  
15 SERIOUS CRIME OF CONVICTION IN THE CASE:".
- 16 Page 5, line 23, strike "EACH" and substitute "A".
- 17 Page 5, line 25, strike "EACH" and substitute "A".
- 18 Page 5, line 27, strike "EACH" and substitute "A".
- 19 Page 6, line 2, strike "EACH" and substitute "A".
- 20 Page 6, lines 26 and 27, strike "DIVISION OF CRIMINAL JUSTICE IN THE  
21 DEPARTMENT OF PUBLIC SAFETY FOR THE CREATION AND ADMINISTRATION  
22 OF A GRANT" and substitute "COLORADO BUREAU OF INVESTIGATION IN  
23 THE DEPARTMENT OF PUBLIC SAFETY".
- 24 Page 7, line 1, strike "PROGRAM".
- 25 Page 7, line 3, strike "24-33.5-524." and substitute "24-33.5-430."
- 26 Page 7, strike lines 18 through 27 and substitute:  
27 "**SECTION 4.** In Colorado Revised Statutes, **add** 24-33.5-430 as  
28 follows:  
29 **24-33.5-430. Enhance effective investigation and prosecution**  
30 **of computer-facilitated sexual exploitation of children - fund.**

1 (1) (a) THE BUREAU SHALL DEVELOP AND ACQUIRE, AND MAY ASSIST  
2 OTHER LAW ENFORCEMENT AGENCIES WITH DEVELOPING AND ACQUIRING,  
3 NECESSARY TECHNOLOGICAL OR EXPERT".

4 Page 8, lines 4 through 6, strike "GRANT RECIPIENTS SHALL USE THE  
5 MONEY RECEIVED THROUGH THE GRANT PROGRAM FOR ANY EXPENSE  
6 RELATED TO DEVELOPING OR ACQUIRING" and substitute "THE BUREAU  
7 SHALL USE THE MONEY TO DEVELOP OR ACQUIRE, OR TO ASSIST OTHER  
8 LAW ENFORCEMENT AGENCIES WITH DEVELOPING OR ACQUIRING,".

9 Page 8, strike lines 9 through 18.

10 Page 8, line 19, strike "GRANT PROGRAM IS" and substitute "COSTS OF  
11 PERFORMING THE FUNCTIONS OF THIS SECTION ARE".

12 Page 8, line 22, strike "DIVISION" and substitute "BUREAU".

13 Page 8, line 24, strike "DIVISION" and substitute "BUREAU".

14 Page 8, line 26, strike "DIVISION" and substitute "BUREAU".

15 Page 8, line 27, strike "MAKE GRANT PAYMENTS" and substitute "PERFORM  
16 THE FUNCTIONS OF THIS SECTION".

17 Page 9, line 1, strike "DIVISION" and substitute "BUREAU".

18 Page 9, line 2, strike "PROGRAM" and substitute "PERFORMANCE OF THE  
19 FUNCTIONS OF THIS SECTION".

20 Page 9, strike lines 4 through 10 and substitute:

21 "(4) THE BUREAU MAY PROMULGATE SUCH RULES AS MAY BE  
22 NECESSARY TO PERFORM THE FUNCTIONS OF THIS SECTION.".

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