

Legislative Proposal Summaries from the Counties:

Proposition 123, Jefferson:

Change Proposition 123 to require unit county sharing when counties contribute financially (or otherwise) and adjust the AMI to be more realistic and achievable for the specific community. This effort is also a Colorado Counties, Inc. priority.

We feel that the current structure of Prop 123 benefits communities that are both a city and county, like Denver (and perhaps Broomfield), but for 98% of the state, most counties encompass multiple jurisdictions. Instead of this “Hunger Games” approach, we believe there is a better way forward.

After several years of trying to work within the current structure, we think we have a pretty good idea of what’s working and what’s not. Currently, we spend an enormous amount of staff time and county resources hashing out these complicated MOU’s that end up carving up the “credit” in a way that just doesn’t seem fair or even necessary. When both counties and municipalities are working toward a common goal of building more affordable housing, and both entities are bringing tools to the table, then why are we quibbling over a formula that was created by a department not by legislation? We feel strongly that we should be allowed to partner with our local jurisdictions, not compete for “credit”.

Furthermore, we have had some very preliminary conversations with CML, and they know that we have a desire to come together and work with them in partnership.

I will also note, that we are open to collaborating and combining with other proposals that will help refine Prop. 123.

I’ve copied Karen Wick who has met with Commissioner Zenzinger to develop a path moving forward and coordinating with all the various prop 123 clean up ideas.

Human Trafficking, Douglas:

The bill changes terminology related to child prostitution to commercial sexual activity in the crimes of soliciting for child prostitution, pandering of a child, keeping a place of child prostitution, pimping a child, inducement of child prostitution, and patronizing a prostituted child, including changing the name of the offenses for soliciting for child prostitution, keeping a place of child prostitution, inducement of child prostitution, and patronizing a prostituted child. A court is required to sentence an offender convicted of one of the listed offenses to at least the minimum of the presumptive range for the level of offense associated with the crime.

In the crime of soliciting for commercial sexual activity with a child, the bill adds knowingly soliciting a child for commercial sexual activity as a means of committing the offense and requires that when arranging or offering to arrange a meeting, the offender must know that meeting will facilitate commercial sexual activity with a child.

The bill makes the penalty for internet luring of a child a class 3 felony when the offense is committed with the intent to meet for the purpose of engaging in commercial sexual activity. In this circumstance, a court is required to sentence the offender to at least the minimum of the presumptive range for the class 3 felony.

Code Enforcement, Adams:

Summary – Legislative Proposal (Morgan and Grand Counties) – Ordinance, Zoning, Building, Weeds, and Pest Enforcement Ordinance Enforcement (30-15-401; -402) 1. Identified Issue: Injunctive relief (including abatement) only available through Rule 65, C.R.C.P. at the district court. Solution: Language added to provide for injunctive relief which can be sought in either district or county court and provide process to seek injunctive relief. See 13-6-105; 30-15-401(2)(d)(I)(B). 2. Identified Issue: Administrative entry and seizure warrant process which required full execution of the warrant within 10 days of issuance was not practical, particularly for Counties which contract for abatement work. Solution: Revise deadline to 30 days for warrant execution from 10 days. 30-15-401(1)(a)(I)(B); (1)(a)(I.5)(B); (1)(q)(III). 3. Identified Issue: Civil penalties were not available for ordinance violation. Solution: Establish a minimum fine (\$500) and maximum fine (\$3000). Fines are imposed at the request of the County. Commissioners may also establish a graduated schedule of fines. Civil penalties may be sought in either court or district court. See 30-15-401(2)(d)(I)(C). 4. Identified Issue: Civil infraction fines were low compared to municipal authority and had no minimum fine. Solution: Establish a minimum fine (\$500) and maximum fine (\$3000). See 30-15-402. Zoning Enforcement (30-28-124; -124.5) 1. Identified Issue: Civil penalty is only available in county court, low compared to municipal authority and had no minimum fine. Solution: Revise jurisdiction to include district court. Establish a minimum fine (\$500) and maximum fine (\$3000). Fines are imposed at the request of the County. Commissioners may also establish a graduated schedule of fines, and the absence of a graduated fine schedule, include factors for the court in determining the appropriate fine level. See 30-28-124(1)(a); (d). Note: Civil penalty moved from 30-28-124.5 to 30-28-124 – no reason why one enforcement option is in a different statute – logically, the remedies should be located together. 2. Identified Issue: Injunctive relief (including abatement) was only available in district court. Solution: Expand jurisdiction to court county and provide clear process for injunctive relief. See 13-6-105; 30-28-124(2)(b). 3. Identified Issue: Colorado Rules of Civil Infractions are not practical for zoning violations. Civil infractions are handled exclusively by peace officers, who do not have the necessary knowledge or, in some Counties, the resources, to identify and prosecute zoning violations. Procedures required by the existing 30-28-124 conflict with procedures set out in the Colorado Rules of Civil Infractions. Civil infraction fines were low compared to municipal authority and had no minimum fine. Solution: Establish a process for zoning civil infractions that governs over the Colorado Rules of Civil Infractions. Establish a minimum fine (\$500) and maximum fine (\$3000). See 30-28-124(3). Building Enforcement (30-28-209; -210) 1. Identified Issue: Civil penalty only available in county court, low compared to

municipal authority and had no minimum fine. Solution: Revise jurisdiction to include district court. Establish a minimum fine (\$500) and maximum fine (\$3000). Fines are imposed at the request of the County. Commissioners may also establish a graduated schedule of fines and the absence of a graduated fine schedule, include factors for the court in determining the appropriate fine level. See 30-28-209(1)(a); (d). Note: Civil penalty moved from 30-28-210 to 30-28-209 – no reason why one enforcement option is in a different statute – logically, the remedies should be located together. 2. Identified Issue: Injunctive relief (including abatement) was only available in district court. Solution: Expand jurisdiction to court county and provide clear process for injunctive relief. See 13-6-105; 30-28-209(2)(b). 3. Identified Issue: Colorado Rule of Civil Infractions are not practical for building code violations. Civil infractions are handled exclusively by peace officers, who do not have the necessary knowledge or, in some Counties, the resources, to identify and prosecute building violations. Procedures required by the existing 30-28-209 conflict with procedures set out in the Colorado Rules of Civil Infractions. Civil infraction fines were low compared to municipal authority and had no minimum fine. Solution: Establish a process for building civil infractions that governs over the Colorado Rules of Civil Infractions. Establish a minimum fine (\$500) and maximum fine (\$3000). See 30-28-209(3). Pest Control (35-4-114) 1. Identified Issue: Colorado Rule of Civil Infractions are not practical for pest control violations. Civil infractions are handled exclusively by peace officers, who do not have the necessary knowledge or, in some Counties, the resources, to identify and prosecute pest violations. Procedures required by the existing 35-4-114 conflict with procedures set out in the Colorado Rules of Civil Infractions. Solution: Establish a process for civil infractions that governs over the Colorado Rules of Civil Infractions. See 35-4-114(1). 2. Identified Issue: No county level civil penalty process. State level civil penalty process, through commissioner, is available in 35-4-114.5. Solution: Create county level civil penalty process, set minimum and maximum fines (\$500 to \$3000), allow for graduated fines, and include factors for setting fines when no graduated schedule is provided. See 35-4-114(2). Noxious Weed Control (35-5.5-118.5) 1. Identified Issue: Colorado Rule of Civil Infractions are not practical for noxious weed violations. Civil infractions are handled exclusively by peace officers, who do not have the necessary knowledge or, in some Counties, the resources, to identify and prosecute noxious weed violations. Procedures required by the existing 35-5.5-118.5 conflict with procedures set out in the Colorado Rules of Civil Infractions. [insert reasons why civil infraction rules do not work]. Solution: Added language that process in statute governs over rules of civil infractions. See 35- 5.5-118.5(2). 2. Identified Issue: Civil penalties not available in district court; maximum fine too low; no guidance on how to determine fine. Solution: Expand jurisdiction to district court; raise maximum fine to \$3000, add factors for court to consider when determining fine. See 35-5.5-118.5(3). 3. Identified Issue: Injunctive relief only

available through Rule 65 and district court. Solution: Language added to provide for injunctive relief which can be sought in either district or county court and provide process to seek injunctive relief. See 35-5.5-118(4).