

CHAPTER 359

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 03-1004

BY REPRESENTATIVE(S) Rhodes, Berry, Borodkin, Boyd, Brophy, Carroll, Cerbo, Cloer, Coleman, Crane, Decker, Fairbank, Frangas, Fritz, Garcia, Hall, Hefley, Hodge, Hoppe, Jahn, King, Madden, Marshall, May M., Merrifield, Miller, Mitchell, Paccione, Pommer, Ragsdale, Rippy, Romano ff, Rose, Schultheis, Sinclair, Spence, Spradley, Stafford, Stengel, Wiens, Williams S., and Young;

also SENATOR(S) Reeves, Anderson, Andrews, Arnold, Chlouber, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson S., Jones, Keller, Kester, Lamborn, May R., McElhany, Nichol, Owen, Phillips, Sandoval, Tapia, Taylor, Teck, and Windels.

AN ACT

CONCERNING AMENDMENT OF THE CRIME OF CHILD ABUSE TO INCLUDE ACTIONS RELATED TO THE MANUFACTURE OF A CONTROLLED SUBSTANCE IN THE PRESENCE OF A CHILD, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 18-6-401 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18-6-401. Child abuse. (1) (c) A PERSON COMMITS CHILD ABUSE IF, IN THE PRESENCE OF A CHILD, OR ON THE PREMISES WHERE A CHILD IS FOUND, OR WHERE A CHILD RESIDES, THE PERSON ENGAGES IN THE MANUFACTURE OR ATTEMPTED MANUFACTURE OF A CONTROLLED SUBSTANCE, AS DEFINED BY SECTION 18-18-102 (5), OR POSSESSES EPHEDRINE, PSEUDOEPHEDRINE, OR PHENYLPROPANOLAMINE, OR THEIR SALTS, ISOMERS, OR SALTS OF ISOMERS, WITH THE INTENT TO USE THE PRODUCT AS AN IMMEDIATE PRECURSOR IN THE MANUFACTURE OF A CONTROLLED SUBSTANCE.

SECTION 2. 18-6-401 (7), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18-6-401. Child abuse. (7) (d) WHEN A PERSON COMMITS CHILD ABUSE AS DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION, IT IS A CLASS 3 FELONY.

SECTION 3. Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended

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

BY THE ADDITION OF A NEW SECTION to read:

17-1-146. Appropriation to comply with section 2-2-703 - H.B. 03-1004.

(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 H.B. 03-1004, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, 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 TWO HUNDRED NINETY-ONE THOUSAND SEVEN HUNDRED SIXTY-ONE DOLLARS (\$291,761).

(b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, 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 FOUR HUNDRED SIXTEEN THOUSAND EIGHT HUNDRED TWO DOLLARS (\$416,802).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, 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 EIGHTEEN THOUSAND FIVE HUNDRED SIXTEEN DOLLARS (\$118,516).

SECTION 4. The introductory portion to 24-75-302 (2) and 24-75-302 (2) (s), 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, ~~2006~~ 2007, 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:

(s) On July 1, 2006, twenty-two thousand nine hundred twenty-four dollars pursuant to section 3 of H.B. 02S-1006, enacted at the third extraordinary session of the sixty-third general assembly; PLUS TWO HUNDRED NINETY-ONE THOUSAND SEVEN HUNDRED SIXTY-ONE DOLLARS PURSUANT TO H.B. 03-1004, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY;

(t) ON JULY 1, 2007, FOUR HUNDRED SIXTEEN THOUSAND EIGHT HUNDRED TWO DOLLARS PURSUANT TO H.B. 03-1004, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY.

SECTION 5. Effective date - applicability. This act shall take effect on July

1, 2003, and shall apply to offenses committed on or after said date.

SECTION 6. 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, 2003