

CHAPTER 257

CRIMINAL LAW AND PROCEDURE

SENATE BILL 11-085

BY SENATOR(S) Shaffer B., Carroll, Giron, Guzman, Heath, Nicholson, Tochtrop, Williams S.;
also REPRESENTATIVE(S) McCann, Duran, Fischer, Hamner, Labuda, Schafer S., Todd, Tyler, Williams A., Wilson.

AN ACT

CONCERNING INCREASING THE ENFORCEMENT OF PROHIBITIONS AGAINST CERTAIN PROSTITUTION-RELATED OFFENSES, AND, IN CONNECTION THEREWITH, AUTHORIZING THE CREATION OF A PROGRAM FOR CERTAIN FIRST-TIME OFFENDERS OF SUCH OFFENSES.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) Human trafficking is the recruitment and transportation of persons within or across national boundaries by means of force, fraud, or deception for the purpose of exploiting them economically;

(b) As a modern-day form of slavery, the trafficking of human beings is a particularly despicable crime that exacts a terrible toll upon those persons who are its victims;

(c) The victims of human trafficking in the United States include men and women but are most frequently women, young adults, teenagers, and children and those persons who are present in the United States without documentation; and

(d) Human trafficking is the fastest growing criminal industry in the world, exceeded in scale only by narcotics trafficking.

(2) The general assembly further finds that human trafficking is frequently intertwined with prostitution, as many victims of human trafficking are recruited, harbored, transported, obtained, and exploited for the purpose of performing commercial sex acts.

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

(3) Now, therefore, the general assembly hereby declares that legislative action is required to address the scourge of human trafficking and prostitution in the state of Colorado, which action should include:

(a) Authorizing one or more municipal courts to create and administer a program for certain persons who are charged with certain prostitution-related offenses, with the purpose of reducing recidivism; and

(b) Significantly increasing the fines associated with certain statutory prostitution-related offenses.

SECTION 2. Article 10 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

13-10-126. Prostitution offender program authorized - reports. (1) SUBJECT TO THE PROVISIONS OF THIS SECTION, A MUNICIPAL OR COUNTY COURT, OR MULTIPLE MUNICIPAL OR COUNTY COURTS, MAY CREATE AND ADMINISTER A PROGRAM FOR CERTAIN PERSONS WHO ARE CHARGED WITH SOLICITING FOR PROSTITUTION, AS DESCRIBED IN SECTION 18-7-202, C.R.S., PATRONIZING A PROSTITUTE, AS DESCRIBED IN SECTION 18-7-205, C.R.S., OR ANY CORRESPONDING MUNICIPAL CODE OR ORDINANCE.

(2) A PROGRAM CREATED AND ADMINISTERED BY A MUNICIPAL OR COUNTY COURT OR MULTIPLE MUNICIPAL OR COUNTY COURTS PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL:

(a) PERMIT ENROLLMENT IN THE PROGRAM ONLY BY AN OFFENDER WHO EITHER:

(I) (A) HAS NO PRIOR CONVICTIONS OR ANY CHARGES PENDING FOR ANY FELONY; FOR ANY OFFENSE DESCRIBED IN SECTION 18-3-305, 18-3-306, OR 18-13-128, C.R.S., IN PART 4 OR 5 OF ARTICLE 3 OF TITLE 18, C.R.S., IN PART 3, 4, 6, 7, OR 8 OF ARTICLE 6 OF TITLE 18, C.R.S., IN SECTION 18-7-201.7, 18-7-203, 18-7-205.7, OR 18-7-206, C.R.S., OR IN PART 3, 4, OR 5 OF ARTICLE 7 OF TITLE 18, C.R.S.; OR FOR ANY OFFENSE COMMITTED IN ANOTHER STATE THAT WOULD CONSTITUTE SUCH AN OFFENSE IF COMMITTED IN THIS STATE; AND

(B) HAS BEEN OFFERED AND HAS AGREED TO A DEFERRED SENTENCING ARRANGEMENT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION; OR

(II) (A) HAS AT LEAST ONE PRIOR CONVICTION FOR ANY OFFENSE DESCRIBED IN SECTION 18-7-201, 18-7-202, 18-7-204, 18-7-205, 18-7-207, OR 18-7-208, C.R.S.; OR FOR ANY OFFENSE COMMITTED IN ANOTHER STATE THAT WOULD CONSTITUTE SUCH AN OFFENSE IF COMMITTED IN THIS STATE; AND

(B) HAS BEEN SENTENCED BY A COURT TO COMPLETE THE PROGRAM AS PART OF THE PENALTY IMPOSED FOR A SUBSEQUENT CONVICTION FOR SOLICITING FOR PROSTITUTION, AS DESCRIBED IN SECTION 18-7-202, C.R.S., PATRONIZING A PROSTITUTE, AS DESCRIBED IN SECTION 18-7-205, C.R.S., OR ANY CORRESPONDING MUNICIPAL CODE OR ORDINANCE.

(b) PERMIT THE COURT OR COURTS TO REQUIRE EACH OFFENDER WHO ENROLLS

IN THE PROGRAM TO PAY AN ADMINISTRATION FEE, WHICH FEE THE COURT OR COURTS SHALL USE TO PAY THE COSTS OF ADMINISTERING THE PROGRAM;

(c) TO THE EXTENT PRACTICABLE, BE AVAILABLE TO OFFENDERS, COURTS, AND PROSECUTORS OF OTHER JURISDICTIONS; AND

(d) BE ADMINISTERED BY THE COURT OR COURTS WITH ASSISTANCE FROM ONE OR MORE MUNICIPAL PROSECUTOR'S OFFICES, ONE OR MORE DISTRICT ATTORNEY'S OFFICES, ONE OR MORE STATE OR LOCAL LAW ENFORCEMENT AGENCIES, AND ONE OR MORE NONPROFIT CORPORATIONS, AS DEFINED IN SECTION 7-121-401, C.R.S., WHICH NONPROFIT CORPORATIONS HAVE A STATED MISSION TO REDUCE HUMAN TRAFFICKING OR PROSTITUTION. THE COURT OR COURTS ARE ENCOURAGED TO CONSULT, IN ADDITION TO THE AFOREMENTIONED ENTITIES, RECOGNIZED CRIMINOLOGY EXPERTS AND MENTAL HEALTH PROFESSIONALS.

(3) (a) ENROLLMENT IN THE PROGRAM SHALL BE OFFERED TO EACH OFFENDER AT THE SOLE DISCRETION OF THE PROSECUTING ATTORNEY IN EACH OFFENDER'S CASE.

(b) IF THE PROSECUTING ATTORNEY OFFERS ENROLLMENT IN THE PROGRAM TO AN OFFENDER AS A CONDITION OF A PLEA BARGAIN AGREEMENT AS DESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, THE AGREEMENT SHALL INCLUDE AT A MINIMUM THE FOLLOWING STIPULATIONS:

(I) THE OFFENDER SHALL ENTER A PLEA OF GUILTY TO THE PROSTITUTION-RELATED OFFENSE OR OFFENSES WITH WHICH HE OR SHE IS CHARGED;

(II) THE COURT SHALL DEFER JUDGMENT AND SENTENCING OF THE OFFENDER FOR A PERIOD NOT TO EXCEED TWO YEARS, AS DESCRIBED IN SECTION 18-1.3-102 (1), C.R.S., DURING WHICH TIME THE OFFENDER SHALL ENROLL IN AND COMPLETE THE PROGRAM AND MAY BE REQUIRED TO PAY AN ADMINISTRATION FEE, AS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION;

(III) UPON THE OFFENDER'S SATISFACTORY COMPLETION OF THE PROGRAM, THE COURT SHALL DISMISS WITH PREJUDICE THE PROSTITUTION-RELATED CHARGE OR CHARGES;

(IV) THE OFFENDER SHALL WAIVE HIS OR HER RIGHT TO A SPEEDY TRIAL; AND

(V) IF THE OFFENDER FAILS TO COMPLETE THE PROGRAM OR FAILS TO SATISFY ANY OTHER CONDITION OF THE PLEA BARGAIN AGREEMENT, HE OR SHE SHALL BE SENTENCED FOR THE OFFENSES TO WHICH HE OR SHE HAS PLEADED GUILTY AND SHALL BE REQUIRED TO PAY A FINE OF NOT LESS THAN TWO THOUSAND FIVE HUNDRED DOLLARS AND NOT MORE THAN FIVE THOUSAND DOLLARS, OR THE MAXIMUM AMOUNT AVAILABLE TO A MUNICIPAL OR COUNTY COURT, IN THE DISCRETION OF THE COURT, IN ADDITION TO ANY OTHER SENTENCE IMPOSED BY THE COURT.

(c) IF THE PROSECUTING ATTORNEY OFFERS ENROLLMENT IN THE PROGRAM TO AN OFFENDER PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION AND THE OFFENDER FAILS TO COMPLETE THE PROGRAM, THE OFFENDER SHALL BE REQUIRED TO PAY A FINE OF NOT LESS THAN TWO THOUSAND

FIVE HUNDRED DOLLARS AND NOT MORE THAN FIVE THOUSAND DOLLARS, OR THE MAXIMUM AMOUNT AVAILABLE TO THE MUNICIPAL OR COUNTY COURT, IN THE DISCRETION OF THE COURT, IN ADDITION TO ANY OTHER SENTENCE IMPOSED BY THE COURT.

(4) IF A MUNICIPAL OR COUNTY COURT OR MULTIPLE MUNICIPAL OR COUNTY COURTS CREATE AND ADMINISTER A PROGRAM PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COURT OR COURTS SHALL PREPARE AND SUBMIT A REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, CONCERNING THE EFFECTIVENESS OF THE PROGRAM. THE COURT OR COURTS SHALL SUBMIT THE REPORT NOT LESS THAN TWO YEARS NOR MORE THAN THREE YEARS AFTER THE CREATION OF THE PROGRAM. THE REPORT SHALL INCLUDE INFORMATION CONCERNING:

(a) THE COST OF THE PROGRAM AND THE EXTENT TO WHICH THE COST IS MITIGATED BY THE IMPOSITION OF THE FEES DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION; AND

(b) THE EFFECTIVENESS OF THE PROGRAM IN REDUCING RECIDIVISM AMONG PERSONS WHO COMMIT PROSTITUTION-RELATED OFFENSES.

SECTION 3. 18-7-202 (2), Colorado Revised Statutes, is amended to read:

18-7-202. Soliciting for prostitution. (2) Soliciting for prostitution is a class 3 misdemeanor. A PERSON WHO IS CONVICTED OF SOLICITING FOR PROSTITUTION MAY BE REQUIRED TO PAY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS IN ADDITION TO ANY PENALTY IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-501, WHICH ADDITIONAL FINE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL TRANSFER THE SAME TO THE PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM CASH FUND CREATED IN SECTION 24-33.5-513, C.R.S.

SECTION 4. 18-7-203 (2), Colorado Revised Statutes, is amended to read:

18-7-203. Pandering. (2) (a) Pandering under paragraph (a) of subsection (1) of this section is a class 5 felony. A PERSON WHO IS CONVICTED OF PANDERING UNDER PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL BE REQUIRED TO PAY A FINE OF NOT LESS THAN FIVE THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS IN ADDITION TO ANY PENALTY IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-401, WHICH ADDITIONAL FINE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL TRANSFER THE SAME TO THE PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM CASH FUND CREATED IN SECTION 24-33.5-513, C.R.S.

(b) Pandering under paragraph (b) of subsection (1) of this section is a class 3 misdemeanor. A PERSON WHO IS CONVICTED OF PANDERING UNDER PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL BE REQUIRED TO PAY A FINE OF NOT LESS THAN FIVE THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS IN ADDITION TO ANY PENALTY IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-501, WHICH ADDITIONAL FINE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL TRANSFER THE SAME TO THE PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM CASH FUND CREATED IN SECTION 24-33.5-513, C.R.S.

SECTION 5. 18-7-205 (2), Colorado Revised Statutes, is amended to read:

18-7-205. Patronizing a prostitute. (2) Patronizing a prostitute is a ~~class 1 petty offense, except that patronizing a prostitute is a class 1 misdemeanor. if the violation is committed subsequent to two prior convictions of a violation of this section, of a violation of a comparable offense in any other state, or of a violation of a comparable municipal offense.~~ A PERSON WHO IS CONVICTED OF PATRONIZING A PROSTITUTE MAY BE REQUIRED TO PAY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS IN ADDITION TO ANY PENALTY IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-401 OR 18-1.3-503, WHICH ADDITIONAL FINE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL TRANSFER THE SAME TO THE PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM CASH FUND CREATED IN SECTION 24-33.5-513, C.R.S.

SECTION 6. 18-1.3-701 (1) (a), Colorado Revised Statutes, is amended to read:

18-1.3-701. Judgment for costs and fines. (1) (a) Where any person, association, or corporation is convicted of an offense, or any juvenile is adjudicated a juvenile delinquent for the commission of an act that would have been a criminal offense if committed by an adult, the court shall give judgment in favor of the state of Colorado, the appropriate prosecuting attorney, or the appropriate law enforcement agency and against the offender or juvenile for the amount of the costs of prosecution, the amount of the cost of care, and any fine imposed. No fine shall be imposed for conviction of a felony except as provided in section 18-1.3-401 OR 18-7-203 (2) (a). Such judgments shall be enforceable in the same manner as are civil judgments, and, in addition, the provisions of section 16-11-101.6, C.R.S., and section 18-1.3-702 apply. A county clerk and recorder may not charge a fee for the recording of a transcript or satisfaction of a judgment entered pursuant to this section.

SECTION 7. Part 5 of article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-33.5-513. Prostitution enforcement resources grant program - application process - cash fund - reports - rules - repeal. (1) THERE IS HEREBY CREATED IN THE DIVISION THE PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM. UNDER THE PROGRAM, ON AND AFTER JULY 1, 2013, A MUNICIPAL LAW ENFORCEMENT AGENCY MAY APPLY FOR A GRANT TO FUND EFFORTS TO COMBAT PROSTITUTION-RELATED OFFENSES. THE DIVISION SHALL ADMINISTER THE PROGRAM PURSUANT TO THE PROVISIONS OF THIS SECTION.

(2) THE DIVISION SHALL SOLICIT AND REVIEW APPLICATIONS FROM MUNICIPAL LAW ENFORCEMENT AGENCIES FOR GRANTS PURSUANT TO THIS SECTION. THE DEPARTMENT MAY AWARD GRANTS TO MUNICIPAL LAW ENFORCEMENT AGENCIES FOR PERIODS OF ONE TO THREE YEARS.

(3) EACH APPLICATION, AT A MINIMUM, SHALL DESCRIBE HOW THE APPLICANT MUNICIPAL LAW ENFORCEMENT AGENCY WILL USE ANY AWARDED GRANT MONEYS TO COMBAT PROSTITUTION-RELATED OFFENSES. EACH GRANT RECIPIENT SHALL USE ITS GRANT MONEYS TO SUPPLEMENT AND NOT SUPPLANT ANY MONEYS CURRENTLY BEING USED BY THE GRANT RECIPIENT TO COMBAT PROSTITUTION-RELATED

OFFENSES.

(4) THE DIVISION SHALL SELECT THOSE MUNICIPAL LAW ENFORCEMENT AGENCIES THAT WILL RECEIVE GRANTS PURSUANT TO THIS SECTION AND THE DURATION AND AMOUNT OF EACH GRANT. IN SELECTING THE GRANT RECIPIENTS, THE DIVISION, AT A MINIMUM, SHALL TAKE INTO ACCOUNT THE CRITERIA ESTABLISHED BY RULES PROMULGATED BY THE EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (7) OF THIS SECTION.

(5) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE PROSTITUTION ENFORCEMENT CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND", TO BE ADMINISTERED BY THE DIVISION PURSUANT TO THIS SECTION. THE FUND SHALL CONSIST OF MONEYS TRANSFERRED TO THE FUND PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (5) AND PURSUANT TO SECTIONS 18-7-202 (2), 18-7-203 (2) (a) AND (2) (b), AND 18-7-205 (2), C.R.S.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE DIVISION SHALL NOT BE REQUIRED TO IMPLEMENT THE PROVISIONS OF THIS SECTION UNTIL SUFFICIENT MONEYS HAVE BEEN TRANSFERRED OR APPROPRIATED TO THE FUND.

(c) (I) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND PUBLIC OR PRIVATE GIFTS, GRANTS, AND DONATIONS FROM PUBLIC AND PRIVATE SOURCES TO IMPLEMENT THIS ARTICLE; EXCEPT THAT THE DIVISION SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THE PROVISIONS OF THIS ARTICLE OR ANY OTHER LAW OF THE STATE. THE DIVISION SHALL TRANSFER ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, AND DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CASH FUND.

(II) NOTHING IN THIS PARAGRAPH (c) SHALL BE INTERPRETED TO REQUIRE THE DIVISION TO SOLICIT MONEYS FOR THE PURPOSES OF THIS ARTICLE.

(d) THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DIVISION FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS SECTION. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND; EXCEPT THAT, ALL UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF JULY 1, 2018, SHALL BE TRANSFERRED TO THE GENERAL FUND.

(e) THE DIVISION MAY EXPEND UP TO THREE PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE COSTS INCURRED IN IMPLEMENTING THIS SECTION.

(6) ON OR BEFORE A DATE SPECIFIED BY THE EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (7) OF THIS SECTION, THE DIVISION SHALL SUBMIT ANNUALLY TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY

SUCCESSOR COMMITTEES, THE FOLLOWING INFORMATION REGARDING THE ADMINISTRATION OF THE PROGRAM IN THE PRECEDING YEAR:

(a) THE NUMBER OF GRANT RECIPIENTS THAT RECEIVED GRANTS UNDER THE PROGRAM;

(b) THE AMOUNT OF EACH GRANT AWARDED TO EACH GRANT RECIPIENT;

(c) THE AVERAGE AMOUNT OF EACH GRANT AWARDED UNDER THE PROGRAM;

(d) THE NUMBER OF ARRESTS FOR PROSTITUTION-RELATED OFFENSES MADE BY THE RECIPIENT MUNICIPAL LAW ENFORCEMENT AGENCY IN THE TWELVE-MONTH PERIOD PRECEDING THE RECEIPT OF GRANT MONEYS; AND

(e) THE NUMBER OF ARRESTS FOR PROSTITUTION-RELATED OFFENSES MADE BY THE RECIPIENT MUNICIPAL LAW ENFORCEMENT AGENCY SINCE RECEIVING GRANT MONEYS.

(7) ON OR BEFORE APRIL 1, 2012, THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THIS SECTION, INCLUDING BUT NOT LIMITED TO:

(a) APPLICATION PROCEDURES BY WHICH A MUNICIPAL LAW ENFORCEMENT AGENCY MAY APPLY FOR A GRANT PURSUANT TO THIS SECTION;

(b) CRITERIA FOR THE DIVISION TO APPLY IN SELECTING THE MUNICIPAL LAW ENFORCEMENT AGENCIES THAT SHALL RECEIVE GRANTS AND DETERMINING THE AMOUNT OF GRANT MONEYS TO BE AWARDED TO EACH GRANT RECIPIENT, WHICH CRITERIA, AT A MINIMUM, SHALL REQUIRE EACH GRANT RECIPIENT TO USE AWARDED GRANT MONEYS FOR THE PURPOSE OF COMBATING PROSTITUTION-RELATED OFFENSES; AND

(c) THE DESIGNATION OF A DATE BY WHICH THE DEPARTMENT SHALL ANNUALLY SUBMIT TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THE INFORMATION DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

(8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2018.

SECTION 8. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 2, 2011