

## Ballot Title Setting Board

### **Proposed Initiative 2007-2008 #75<sup>1</sup>**

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado Revised Statutes concerning civil liability for criminal conduct by business entities, and, in connection therewith, allowing a Colorado resident to bring a civil action against a business entity or its executive officials for the entity's failure to perform a specific duty imposed by law; conditioning executive officials' liability upon their knowledge of the duty imposed by law and of the business entity's failure to perform such duty; allowing an award of compensatory or punitive damages in the civil action to the governmental entity that imposed the specific duty to be performed by the business entity; permitting an individual who brings a successful civil action to be awarded attorney fees and costs; and allowing an executive official who discloses to the attorney general all facts known to the official concerning a business's criminal conduct to use that disclosure as an affirmative defense to the civil charges.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado Revised Statutes concerning civil liability for criminal conduct by business entities, and, in connection therewith, allowing a Colorado resident to bring a civil action against a business entity or its executive officials for the entity's failure to perform a specific duty imposed by law; conditioning executive officials' liability upon their knowledge of the duty imposed by law and of the business entity's failure to perform such duty; allowing an award of compensatory or punitive damages in the civil action to the governmental entity that imposed the specific duty to be performed by the business entity; permitting an individual who brings a successful civil action to be awarded attorney fees and costs; and allowing an executive official who discloses to the attorney general all facts known to the official concerning a business's criminal conduct to use that disclosure as an affirmative defense to the civil charges?

*Hearing March 19, 2008:*

*Single subject approved; staff draft amended; titles set.*

*Hearing adjourned 3:14 p.m.*

*Hearing April 2, 2008:*

*Motion for Rehearing granted in part to the extent Board amended titles; denied in all other respects.*

*Hearing adjourned 3:00 p.m.*

---

<sup>1</sup> Unofficially captioned "**Criminal Conduct by Businesses – Civil Liability**" by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.