

CHAPTER 314

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 98-1160

BY REPRESENTATIVES Adkins, Arrington, Epps, George, Hagedorn, Mace, Nichol, Reeser, Schauer, and Tucker;
also SENATOR Wham.

AN ACT

CONCERNING SUBSTANTIVE CHANGES FOR THE STRENGTHENING OF THE CRIMINAL LAWS, AND MAKING
AN APPROPRIATION THEREFOR.

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

SECTION 1. 42-4-1710 (4), Colorado Revised Statutes, is amended to read:

42-4-1710. Failure to pay penalty for traffic infractions - procedures.

(4) (a) If judgment is entered against a violator, the violator shall be assessed an appropriate penalty and surcharge thereon, a docket fee of sixteen dollars, and other applicable costs authorized by section 13-16-122 (1), C.R.S. If the violator had been cited by a penalty assessment notice, the penalty shall be assessed pursuant to section 42-4-1701 (4) (a). If a penalty assessment notice is prohibited by section 42-4-1701 (5) (c), the penalty shall be assessed pursuant to section 42-4-1701 (3) (a).

(b) IN NO EVENT SHALL A BENCH WARRANT BE ISSUED FOR THE ARREST OF ANY PERSON WHO FAILS TO APPEAR FOR A HEARING PURSUANT TO SUBSECTION (2) OF THIS SECTION OR FOR A FINAL HEARING PURSUANT TO SUBSECTION (3) OF THIS SECTION. ENTRY OF JUDGMENT AND ASSESSMENT OF THE PENALTY AND SURCHARGE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) AND ANY PENALTIES IMPOSED PURSUANT TO SECTION 42-2-127 SHALL CONSTITUTE THE SOLE PENALTIES FOR FAILURE TO APPEAR FOR EITHER THE HEARING OR THE FINAL HEARING.

SECTION 2. 24-33.5-106 (3), Colorado Revised Statutes, is amended to read:

24-33.5-106. Witness protection board - creation - witness protection

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

program - witness protection fund. (3) The board shall create a witness protection program through which the board may fund or provide for the security and protection of a prosecution witness or potential prosecution witness ~~in~~ DURING OR SUBSEQUENT TO an official proceeding or investigation that involves great public interest or ~~in~~ ~~which~~ AS A RESULT OF WHICH the board determines that an offense such as intimidating a witness as described in section 18-8-704 or 18-8-705, C.R.S., tampering with a witness as described in section 18-8-707, C.R.S., or retaliating against a witness as described in section 18-8-706, C.R.S., is likely to be committed. The board may also fund or provide for the security and protection of the immediate family of, or a person otherwise closely associated with, such witness or potential witness if the family or person may also be endangered.

SECTION 3. 42-2-125 (1) (k), (3), and (6), Colorado Revised Statutes, are amended to read:

42-2-125. Mandatory revocation of license and permit. (1) The department shall immediately revoke the license or permit of any driver, minor driver, or provisional driver upon receiving a record showing that such driver has:

(k) (I) Been convicted of any felony offense provided for in section 18-18-404, 18-18-405, or 18-18-406, C.R.S., or any attempt, conspiracy, or solicitation to commit any said offense. For purposes of this paragraph (k), a person has been convicted when such person has been found guilty by a court or a jury, entered a plea of guilty or nolo contendere, or received a deferred sentence for an offense.

(II) IN THE CASE OF A MINOR DRIVER OR PROVISIONAL DRIVER, BEEN CONVICTED OF OR ADJUDICATED FOR ANY OFFENSE PROVIDED FOR IN SECTION 18-18-404 (1) (b), 18-18-405 (2) (d) (I), OR 18-18-406 (1), (3) (a) (I), OR (4) (a) (I), C.R.S., OR ANY COMPARABLE MUNICIPAL CHARTER OR ORDINANCE OFFENSE.

(3) Upon revoking the license of any person as required by this section, the department shall immediately notify the licensee as provided in section 42-2-119 (2). Where a minor driver's or provisional driver's license is revoked under ~~paragraph~~ PARAGRAPH (k) (II), (m), or (n) of subsection (1) of this section, such revocation shall not run concurrently with any previous or subsequent suspension, revocation, cancellation, or denial ~~which~~ THAT is provided for by law.

(6) (a) Any person under seventeen years of age who has a minor driver's license revoked pursuant to ~~paragraph~~ PARAGRAPH (k) (II) OR (m) of subsection (1) of this section shall be subject to a revocation period ~~which~~ THAT shall continue for the period of time described hereafter:

(I) After one conviction, twenty-four hours of public service if ordered by the court, or three months;

(II) After a second conviction, six months;

(III) After any third or subsequent conviction, one year.

(b) Any person seventeen years of age or older who has a minor driver's license revoked pursuant to ~~paragraph~~ PARAGRAPH (k) (II) OR (m) of subsection (1) of this

section shall be subject to a revocation period ~~which~~ THAT shall continue for the period of time described hereafter:

(I) After one conviction, twenty-four hours of public service if ordered by the court, or three months;

(II) After a second conviction, six months;

(III) After any third or subsequent conviction, one year.

(c) Any person who has a provisional driver's license revoked pursuant to ~~paragraph~~ PARAGRAPH (k) (II) OR (m) of subsection (1) of this section shall be subject to a revocation period ~~which~~ THAT shall continue for the period of time described hereafter:

(I) After one conviction, twenty-four hours of public service if ordered by the court, or three months;

(II) After a second conviction, six months;

(III) After any third or subsequent conviction, one year.

SECTION 4. 18-18-404, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-18-404. Unlawful use of a controlled substance. (4) IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THIS SECTION, UPON EACH CONVICTION, ENTRY OF PLEA OF GUILTY OR NOLO CONTENDERE, OR RECEIPT OF A DEFERRED SENTENCE FOR A NONFELONY VIOLATION OF THIS SECTION OR ADJUDICATION AS A DELINQUENT FOR AN ACT THAT WOULD CONSTITUTE A NONFELONY VIOLATION OF THIS SECTION IF COMMITTED BY AN ADULT, ANY DRIVER'S PERMIT, MINOR DRIVER'S LICENSE, OR PROVISIONAL DRIVER'S LICENSE HELD BY THE OFFENDER SHALL BE REVOKED AS PROVIDED IN SECTION 42-2-125, C.R.S.

SECTION 5. 18-18-405, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-18-405. Unlawful distribution, manufacturing, dispensing, sale, or possession. (6) IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THIS SECTION, UPON EACH CONVICTION, ENTRY OF PLEA OF GUILTY OR NOLO CONTENDERE, OR RECEIPT OF A DEFERRED SENTENCE FOR A NONFELONY VIOLATION OF THIS SECTION OR ADJUDICATION AS A DELINQUENT FOR AN ACT THAT WOULD CONSTITUTE A NONFELONY VIOLATION OF THIS SECTION IF COMMITTED BY AN ADULT, ANY DRIVER'S PERMIT, MINOR DRIVER'S LICENSE, OR PROVISIONAL DRIVER'S LICENSE HELD BY THE OFFENDER SHALL BE REVOKED AS PROVIDED IN SECTION 42-2-125, C.R.S.

SECTION 6. 18-18-406, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-18-406. Offenses relating to marihuana and marihuana concentrate. (12) IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THIS SECTION, UPON EACH

CONVICTION, ENTRY OF PLEA OF GUILTY OR NOLO CONTENDERE, OR RECEIPT OF A DEFERRED SENTENCE FOR A NONFELONY VIOLATION OF THIS SECTION OR ADJUDICATION AS A DELINQUENT FOR AN ACT THAT WOULD CONSTITUTE A NONFELONY VIOLATION OF THIS SECTION IF COMMITTED BY AN ADULT, ANY DRIVER'S PERMIT, MINOR DRIVER'S LICENSE, OR PROVISIONAL DRIVER'S LICENSE HELD BY THE OFFENDER SHALL BE REVOKED AS PROVIDED IN SECTION 42-2-125, C.R.S.

SECTION 7. 42-2-124 (4), Colorado Revised Statutes, is amended to read:

42-2-124. When court to report convictions. (4) For the purposes of ~~section 42-2-125 (1) (m) and (1) (n)~~, SECTION 42-2-125 (1) (k) (II), (1) (m), AND (1) (n), an adjudication of delinquency under title 19, C.R.S., for the acts described in such ~~paragraphs~~ PARAGRAPHS (k) (II), (m), and (n) shall be considered to be a conviction for purposes of this section. However, an expungement of an adjudication of delinquency shall not result in a rescission of the revocation of the driving privilege unless said expungement is a result of a reversal of the adjudication on appeal.

SECTION 8. 42-2-130, Colorado Revised Statutes, is amended to read:

42-2-130. Mandatory surrender of license or permit for drug convictions. Immediately upon a plea of guilty or nolo contendere or a verdict of guilty by the court or a jury to OR ADJUDICATION FOR an offense for which revocation of a license or permit is mandatory pursuant to section 42-2-125 (1) (k), the court shall require the offender to immediately surrender the offender's driver's, minor driver's, provisional driver's, or temporary driver's license or instruction permit to the court. The court shall forward to the department a notice of plea or verdict on the form prescribed by the department, together with the offender's license or permit, not later than ten days after the surrender of the license or permit. Any person who does not immediately surrender such person's license or permit to the court commits a class 2 misdemeanor traffic offense, unless such person swears or affirms under oath administered by the court and subject to the penalties of perjury, that the license or permit has been lost, destroyed, or is not in said person's immediate possession. Any person who swears or affirms that the license or permit is not in the immediate possession of said person shall surrender said license or permit to the court within five days of the sworn or affirmed statement, and, if not surrendered within such time, said person commits a class 2 misdemeanor traffic offense.

SECTION 9. 42-7-406 (1), Colorado Revised Statutes, is amended to read:

42-7-406. Proof required under certain conditions. (1) Whenever the director revokes the license of any person under section 42-2-125 or 42-2-126, or cancels any license under section 42-2-122 because of the licensee's inability to operate a motor vehicle because of physical or mental incompetence, or cancels any probationary license under section 42-2-127, the director shall not issue to or continue in effect for any such person any new or renewal of license until permitted under the motor vehicle laws of this state, and not then until and unless such person files or has filed and maintains proof of financial responsibility as provided in this article; except that persons whose licenses are canceled pursuant to section 42-2-122 (2.5), revoked pursuant to ~~section 42-2-125~~ SECTION 42-2-125 (1) (k) (II), (1) (m), or (1) (n), revoked for a first offense under section 42-2-125 (1) (g.5) or a first offense under section 42-2-126 (2) (a) (I.5) or (2) (a) (IV), or denied pursuant to section 42-2-104

(3) (f) based upon a conviction under section 18-4-509 (2), C.R.S., or any counterpart municipal charter or ordinance offense to such section, shall not be required to file proof of financial responsibility in order to be relicensed.

SECTION 10. 18-4-401 (4) and (8), Colorado Revised Statutes, are amended to read:

18-4-401. Theft. (4) When a person commits theft twice or more within a period of six months without having been placed in jeopardy for the prior offense or offenses, and the aggregate value of the things involved is ~~four~~ FIVE hundred dollars or more but less than fifteen thousand dollars, it is a class 4 felony; however, if the aggregate value of the things involved is fifteen thousand dollars or more, it is a class 3 felony.

(8) A municipality shall have concurrent power to prohibit theft, by ordinance, where the value of the thing involved is less than ~~four~~ FIVE hundred dollars.

SECTION 11. 16-11-201 (4) (a) (II), Colorado Revised Statutes, is amended to read:

16-11-201. Application for probation. (4) (a) (II) The restrictions upon eligibility for probation in subsection (2) of this section may be waived upon a recommendation of the district attorney approved by an order of the sentencing court after a showing that the defendant is a nonviolent offender, as defined in section 16-11-101 (1) (b.5) (II) (B), and that any prior felony conviction for the defendant was not for a crime of violence, as defined in section 16-11-309 (2), one of the felonies set forth in section 18-3-104, 18-4-203, 18-4-301, or 18-4-401 (2) (c), (2) (d), or (5), C.R.S., or a felony offense committed against a child as set forth in articles 3, 6, and 7 of title 18, C.R.S., or under the laws of another state or the United States that, if committed in this state, would be a crime of violence, manslaughter, second degree burglary, robbery, theft of property worth ~~four~~ FIVE hundred dollars or more, theft from the person of another by means other than the use of force, threat, or intimidation, or a felony offense committed against a child.

SECTION 12. 18-4-402 (3), (4), and (6), Colorado Revised Statutes, are amended to read:

18-4-402. Theft of rental property. (3) Theft of rental property is a class 2 misdemeanor where the value of the property involved is one hundred dollars or more and is less than ~~four~~ FIVE hundred dollars.

(4) Theft of rental property is a class 5 felony where the value of the property involved is ~~four~~ FIVE hundred dollars or more but less than fifteen thousand dollars.

(6) When a person commits theft of rental property twice or more within a period of six months without having been placed in jeopardy for the prior offense or offenses, and the aggregate value of the property involved is ~~four~~ FIVE hundred dollars or more but less than fifteen thousand dollars, it is a class 5 felony; however, if the aggregate value of the property involved is fifteen thousand dollars or more, it is a class 3 felony.

SECTION 13. 18-4-410 (3), (4), and (6), Colorado Revised Statutes, are amended, and the said 18-4-410 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

18-4-410. Theft by receiving. (3) Where the value of the thing involved is one hundred dollars or more but less than ~~four~~ FIVE hundred dollars, theft by receiving is a class 2 misdemeanor.

(4) Where the value of the thing involved is ~~four~~ FIVE hundred dollars or more but less than fifteen thousand dollars, theft by receiving is a class 4 felony.

(6) When the aggregate value of the thing or things involved is ~~four~~ FIVE hundred dollars or more and the person committing theft by receiving is engaged in the business of buying, selling, or otherwise disposing of stolen goods for a profit, theft by receiving is a class 3 felony.

(7) WHEN A PERSON COMMITS THEFT BY RECEIVING TWICE OR MORE WITHIN A PERIOD OF SIX MONTHS WITHOUT HAVING BEEN PLACED IN JEOPARDY FOR THE PRIOR OFFENSES AND THE AGGREGATE VALUE OF THE THINGS INVOLVED IS FIVE HUNDRED DOLLARS OR MORE IT IS A CLASS 3 FELONY.

SECTION 14. 18-4-501, Colorado Revised Statutes, is amended to read:

18-4-501. Criminal mischief. Any person who knowingly damages the real or personal property of one or more other persons in the course of a single criminal episode commits a class 3 misdemeanor where the aggregate damage to the real or personal property is less than one hundred dollars. Where the aggregate damage to the real or personal property is one hundred dollars or more but less than ~~four~~ FIVE hundred dollars, such person commits a class 2 misdemeanor. Where the aggregate damage to the real or personal property is ~~four~~ FIVE hundred dollars or more but less than fifteen thousand dollars, such person commits a class 4 felony. Where the aggregate damage to the real or personal property is fifteen thousand dollars or more, such person commits a class 3 felony.

SECTION 15. 18-5-205 (3) (b) and (3) (c), Colorado Revised Statutes, are amended to read:

18-5-205. Fraud by check - definitions - penalties. (3) Fraud by check is:

(b) A class 2 misdemeanor if the fraudulent check was for the sum of one hundred dollars or more and less than ~~four~~ FIVE hundred dollars or if the offender is convicted of fraud by check involving the issuance of two or more checks within any sixty-day period in the state of Colorado totaling one hundred dollars or more and less than ~~four~~ FIVE hundred dollars in the aggregate;

(c) A class 6 felony if the fraudulent check was for the sum of ~~four~~ FIVE hundred dollars or more, or if the offender is convicted of fraud by check involving the issuance of two or more checks within any sixty-day period in the state of Colorado totaling ~~four~~ FIVE hundred dollars or more in the aggregate, or if the offender has been twice previously convicted under this section or a former statute of this state of similar content and purport;

SECTION 16. 18-5-206 (1) (b), (1) (c), (2) (b), and (2) (c), Colorado Revised Statutes, are amended to read:

18-5-206. Defrauding a secured creditor or debtor. (1) If a person, with intent to defraud a creditor by defeating, impairing, or rendering worthless or unenforceable any security interest, sells, assigns, transfers, conveys, pledges, encumbers, conceals, destroys, or disposes of any collateral subject to a security interest:

(b) Such person commits a class 2 misdemeanor if the value of the collateral is one hundred dollars or more but less than ~~four~~ FIVE hundred dollars;

(c) Such person commits a class 5 felony if the value of the collateral is ~~four~~ FIVE hundred dollars or more but less than fifteen thousand dollars; and

(2) If a creditor, with intent to defraud a debtor, sells, assigns, transfers, conveys, pledges, buys, or encumbers a promissory note or contract signed by the debtor:

(b) Such creditor commits a class 2 misdemeanor if the amount owing on such note or contract is one hundred dollars or more but less than ~~four~~ FIVE hundred dollars;

(c) Such creditor commits a class 5 felony if the amount owing on such note or contract is ~~four~~ FIVE hundred dollars or more but less than fifteen thousand dollars; and

SECTION 17. 18-5-702 (3) (b) and (3) (c), Colorado Revised Statutes, are amended to read:

18-5-702. Unauthorized use of a financial transaction device.

(3) Unauthorized use of a financial transaction device is:

(b) A class 2 misdemeanor if the value of the cash, credit, property, or services obtained or of the financial payments made is one hundred dollars or more but less than ~~four~~ FIVE hundred dollars;

(c) A class 5 felony if the value of the cash, credit, property, or services obtained or of the financial payments made is ~~four~~ FIVE hundred dollars or more but less than fifteen thousand dollars;

SECTION 18. 18-5.5-102 (3), Colorado Revised Statutes, is amended to read:

18-5.5-102. Computer crime. (3) If the loss, damage, or thing of value taken in violation of this section is less than one hundred dollars, computer crime is a class 3 misdemeanor; if one hundred dollars or more but less than ~~four~~ FIVE hundred dollars, computer crime is a class 2 misdemeanor; if ~~four~~ FIVE hundred dollars or more but less than fifteen thousand dollars, computer crime is a class 5 felony; if fifteen thousand dollars or more, computer crime is a class 3 felony.

SECTION 19. 18-6.5-103 (5), Colorado Revised Statutes, is amended to read:

18-6.5-103. Crimes against at-risk adults and at-risk juveniles - classifications. (5) Any person who commits theft, and commits any element or

portion of the offense in the presence of the victim, as such crime is described in section 18-4-401 (1), and the victim is an at-risk adult or an at-risk juvenile, commits a class 5 felony if the value of the thing involved is less than ~~four~~ FIVE hundred dollars or a class 3 felony if the value of the thing involved is ~~four~~ FIVE hundred dollars or more. Theft from the person of an at-risk adult or an at-risk juvenile by means other than the use of force, threat, or intimidation is a class 4 felony without regard to the value of the thing taken.

SECTION 20. 26-2-306 (2) (b) and (2) (c), Colorado Revised Statutes, are amended to read:

26-2-306. Trafficking in food stamps. (2) Trafficking in food stamps is:

(b) A class 2 misdemeanor under section 18-1-106, C.R.S., if the value of the food stamps is one hundred dollars or more but less than ~~four~~ FIVE hundred dollars;

(c) A class 4 felony under section 18-1-105, C.R.S., if the value of the food stamps is ~~four~~ FIVE hundred dollars or more but less than fifteen thousand dollars;

SECTION 21. 26-4-504 (8) (d) (II) and (8) (d) (III), Colorado Revised Statutes, are amended to read:

26-4-504. Personal needs benefits - amount - patient personal needs trust fund required - funeral and burial expenses - penalty for illegal retention and use. (8) (d) Unlawful use of a patient personal needs trust fund is:

(II) A class 2 misdemeanor, if the amount involved is one hundred dollars or more but less than ~~four~~ FIVE hundred dollars;

(III) A class 4 felony, if the amount involved is ~~four~~ FIVE hundred dollars or more but less than fifteen thousand dollars;

SECTION 22. 42-5-103 (2) (a) and (2) (b), Colorado Revised Statutes, are amended to read:

42-5-103. Tampering with a motor vehicle. (2) Tampering with a motor vehicle is:

(a) A class 2 misdemeanor if the damage is less than ~~four~~ FIVE hundred dollars;

(b) A class 5 felony if the damage is ~~four~~ FIVE hundred dollars or more but less than fifteen thousand dollars;

SECTION 23. 42-5-104 (2) (a) and (2) (b), Colorado Revised Statutes, are amended to read:

42-5-104. Theft of motor vehicle parts. (2) Theft of motor vehicle parts is:

(a) A class 2 misdemeanor if the value of the thing involved is less than ~~four~~ FIVE hundred dollars;

(b) A class 5 felony if the value of the thing involved is ~~four~~ FIVE hundred dollars or more but less than fifteen thousand dollars;

SECTION 24. 18-6.5-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-6.5-103. Crimes against at-risk adults and at-risk juveniles - classifications. (8) FOR PURPOSES OF SUBSECTIONS (3) TO (7) OF THIS SECTION, COMMISSION OF THE OFFENSES DESCRIBED IN SAID SUBSECTIONS SHALL INCLUDE THE ATTEMPT, SOLICITATION, OR CONSPIRACY TO COMMIT SUCH OFFENSES.

SECTION 25. 18-3-202 (2) (c), Colorado Revised Statutes, is amended to read:

18-3-202. Assault in the first degree. (2) (c) If a defendant is convicted of assault in the first degree pursuant to ~~paragraph (a), (c), (e), (e.5), or (f)~~ of subsection (1) of this section, the court shall sentence the defendant in accordance with the provisions of section 16-11-309, C.R.S.

SECTION 26. 18-3-203 (2) (c), Colorado Revised Statutes, is amended to read:

18-3-203. Assault in the second degree. (2) (c) If a defendant is convicted of assault in the second degree pursuant to ~~paragraph (a);~~ (b), (c), (d), or (g) of subsection (1) of this section or paragraph (b.5) of this subsection (2), except with respect to sexual assault in the first degree, the court shall sentence the defendant in accordance with the provisions of section 16-11-309, C.R.S. A defendant convicted of assault in the second degree pursuant to paragraph (b.5) of this subsection (2) WITH RESPECT TO SEXUAL ASSAULT IN THE FIRST DEGREE shall be sentenced in accordance with section 18-1-105 (9) (e).

SECTION 27. 18-3-304 (1) and (2), Colorado Revised Statutes, are amended, and the said 18-3-304 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

18-3-304. Violation of custody. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2.5) OF THIS SECTION, any person, including a natural or foster parent, who, knowing that he OR SHE has no privilege to do so or heedless in that regard, takes or entices any child under the age of eighteen years from the custody of his OR HER parents, guardian, or other lawful custodian commits a class 5 felony.

(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2.5) OF THIS SECTION, any parent or other person who violates an order of any district or juvenile court of this state, granting the custody of a child under the age of eighteen years to any person, agency, or institution, with the intent to deprive the lawful custodian of the custody of a child under the age of eighteen years, commits a class 5 felony.

(2.5) ANY PERSON WHO, IN THE COURSE OF COMMITTING THE OFFENSES DESCRIBED IN SUBSECTIONS (1) AND (2) OF THIS SECTION, REMOVES A CHILD UNDER THE AGE OF EIGHTEEN YEARS FROM THIS COUNTRY COMMITS A CLASS 4 FELONY.

SECTION 28. 18-1-1001 (1) and the introductory portion to 18-1-1001 (3), Colorado Revised Statutes, are amended, and the said 18-1-1001 is further amended

BY THE ADDITION OF A NEW SUBSECTION, to read:

18-1-1001. Restraining order against defendant. (1) There is hereby created a mandatory restraining order against any person charged with a violation of any of the provisions of this title, which order shall remain in effect from the time that the person is advised of his or her rights at arraignment or the person's first appearance before the court and informed of such order until final disposition of the action. ~~or, in the case of an appeal, until disposition of the appeal.~~ Such order shall restrain the person charged from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of the acts charged. The restraining order issued pursuant to this section shall be on a standardized form prescribed by the judicial department and a copy shall be provided to the protected parties.

(3) Nothing in this section shall preclude the defendant from applying to the court at any time for modification or dismissal of the restraining order issued pursuant to this section or the district attorney from applying to the court at any time for further orders, additional provisions under the restraining order, or modification or dismissal of the same. The trial court shall retain jurisdiction to enforce, modify, or dismiss the restraining order ~~during the pendency of any appeal that may be brought~~ UNTIL FINAL DISPOSITION OF THE ACTION. Upon motion of the district attorney, or on the court's motion to protect the alleged victim, the court may, in cases involving domestic violence as defined in section 18-6-800.3 (1), enter any of the following further orders against the defendant:

(8) FOR PURPOSES OF THIS SECTION:

(a) "COURT" MEANS THE TRIAL COURT OR A DESIGNEE OF THE TRIAL COURT.

(b) "UNTIL FINAL DISPOSITION OF THE ACTION" MEANS UNTIL THE CASE IS DISMISSED, UNTIL THE DEFENDANT IS ACQUITTED, OR UNTIL THE DEFENDANT COMPLETES HIS OR HER SENTENCE. ANY DEFENDANT SENTENCED TO PROBATION OR INCARCERATION SHALL BE DEEMED TO HAVE COMPLETED HIS OR HER SENTENCE UPON DISCHARGE FROM PROBATION OR INCARCERATION, AS THE CASE MAY BE.

SECTION 29. 18-2-301 (1), Colorado Revised Statutes, is amended to read:

18-2-301. Criminal solicitation. (1) Except as to bona fide acts of persons authorized by law to investigate and detect the commission of offenses by others, a person is guilty of criminal solicitation if he OR SHE commands, induces, entreats, or otherwise attempts to persuade another person, OR OFFERS HIS OR HER SERVICES OR ANOTHER'S SERVICES TO A THIRD PERSON, to commit a felony, whether as principal or accomplice, with intent to promote or facilitate the commission of that crime, and under circumstances strongly corroborative of that intent.

SECTION 30. 18-18-405 (5), Colorado Revised Statutes, is amended to read:

18-18-405. Unlawful distribution, manufacturing, dispensing, sale, or possession. (5) When a person commits unlawful distribution, manufacture, dispensing, sale, or possession with intent to manufacture, dispense, sell, or distribute cocaine, pursuant to subsection (1) of this section, twice or more within a period of six months, without having been placed in jeopardy for the prior offense or offenses,

and the aggregate amount of cocaine involved equals or exceeds ~~twenty-eight~~ TWENTY-FIVE grams, the defendant shall be sentenced pursuant to the mandatory sentencing requirements specified in subsection (3) of this section.

SECTION 31. 18-4-502, Colorado Revised Statutes, is amended to read:

18-4-502. First degree criminal trespass. A person commits the crime of first degree criminal trespass if such person knowingly and unlawfully enters or remains in a dwelling of another or if such person enters any motor vehicle ~~with intent to steal anything of value or~~ with intent to commit a crime therein. First degree criminal trespass is a class 5 felony.

SECTION 32. 42-4-1601 (2) (b), Colorado Revised Statutes, is amended to read:

42-4-1601. Accidents involving death or personal injuries - duties. (2) Any person who violates any provision of this section commits:

(b) A ~~class 1 misdemeanor~~ CLASS 5 FELONY if the accident resulted in serious bodily injury to any person;

SECTION 33. 18-3-405.3, Colorado Revised Statutes, is amended to read:

18-3-405.3. Sexual assault on a child by one in a position of trust. (1) Any actor who knowingly subjects another not his or her spouse to any sexual contact commits sexual assault on a child by one in a position of trust if the victim is a child less than eighteen years of age and the actor committing the offense is one in a position of trust with respect to the victim.

(2) Sexual assault on a child by one in a position of trust is a class 3 felony if:

(a) The victim is less than fifteen years of age; ~~and~~ OR

(b) THE ACTOR COMMITS THE OFFENSE AS A PART OF A PATTERN OF SEXUAL ABUSE AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION. NO SPECIFIC DATE OR TIME NEED BE ALLEGED FOR THE PATTERN OF SEXUAL ABUSE; EXCEPT THAT THE ACTS CONSTITUTING THE PATTERN OF SEXUAL ABUSE MUST HAVE BEEN COMMITTED WITHIN TEN YEARS PRIOR TO THE OFFENSE CHARGED IN THE INFORMATION OR INDICTMENT. THE OFFENSE CHARGED IN THE INFORMATION OR INDICTMENT SHALL CONSTITUTE ONE OF THE INCIDENTS OF SEXUAL CONTACT INVOLVING A CHILD NECESSARY TO FORM A PATTERN OF SEXUAL ABUSE AS DEFINED IN SECTION 18-3-401 (2.5).

(3) SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST is a class 4 felony if the victim is fifteen years of age or older but less than eighteen years of age AND THE OFFENSE IS NOT COMMITTED AS PART OF A PATTERN OF SEXUAL ABUSE, AS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION.

(4) IF A DEFENDANT IS CONVICTED OF THE CLASS 3 FELONY OF SEXUAL ASSAULT ON A CHILD PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, THE COURT SHALL SENTENCE THE DEFENDANT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 16-11-309, C.R.S.

SECTION 34. 16-11-103 (5) (m), Colorado Revised Statutes, is amended, and the said 16-11-103 (5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

16-11-103. Imposition of sentence in class 1 felonies - appellate review.

(5) For purposes of this section, aggravating factors shall be the following factors:

(m) The defendant intentionally killed a child who has not yet attained twelve years of age; OR

(n) THE DEFENDANT COMMITTED THE CLASS 1 FELONY AGAINST THE VICTIM BECAUSE OF THE VICTIM'S RACE, COLOR, ANCESTRY, RELIGION, OR NATIONAL ORIGIN.

SECTION 35. 43-2-201.1 (1), Colorado Revised Statutes, is amended to read:

43-2-201.1. Closure of public highways extending to public lands - penalty.

(1) Any person, other than a governing body of a municipality or county acting pursuant to part 3 of this article, who intentionally blocks, obstructs, or closes any public highway, as described in section 43-2-201, ~~which~~ THAT extends to any public land, including public land belonging to the federal government, thereby closing public access to public lands, without good cause therefor, commits a ~~class 3~~ CLASS 1 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

SECTION 36. 18-18-206 (2) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

18-18-206. Schedule IV. (2) Unless specifically excepted by Colorado or federal law or Colorado or federal regulation or more specifically included in another schedule, the following controlled substances are listed in schedule IV:

(a) Any material, compound, mixture, isomers or salts or isomers, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as follows:

(III) BUTORPHANOL;

SECTION 37. 17-22.5-403, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-22.5-403. Parole eligibility. (9) (a) THE PROVISIONS OF THIS SUBSECTION (9) SHALL APPLY TO ANY OFFENDER WHO IS PAROLED FOR A CLASS 2, 3, 4, OR 5 FELONY OR A CLASS 6 FELONY THAT IS THE OFFENDER'S SECOND OR SUBSEQUENT FELONY OFFENSE COMMITTED ON OR AFTER JULY 1, 1998, AND IS SUBSEQUENTLY REINCARCERATED PURSUANT TO SUBSECTION (8) OF THIS SECTION. FOLLOWING REINCARCERATION, THE OFFENDER MAY APPLY FOR PAROLE AND THE STATE BOARD OF PAROLE, WORKING IN CONJUNCTION WITH THE DEPARTMENT AND USING THE GUIDELINES ESTABLISHED PURSUANT TO SECTION 17-22.5-404, SHALL DETERMINE WHETHER TO GRANT PAROLE. IF THE STATE BOARD OF PAROLE DETERMINES THAT PLACING THE OFFENDER ON PAROLE IS APPROPRIATE, IT SHALL SET THE LENGTH OF THE PERIOD OF PAROLE AT ANY TIME REMAINING ON THE OFFENDER'S MANDATORY PERIOD OF PAROLE ESTABLISHED IN SECTION 18-1-105 (1) (a) (V), C.R.S.; EXCEPT

THAT, IF THE OFFENDER'S REMAINING MANDATORY PERIOD OF PAROLE IS LESS THAN TWELVE MONTHS, THE STATE BOARD OF PAROLE SHALL RELEASE THE OFFENDER TO TWELVE MONTHS OF SUPERVISION AND THE OFFENDER SHALL NOT BE REQUIRED TO SERVE THE REMAINING MANDATORY PERIOD OF PAROLE. IF AN APPLICATION FOR PAROLE IS REFUSED BY THE STATE BOARD OF PAROLE, THE STATE BOARD OF PAROLE SHALL RECONSIDER WITHIN ONE YEAR THEREAFTER WHETHER THE OFFENDER SHOULD BE GRANTED PAROLE. THE STATE BOARD OF PAROLE SHALL CONTINUE SUCH RECONSIDERATION EACH YEAR THEREAFTER, EXCEPT AS OTHERWISE PROVIDED FOR THE CRIMES SPECIFIED IN SUBSECTION (7) OF THIS SECTION, UNTIL THE BOARD GRANTS THE OFFENDER PAROLE OR RELEASES THE OFFENDER ON SUPERVISION OR UNTIL THE OFFENDER COMPLETES THE MANDATORY PERIOD OF PAROLE IN INCARCERATION. IF THE OFFENDER COMPLETES THE MANDATORY PERIOD OF PAROLE IN INCARCERATION, HE OR SHE SHALL BE RELEASED TO A TWELVE-MONTH PERIOD OF SUPERVISION.

(b) (I) IF THE STATE BOARD OF PAROLE GRANTS PAROLE TO AN OFFENDER PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9) FOR THE PERIOD REMAINING ON THE OFFENDER'S MANDATORY PERIOD OF PAROLE, THE PROVISIONS OF SUBSECTION (8) OF THIS SECTION SHALL APPLY WHILE THE OFFENDER IS SERVING THE REMAINDER OF THE MANDATORY PERIOD OF PAROLE; EXCEPT THAT, IF THE STATE BOARD OF PAROLE SUBSEQUENTLY REVOKES THE OFFENDER'S PAROLE AS PROVIDED IN SUBSECTION (8) OF THIS SECTION AND THE OFFENDER'S REMAINING PERIOD OF MANDATORY PAROLE IS LESS THAN SIX MONTHS, THE STATE BOARD SHALL IMPOSE INTERMEDIATE SANCTIONS AS PROVIDED IN PARAGRAPH (f) OF THIS SUBSECTION (9) OR RETURN THE OFFENDER TO A PLACE OF CONFINEMENT FOR A PERIOD OF UP TO TWELVE MONTHS AND THE OFFENDER SHALL NOT BE REQUIRED TO SERVE THE REMAINING MANDATORY PERIOD OF PAROLE. ANY PERSON REINCARCERATED FOR A PERIOD OF UP TO TWELVE MONTHS PURSUANT TO THIS PARAGRAPH (b) SHALL BE ELIGIBLE FOR SUBSEQUENT RELEASE FOR A TWELVE-MONTH PERIOD OF SUPERVISION AT ANY TIME DURING SUCH REINCARCERATION OR UPON COMPLETION OF SUCH INCARCERATION.

(II) IF THE OFFENDER COMPLETES THE MANDATORY PERIOD OF PAROLE OR THE STATE BOARD OF PAROLE DISCHARGES THE OFFENDER FROM MANDATORY PAROLE PURSUANT TO SUBSECTION (8) OF THIS SECTION, THE OFFENDER'S SENTENCE SHALL BE DEEMED FULLY DISCHARGED.

(c) FOR ANY OFFENDER RELEASED TO A TWELVE-MONTH PERIOD OF SUPERVISION PURSUANT TO THIS SUBSECTION (9), THE DIVISION OF ADULT SERVICES SHALL PROVIDE SUPERVISION AND ASSISTANCE IN SECURING EMPLOYMENT, HOUSING, AND SUCH OTHER SERVICES AS MAY AFFECT THE OFFENDER'S SUCCESSFUL REINTEGRATION INTO THE COMMUNITY WHILE RECOGNIZING THE NEED FOR PUBLIC SAFETY. THE STATE BOARD OF PAROLE, PURSUANT TO SECTION 17-22.5-404, SHALL ESTABLISH THE CONDITIONS FOR THE OFFENDER'S TWELVE-MONTH SUPERVISION PRIOR TO THE OFFENDER'S RELEASE FROM INCARCERATION. UPON A DETERMINATION IN A REVOCATION PROCEEDING THAT THE CONDITIONS OF SUPERVISION HAVE BEEN VIOLATED, THE STATE BOARD OF PAROLE SHALL CONTINUE THE SUPERVISION IN EFFECT, MODIFY THE CONDITIONS OF SUPERVISION IF CIRCUMSTANCES THEN SHOWN TO EXIST REQUIRE SUCH MODIFICATIONS, WHICH CIRCUMSTANCES SHALL BE SET FORTH IN WRITING, OR REVOKE THE SUPERVISION AND IMPOSE INTERMEDIATE SANCTIONS AS PROVIDED IN PARAGRAPH (f) OF THIS SUBSECTION (9) OR ORDER THE RETURN OF THE OFFENDER TO A PLACE OF CONFINEMENT DESIGNATED BY THE

EXECUTIVE DIRECTOR FOR ANY PERIOD OF TIME UP TO TWELVE MONTHS. ANY OFFENDER WHO HAS BEEN REINCARCERATED DUE TO A SUPERVISION REVOCATION PURSUANT TO THIS PARAGRAPH (c) SHALL BE ELIGIBLE FOR SUBSEQUENT RELEASE FOR A TWELVE-MONTH PERIOD OF SUPERVISION AT ANY TIME DURING SUCH REINCARCERATION.

(d) THE STATE BOARD OF PAROLE MAY DISCHARGE AN OFFENDER RELEASED ON SUPERVISION UNDER THIS SUBSECTION (9) AT ANY TIME DURING THE TERM OF SUPERVISION UPON A DETERMINATION THAT THE OFFENDER HAS BEEN SUFFICIENTLY REHABILITATED AND REINTEGRATED INTO SOCIETY AND CAN NO LONGER BENEFIT FROM SUPERVISION. IN MAKING ANY SUCH DETERMINATION, THE STATE BOARD OF PAROLE SHALL MAKE WRITTEN FINDINGS AS TO WHY THE OFFENDER IS NO LONGER IN NEED OF SUPERVISION. UPON COMPLETION OF TWELVE CONSECUTIVE MONTHS OF SUPERVISION OR DISCHARGE FROM SUPERVISION AS PROVIDED IN THIS PARAGRAPH (d), THE OFFENDER'S SENTENCE SHALL BE DEEMED FULLY DISCHARGED.

(e) NOTWITHSTANDING ANY PROVISIONS OF THIS SUBSECTION (9) TO THE CONTRARY, THE TOTAL AMOUNT OF TIME SPENT BY AN OFFENDER IN INCARCERATION AS A RESULT OF REVOCATION OF SUPERVISION SHALL NOT EXCEED THE LENGTH OF THE OFFENDER'S ORIGINAL SENTENCE TO INCARCERATION PLUS THE LENGTH OF THE OFFENDER'S ORIGINAL SENTENCE TO MANDATORY PAROLE PLUS TWELVE MONTHS. IN CALCULATING THE TIME SPENT IN INCARCERATION BY AN OFFENDER FOR PURPOSES OF THIS PARAGRAPH (e), THE OFFENDER SHALL RECEIVE CREDIT FOR TIME SPENT IN INCARCERATION AS A RESULT OF THE ORIGINAL SENTENCE TO INCARCERATION, ANY TIME SPENT IN INCARCERATION AS A RESULT OF REVOCATION OF MANDATORY PAROLE, AND ANY TIME SPENT IN INCARCERATION AS A RESULT OF REVOCATION OF SUPERVISION.

(f) IF REVOCATION OF MANDATORY PAROLE FOR LESS THAN TWELVE MONTHS OR REVOCATION OF SUPERVISION IS BASED ON A TECHNICAL VIOLATION OF THE CONDITIONS OF PAROLE OR SUPERVISION, THE STATE BOARD OF PAROLE SHALL IMPOSE INTERMEDIATE SANCTIONS WHERE FACILITIES APPROPRIATE FOR SUCH INTERMEDIATE SANCTIONS ARE AVAILABLE. FOR PURPOSES OF THIS PARAGRAPH (f), "INTERMEDIATE SANCTIONS" MAY INCLUDE, BUT ARE NOT LIMITED TO, A COMMUNITY CORRECTIONS PROGRAM, AS DEFINED IN SECTION 17-27-102 (3), A HOME DETENTION PROGRAM, AS DESCRIBED IN ARTICLE 27.8 OF THIS TITLE, OR A SPECIALIZED RESTITUTION AND COMMUNITY SERVICE PROGRAM, AS DESCRIBED IN ARTICLE 27.9 OF THIS TITLE.

SECTION 38. 18-1-105 (1) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

18-1-105. Felonies classified - presumptive penalties. (1) (a) (VI) ANY PERSON SENTENCED FOR A CLASS 2, 3, 4, OR 5 FELONY, OR A CLASS 6 FELONY THAT IS THE OFFENDER'S SECOND OR SUBSEQUENT FELONY OFFENSE, COMMITTED ON OR AFTER JULY 1, 1998, REGARDLESS OF THE LENGTH OF THE PERSON'S SENTENCE TO INCARCERATION AND THE MANDATORY PERIOD OF PAROLE, SHALL NOT BE DEEMED TO HAVE FULLY DISCHARGED HIS OR HER SENTENCE UNTIL SAID PERSON HAS EITHER COMPLETED OR BEEN DISCHARGED BY THE STATE BOARD OF PAROLE FROM THE MANDATORY PERIOD OF PAROLE IMPOSED PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH (a) OR COMPLETED OR BEEN DISCHARGED BY THE STATE BOARD OF PAROLE FROM THE TWELVE-MONTH PERIOD OF SUPERVISION IMPOSED PURSUANT TO

SECTION 17-22.5-403 (9), C.R.S., WHICHEVER OCCURS FIRST. PRIOR TO FULLY DISCHARGING HIS OR HER SENTENCE, UPON REVOCATION OF PAROLE, A PERSON MAY BE RETURNED TO INCARCERATION FOR THE PERIODS SPECIFIED IN SECTION 17-22.5-403 (9), C.R.S.

SECTION 39. Exception to the requirements of section 2-2-703, Colorado Revised Statutes. The general assembly hereby finds that the amendments to sections 17-22.5-403 and 18-1-105, Colorado Revised Statutes, enacted in sections 37 and 38 of this act reflect the General Assembly's original intent in passing House Bill 93-1302. As a clarification of a previously enacted bill, the general assembly finds that said amendments constitute an exception to the five-year appropriation requirements specified in section 2-2-703, Colorado Revised Statutes.

SECTION 40. No appropriation. The general assembly has determined that sections 37 and 38 of this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 41. The introductory portion to 24-75-302 (2) and 24-75-302 (2) (m) and (2) (n), Colorado Revised Statutes, are amended, and the said 24-75-302 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, 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, ~~2001~~ 2002, 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:

(m) On July 1, 2000, one hundred eighty-four thousand ninety dollars pursuant to H.B. 97-1186, plus four hundred seventy-eight thousand six hundred thirty-four dollars pursuant to H.B. 97-1077, enacted at the first regular session of the sixty-first general assembly, PLUS SEVENTY-ONE THOUSAND TWO HUNDRED SEVEN DOLLARS PURSUANT TO H.B. 98-1160, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIRST GENERAL ASSEMBLY; ~~and~~

(n) On July 1, 2001, one hundred fifty-four thousand six hundred thirty-six dollars pursuant to H.B. 97-1186, plus nine hundred five thousand seven hundred twenty-three dollars pursuant to H.B. 97-1077, enacted at the first regular session of the sixty-first general assembly, PLUS THREE HUNDRED FORTY-NINE THOUSAND FIFTY-FIVE DOLLARS PURSUANT TO H.B. 98-1160, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIRST GENERAL ASSEMBLY; AND

(o) ON JULY 1, 2002, THREE HUNDRED NINETY-SEVEN THOUSAND NINE HUNDRED TWENTY-THREE DOLLARS PURSUANT TO H.B. 98-1160, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIRST GENERAL ASSEMBLY.

SECTION 42. Article 1 of title 17, Colorado Revised Statutes, is amended BY

THE ADDITION OF A NEW SECTION to read:

17-1-122. Appropriation to comply with section 2-2-703. (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 HB 98-1160, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIRST GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2000, 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 SEVENTY-ONE THOUSAND TWO HUNDRED SEVEN DOLLARS (\$71,207).

(b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, 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 THREE HUNDRED FORTY-NINE THOUSAND FIFTY-FIVE DOLLARS (\$349,055).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, 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-THREE THOUSAND NINE HUNDRED SIXTEEN DOLLARS (\$23,916).

(c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, 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 THREE HUNDRED NINETY-SEVEN THOUSAND NINE HUNDRED TWENTY-THREE DOLLARS (\$397,923).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, 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 ONE HUNDRED FORTY THOUSAND SIX HUNDRED SEVENTY-SIX DOLLARS (\$140,676).

SECTION 43. No appropriation. For the fiscal year beginning July 1, 1998, the general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 44. Effective date - applicability. This act shall take effect July 1, 1998, and shall apply to offenses committed on or after said date.

SECTION 45. 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: June 4, 1998