

CHAPTER 337

SOCIAL SERVICES CODE**DOMESTIC ABUSE PROGRAM**

HOUSE BILL NO. 1050, BY REPRESENTATIVES Taylor, Allison, Bath, Bowen, Brown, Burkhardt, Campbell, Castro, Dambman, Davoren, Dunning, Dyer, Fenlon, Fine, Fleming, Groff, Hernandez, Herzog, Hume, Johnson, Kirscht, Knox, Kopel, Larson, Lee, Lucero, Markert, Martinez, Neale, Owens, Reeves, Robb, Skaggs, Taylor-Little, Trujillo, Wattenberg, Webb, and Wright;
also SENATORS Donley, Stewart, Baca Barragan, Beno, Callihan, Gallagher, Glass, Groff, Peterson, Phelps, Rizzuto, Sandoval, and Soash.

AN ACT

CONCERNING DOMESTIC ABUSE PROGRAMS, AND PROVIDING FOR A VOLUNTARY CHECK-OFF ON STATE INCOME TAX RETURNS TO PROVIDE FUNDING THEREFOR.

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

Section 1. Title 26, Colorado Revised Statutes 1973, 1982 Repl. Vol., is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 7.5**Domestic Abuse Programs**

26-7.5-101. Legislative declaration. The general assembly hereby finds that a significant number of homicides, aggravated assaults, and assaults and batteries occur within the home between adult family members; that the reported incidence of domestic abuse represents only a portion of the total number of incidents of domestic abuse; that a large percentage of police officer deaths in the line of duty result from police intervention in domestic abuse situations; and that domestic abuse is a complex problem affecting families from all social and economic backgrounds. It is the purpose of this article to encourage the development of domestic abuse programs by units of local government and nongovernmental agencies.

26-7.5-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Domestic abuse" means any act or threatened act of violence, including any forceful detention of an individual, which results or threatens to result in physical injury and which is committed by a person eighteen years

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

of age or older against another person who is a relative or who is living in the same domicile.

(2) "Domestic abuse program" means a community-based or community-oriented program, which may include residential facilities, and which is operated by a unit of local government or a nongovernmental agency and established pursuant to the criteria set forth in section 26-7.5-103, to assist victims of domestic abuse and their dependents.

(3) "Nongovernmental agency" means any person, private nonprofit agency, corporation, or other nongovernmental agency.

(4) "Unit of local government" means a county, city and county, city, town, or municipality.

26-7.5-103. Domestic abuse programs - criteria. (1) A domestic abuse program established pursuant to this article shall provide, but not be limited to:

(a) Counseling for persons who are victims of domestic abuse and their dependents and for persons who cause domestic abuse;

(b) Advocacy programs that assist victims in obtaining services and information;

(c) Educational programs, designed for both community at large and specialized groups such as medical personnel and law enforcement officials.

(2) Domestic abuse programs shall utilize the resources of the community in meeting the personal and family needs of participants.

(3) As a part of a domestic abuse program, a domestic abuse facility may be established to provide residential accommodations to victims of domestic abuse and their dependents.

26-7.5-104. Community domestic abuse programs - contracts with state department - rules and regulations. (1) The executive director may enter into contracts or agreements for services with any unit of local government or nongovernmental agency which has established and which operates a community domestic abuse program or with a unit of local government or nongovernmental agency which has subcontracted with a nongovernmental agency for domestic abuse program services.

(2) The state department shall establish, by rule, and enforce standards and regulations for all domestic abuse programs established pursuant to this article and shall require that each such domestic abuse program meets approved minimum standards as established by rule.

26-7.5-105. Funding of domestic abuse programs. (1) Any nongovernmental agency or unit of local government operating a domestic abuse program pursuant to this article shall, subject to available appropriations, be reimbursed by the state department at a rate to be set by the general assembly in the annual appropriation bill, which amount shall not exceed twenty-five dollars per day for each person who is participating in a domestic abuse program, but in no event shall the state reimbursements or disbursements exceed one hundred percent of the revenue provided by local contributions or sources other than state funds. Not less than seventy-five percent of all contract funding under this article shall be allocated to nongovernmental agencies.

(2) Staffing and administrative expenses of the state department of social services and other agencies for carrying out the provisions of this article shall be appropriated annually from available funds generated by the check-off cash funds.

26-7.5-106. Repeal. This article is repealed, effective December 31, 1986.

Section 2. Article 22 of title 39, Colorado Revised Statutes 1973, 1982 Repl. Vol., is amended BY THE ADDITION OF A NEW PART to read:

PART 8

DOMESTIC ABUSE PROGRAM VOLUNTARY CHECK-OFF

39-22-801. Voluntary check-off designation - procedure. (1) For tax years commencing on or after January 1, 1984, but prior to January 1, 1987, each Colorado state individual income tax return form shall contain a designation as follows:

Colorado domestic abuse program fund. Check if you wish to designate \$1, \$5, \$10, or \$ (write in amount) of your tax refund for this program. If joint return, check if spouse wishes to designate \$1, \$5, \$10, or \$ (write in amount); or check if you wish to increase your payment over taxes due by \$1, \$5, \$10, or \$ (write in amount) to be credited to this program.

(2) Each individual taxpayer required to file a return pursuant to section 39-22-601 (1) desiring to contribute to the Colorado domestic abuse program fund may designate, by placing an "X" in the appropriate box on the state income tax return form, that his contribution shall be credited to said program fund.

(3) This contribution, either as a portion of a refund or as an increased payment if submitted over the amount of taxes due, shall be credited to said program.

39-22-802. Contributions credited to Colorado domestic abuse program fund - appropriation. (1) The department of revenue shall determine annually the total amount designated pursuant to section 39-22-801 and shall report such amount to the state treasurer and to the general assembly. The state treasurer shall credit such amount to the Colorado domestic abuse program fund, a cash fund which is hereby established in the state treasury. The controller, upon presentation of vouchers properly drawn and signed by the executive director of the department of social services, pursuant to section 26-7.5-105, C.R.S. 1973, shall issue warrants drawn on the Colorado domestic abuse program fund. All moneys in the Colorado domestic abuse program fund at the end of a fiscal year, after appropriations made pursuant to subsection (3) of this section, shall remain in the fund to be used for the purposes set forth in article 7.5 of title 26, C.R.S. 1973, and shall not revert to the general fund. Any interest earned on moneys in the fund shall remain in the fund to be used for the purposes of article 7.5 of title 26, C.R.S. 1973.

(2) The executive director of the department of social services shall sign vouchers to draw on the Colorado domestic abuse program fund exclusively for the purpose of exercising his authority under section 26-7.5-104, C.R.S. 1973.

(3) The general assembly shall appropriate annually from the Colorado domestic abuse program fund to the department of social services such amount as is necessary for carrying out the purposes set forth in article 7.5 of title 26, C.R.S. 1973.

39-22-803. Repeal. This part 8 is repealed, effective December, 31, 1986.

Section 3. Effective date - applicability. Section 1 of this act shall take effect July 1, 1983, and section 2 of this act shall take effect January 1, 1984, and shall apply to tax return forms filed on or after said date.

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: June 3, 1983