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ELECTIONS
STATE

Proposed
amendment
2007-2008 #75
ORIGINAL

Be it enacted by the People of the State of Colorado:

SECTION 1. Article 1 of Title 18 of the Colorado Revised Statutes, is amended by the addition of a new section, 18-1-606.1:

18-1-606.1. Civil liability for criminal conduct by businesses.

(1) ANY INDIVIDUAL RESIDING IN COLORADO MAY FILE A PRIVATE RIGHT OF ACTION AGAINST ANY BUSINESS ENTITY OR ITS EXECUTIVE OFFICIALS FOR THEIR CONDUCT THAT MEETS THE CRITERIA SET FORTH IN SECTION 18-1-606(1.5), COLORADO REVISED STATUTES.

(2) IN A CIVIL ACTION BROUGHT UNDER THIS SECTION, COMPENSATORY OR PUNITIVE DAMAGES MAY BE AWARDED TO ANY GOVERNMENTAL ENTITY THAT IMPOSED BY LAW THE SPECIFIC DUTY TO BE PERFORMED BY THE BUSINESS ENTITY.

(3) IT SHALL BE A COMPLETE AFFIRMATIVE DEFENSE FOR ANY EXECUTIVE OFFICIAL WHO IS A DEFENDANT IN AN ACTION FILED UNDER SUBSECTION (1) OF THIS SECTION THAT, PRIOR TO FILING OF SUCH CIVIL ACTION OR ANY CRIMINAL CHARGES UNDER SECTION 18-1-606, HE OR SHE REPORTED TO THE OFFICE OF THE ATTORNEY GENERAL ALL FACTS OF WHICH HE OR SHE WAS AWARE CONCERNING THE BUSINESS ENTITY'S CONDUCT THAT MET THE CRITERIA SET FORTH IN SECTION 18-1-606(1), COLORADO REVISED STATUTES.

(4) SUCH MONEYS, WHEN APPROPRIATED, SHALL BE EXEMPT FROM ALL REVENUE AND SPENDING LIMITATIONS PROVIDED BY LAW.

(5) IF AN AWARD IS MADE UNDER THIS SECTION, THE INDIVIDUAL FILING THE LAWSUIT SHALL BE ENTITLED TO REASONABLE ATTORNEY FEES AND COSTS FOR DEFENDING THE INTERESTS OF THE STATE. NO SUCH AWARD SHALL BE MADE FOR CLAIMS THAT LACKED SUBSTANTIAL JUSTIFICATION OR WERE INTERPOSED FOR DELAY OR HARASSMENT.