

CHAPTER 239

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 04-1016

BY REPRESENTATIVE(S) Johnson R., Borodkin, Coleman, Frangas, Romano ff, Stengel, and Williams S.;
also SENATOR(S) Dyer, Arnold, Groff, Grossman, Hanna, Teck, and Windels.

AN ACT

**CONCERNING THE ADDITION OF CERTAIN OBSCENITY OFFENSES TO THE "COLORADO SEX OFFENDER
REGISTRATION ACT" THAT REQUIRES REGISTRATION UPON CONVICTION OF THE OFFENSE, AND
MAKING AN APPROPRIATION THEREFOR.**

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

SECTION 1. 16-22-102 (9), Colorado Revised Statutes, is amended BY THE
ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

16-22-102. Definitions. As used in this article, unless the context otherwise
requires:

(9) "Unlawful sexual behavior" means any of the following offenses or criminal
attempt, conspiracy, or solicitation to commit any of the following offenses:

(v) WHOLESAL PROMOTION OF OBSCENITY TO A MINOR, IN VIOLATION OF SECTION
18-7-102 (1.5), C.R.S.;

(w) PROMOTION OF OBSCENITY TO A MINOR, IN VIOLATION OF SECTION 18-7-102
(2.5), C.R.S.

SECTION 2. Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended
BY THE ADDITION OF A NEW SECTION to read:

17-1-150. 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 H.B. 04-1016,
ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FOURTH GENERAL
ASSEMBLY:

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

(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 SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS (\$69,467).

(b) 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 TWENTY-SEVEN THOUSAND EIGHT HUNDRED TWENTY-FOUR DOLLARS (\$27,824).

SECTION 3. 24-75-302 (2) (s), Colorado Revised Statutes, as it will become effective July 1, 2004, is amended 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, 2008, 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; plus one hundred twenty-five thousand forty-one dollars pursuant to H.B. 03-1138, enacted at the first regular session of the sixty-fourth general assembly; plus sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 03-1213, enacted at the first regular session of the sixty-fourth general assembly; plus sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 03-1317, enacted at the first regular session of the sixty-fourth general assembly; PLUS SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS PURSUANT TO H.B. 04-1016, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY.

SECTION 4. 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: May 21, 2004