

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

TO: Lori Gimelshteyn and Erin Lee
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: December 4, 2023
SUBJECT: Proposed Initiative Measure 2023-2024 #102, Concerning Parental Rights and Responsibilities

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

Purpose

The major purpose of the proposed amendment to the Colorado constitution appears to be to enshrine the fundamental right and responsibility for parents to make decisions concerning the overall care, custody, and control of their children, including but not limited to directing their children's education, upbringing, religious and moral instruction, health, medical care, welfare, place of habitation, counseling, and psychological and emotional well-being.

Substantive Comments and Questions

1. Article V, section 1 (5.5) of the Colorado constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. The proposed initiative provides that parents, in addition to having *rights* related to the care of their child, have *responsibilities* related to the care of their children. What is the intent in creating a constitutional responsibility for parents? Do the proponents intend that there will be consequences if a parent does not meet the parent's constitutional parental responsibilities? If so, who determines when a parent is not meeting the parent's responsibilities? [*emphasis added*]
3. What is the effective date of the proposed initiative?

Technical Comments

The following comments address technical issues raised by the form of the proposed initiative. These comments will be read aloud at the public meeting only if the proponents so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as suggested below.

1. The text of the language being added to the Colorado constitution should be in SMALL CAPITAL LETTERS rather than ALL CAPITAL LETTERS.
2. A section number should be included before the amending clause. For example:
SECTION 1. In the constitution of the state of Colorado, **amend** section 3 of article II as follows:
3. The text of the language being added creates a run-on sentence. For clarity, the proponents should consider making the new language a separate sentence.
4. The proposed initiative states "direct the education". To be grammatically correct, the language should read "directing the education".