

## CHAPTER 285

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**CRIMINAL LAW AND PROCEDURE**

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**SENATE BILL 06-206**

BY SENATOR(S) Groff, Grossman, Shaffer, Bacon, Boyd, Brophy, Dyer, Entz, Evans, Fitz-Gerald, Hagedorn, Isgar, Johnson, Jones, Keller, Kester, Lamborn, Mitchell, Tapia, Taylor, Teck, Tochtrop, Traylor, Veiga, Wiens, Williams, and Windels; also REPRESENTATIVE(S) Green, Berens, Buescher, Carroll M., Carroll T., Coleman, Crane, Harvey, Hefley, Hoppe, Kerr A., Kerr J., King, Knoedler, Massey, May M., McCluskey, Merrifield, Paccione, Penry, Romanoff, Rose, Stafford, Todd, White, Witwer, Borodkin, Gardner, Jahn, and Lundberg.

**AN ACT**

**CONCERNING A PROHIBITION ON THE SMUGGLING OF HUMANS INTO COLORADO, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** Article 13 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**18-13-128. Smuggling of humans.** (1) A PERSON COMMITS SMUGGLING OF HUMANS IF, FOR THE PURPOSE OF ASSISTING ANOTHER PERSON TO ENTER, REMAIN IN, OR TRAVEL THROUGH THE UNITED STATES OR THE STATE OF COLORADO IN VIOLATION OF IMMIGRATION LAWS, HE OR SHE PROVIDES OR AGREES TO PROVIDE TRANSPORTATION TO THAT PERSON IN EXCHANGE FOR MONEY OR ANY OTHER THING OF VALUE.

(2) SMUGGLING OF HUMANS IS A CLASS 3 FELONY.

(3) A PERSON COMMITS A SEPARATE OFFENSE FOR EACH PERSON TO WHOM HE OR SHE PROVIDES OR AGREES TO PROVIDE TRANSPORTATION IN VIOLATION OF SUBSECTION (1) OF THIS SECTION.

(4) NOTWITHSTANDING THE PROVISIONS OF SECTION 18-1-202, SMUGGLING OF HUMANS OFFENSES MAY BE TRIED IN ANY COUNTY IN THE STATE WHERE A PERSON WHO IS ILLEGALLY PRESENT IN THE UNITED STATES WHO IS A SUBJECT OF THE ACTION IS FOUND.

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

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

**17-1-153. Appropriation to comply with section 2-2-703 - SB 06-206**

(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 S.B. 06-206, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH 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 ONE HUNDRED SEVENTY-FOUR THOUSAND THREE HUNDRED EIGHTY-EIGHT DOLLARS (\$174,388).

(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 TWO HUNDRED NINE THOUSAND TWO HUNDRED SIXTY-SIX DOLLARS (\$209,266).

(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 FIFTY-THREE THOUSAND SIX HUNDRED TWENTY-SIX DOLLARS (\$53,626).

(c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, 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-TWO THOUSAND THREE HUNDRED SEVENTY-THREE DOLLARS (\$392,373).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, 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 SEVENTEEN THOUSAND NINE HUNDRED SEVENTY-SEVEN DOLLARS (\$117,977).

(d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, 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 FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS (\$523,164).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, 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 TWO HUNDRED THIRTY-EIGHT THOUSAND SIX HUNDRED THIRTY-SIX DOLLARS (\$238,636).

(e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, 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 FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS (\$523,164).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, 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 THREE HUNDRED NINETY-NINE THOUSAND FIVE HUNDRED FOURTEEN DOLLARS (\$399,514).

**SECTION 3.** The introductory portion to 24-75-302 (2) and 24-75-302 (2) (s), (2) (t), and (2) (u), Colorado Revised Statutes, are amended, and the said 24-75-302 (2) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, 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~~ 2010, 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 ninety thousand three hundred seven dollars pursuant to H.B. 04-1021, enacted at the second 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; PLUS ONE HUNDRED SEVENTY-FOUR THOUSAND THREE HUNDRED EIGHTY-EIGHT DOLLARS PURSUANT TO S.B. 06-206, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH 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; plus fifty-five thousand five hundred seventy-four dollars pursuant to H.B. 03-1317, enacted at the first regular session of the sixty-fourth general assembly; plus thirteen thousand eight hundred ninety-three dollars pursuant to H.B. 04-1021, enacted at the second regular session of the sixty-fourth general assembly; PLUS TWO HUNDRED NINE THOUSAND TWO HUNDRED SIXTY-SIX DOLLARS PURSUANT TO S.B. 06-206, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY;

(u) On July 1, 2008, sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 04-1021, enacted at the second regular session of the sixty-fourth general assembly; PLUS THREE HUNDRED NINETY-TWO THOUSAND THREE HUNDRED SEVENTY-THREE DOLLARS PURSUANT TO S.B. 06-206, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY;

(v) ON JULY 1, 2009, FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS PURSUANT TO S.B. 06-206, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY;

(w) ON JULY 1, 2010, FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS PURSUANT TO S.B. 06-206, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH 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 30, 2006