

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 07-0657.01 Stephen Miller

SENATE BILL 07-118

SENATE SPONSORSHIP

Shaffer,

HOUSE SPONSORSHIP

King,

Senate Committees

Judiciary

Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING SUPPLEMENTAL FUNDING FOR COURTHOUSE SECURITY,**
102 **AND MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates the court security cash fund commission ("commission") and court security cash fund ("fund"). Specifies that the purposes of the fund and commission are to provide supplemental funding to counties with the most limited financial resources through grants for ongoing security staffing, security equipment costs, training of local security teams, and emergency court security needs.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 19, 2007

SENATE
Amended 2nd Reading
March 16, 2007

Requires the commission to be in place by July 1, 2007. Specifies the composition and duties of the commission. Requires a \$5 surcharge to be assessed and collected on certain court filing fees for civil actions commenced, and criminal convictions entered, on and after July 1, 2007. Requires the surcharge to be transmitted to the state treasurer, who is to credit the surcharge to the fund.

Specifies the procedure by which grants are made by the commission from the fund to counties upon the application submitted by local security teams to the state court administrator. Requires the commission to establish timelines and guidelines governing grant applications.

Repeals the commission and fund, effective January 1, 2017.

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

2 **SECTION 1.** Article 1 of title 13, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PART to read:

4 **PART 2**

5 **COURT SECURITY CASH FUND COMMISSION**

6 **13-1-201. Legislative declaration.** (1) THE GENERAL ASSEMBLY
7 HEREBY FINDS THAT:

8 (a) ENSURING THE SAFETY OF EMPLOYEES AND USERS OF STATE
9 COURT FACILITIES IS A SIGNIFICANT COMPONENT OF ENSURING ACCESS TO
10 JUSTICE FOR THE PEOPLE OF THE STATE OF COLORADO;

11 (b) RESPONSIBILITY FOR PROVIDING SECURITY FOR STATE COURT
12 FACILITIES LIES WITH THE COUNTY GOVERNMENTS; AND

13 (c) COLORADO IS A GEOGRAPHICALLY, DEMOGRAPHICALLY, AND
14 ECONOMICALLY DIVERSE STATE, AND THIS DIVERSITY AFFECTS THE
15 FUNDING AND SERVICES OF INDIVIDUAL COUNTIES. ALTHOUGH THE
16 PROVISION OF SECURITY FOR STATE COURT FACILITIES IS A COUNTY
17 RESPONSIBILITY, THE VARIATION IN FUNDS AVAILABLE TO INDIVIDUAL
18 COUNTIES MAY NOT ALLOW FUNDAMENTAL SECURITY MEASURES TO BE
19 MET IN EACH COUNTY.

1 (2) THE GENERAL ASSEMBLY, THEREFORE, DETERMINES AND
2 DECLARES THAT:

3 (a) THE CREATION OF THE COURT SECURITY CASH FUND
4 COMMISSION AND THE COURT SECURITY CASH FUND WILL BE BENEFICIAL
5 TO, AND IN THE BEST INTERESTS OF, THE PEOPLE OF THE STATE OF
6 COLORADO; AND

7 (b) THE GOALS OF THE COMMISSION AND THE CASH FUND SHALL
8 BE TO:

9 (I) PROVIDE SUPPLEMENTAL FUNDING FOR ONGOING SECURITY
10 STAFFING IN THE COUNTIES WITH THE MOST LIMITED FINANCIAL
11 RESOURCES; AND

12 (II) PROVIDE MONEYS TO COUNTIES FOR COURT SECURITY
13 EQUIPMENT COSTS, TRAINING OF LOCAL SECURITY TEAMS ON ISSUES OF
14 STATE COURT SECURITY, AND EMERGENCY NEEDS RELATED TO COURT
15 SECURITY.

16 **13-1-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
17 CONTEXT OTHERWISE REQUIRES:

18 (1) "COMMISSION" MEANS THE COURT SECURITY CASH FUND
19 COMMISSION CREATED IN SECTION 13-1-203.

20 (2) "FUND" MEANS THE COURT SECURITY CASH FUND CREATED IN
21 SECTION 13-1-204.

22 (3) "LOCAL SECURITY TEAM" MEANS A GROUP OF INDIVIDUALS
23 FROM A COUNTY THAT OVERSEES ISSUES OF COURT SECURITY FOR THE
24 COUNTY AND THAT INCLUDES, AT A MINIMUM, THE CHIEF JUDGE OF THE
25 DISTRICT COURT IN THE COUNTY OR HIS OR HER DESIGNEE, THE SHERIFF OR
26 HIS OR HER DESIGNEE, AND A COUNTY COMMISSIONER OR COUNTY
27 MANAGER OR HIS OR HER DESIGNEE.

1 **13-1-203. Court security cash fund commission - creation -**
2 **membership.** (1) THERE IS HEREBY CREATED IN THE JUDICIAL

3 DEPARTMENT THE COURT SECURITY CASH FUND COMMISSION TO
4 EVALUATE GRANT APPLICATIONS RECEIVED PURSUANT TO THIS PART 2 AND
5 MAKE RECOMMENDATIONS TO THE STATE COURT ADMINISTRATOR FOR
6 AWARDING GRANTS FROM THE COURT SECURITY CASH FUND. THE
7 COMMISSION SHALL BE APPOINTED NO LATER THAN JULY 1, 2007.

8 (2) (a) THE COMMISSION SHALL BE COMPOSED OF SEVEN MEMBERS,
9 AS FOLLOWS:

10 (I) TWO REPRESENTATIVES OF AN ASSOCIATION THAT REPRESENTS
11 COUNTY COMMISSIONERS WHO ARE RECOMMENDED BY THE ASSOCIATION
12 AND WHO ARE APPOINTED BY THE GOVERNOR;

13 (II) TWO REPRESENTATIVES OF AN ASSOCIATION THAT REPRESENTS
14 COUNTY SHERIFFS WHO ARE RECOMMENDED BY THE ASSOCIATION AND
15 WHO ARE APPOINTED BY GOVERNOR;

16 (III) TWO MEMBERS OF THE JUDICIAL BRANCH WHO ARE APPOINTED
17 BY THE CHIEF JUSTICE; AND

18 (IV) ONE MEMBER OF THE GENERAL PUBLIC WHO IS APPOINTED BY
19 THE CHIEF JUSTICE.

20 (b) THE COMMISSION MEMBERSHIP DESCRIBED IN PARAGRAPH (a)
21 OF THIS SUBSECTION (2) SHALL INCLUDE, AT ALL TIMES, AT LEAST ONE
22 REPRESENTATIVE FROM A COUNTY IN WHICH THE POPULATION IS ABOVE
23 THE MEDIAN POPULATION FOR THE STATE OF COLORADO, AS DETERMINED
24 BY THE MOST RECENT DATA PUBLISHED BY THE DEPARTMENT OF LOCAL
25 AFFAIRS, AND AT LEAST ONE REPRESENTATIVE FROM A COUNTY IN WHICH
26 THE POPULATION IS BELOW THE MEDIAN POPULATION FOR THE STATE OF
27 COLORADO, AS DETERMINED BY THE MOST RECENT DATA PUBLISHED BY

1 THE DEPARTMENT OF LOCAL AFFAIRS.

2 (3) THE TERM OF OFFICE OF EACH MEMBER OF THE COMMISSION
3 SHALL BE THREE YEARS; EXCEPT THAT, OF THOSE MEMBERS FIRST
4 APPOINTED, ONE MEMBER REPRESENTING EACH ENTITY SHALL BE
5 APPOINTED FOR A ONE-YEAR TERM AND ONE MEMBER REPRESENTING EACH
6 ENTITY SHALL BE APPOINTED FOR A TWO-YEAR TERM. A VACANCY SHALL
7 BE FILLED BY THE RESPECTIVE APPOINTING AUTHORITY FOR THE
8 UNEXPIRED TERM ONLY.

9 (4) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT
10 COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

11 **13-1-204. Court security cash fund - creation - grants -**
12 **regulations.** (1) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY
13 THE COURT SECURITY CASH FUND. THE MONEYS IN THE FUND SHALL BE
14 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE
15 IMPLEMENTATION OF THIS PART 2. THE STATE COURT ADMINISTRATOR IS
16 AUTHORIZED TO ACCEPT GIFTS, GRANTS, OR DONATIONS FROM ANY
17 PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF IMPLEMENTING THIS
18 PART 2. ALL PRIVATE AND PUBLIC MONEYS RECEIVED BY THE STATE
19 COURT ADMINISTRATOR FROM GIFTS, GRANTS, OR DONATIONS SHALL BE
20 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
21 TO THE FUND IN ADDITION TO ANY MONEYS THAT MAY BE APPROPRIATED
22 TO THE FUND DIRECTLY BY THE GENERAL ASSEMBLY.

23 (b) A FIVE-DOLLAR SURCHARGE SHALL BE ASSESSED AND
24 COLLECTED AS PROVIDED BY LAW ON DOCKET FEES AND JURY FEES FOR
25 SPECIFIED CIVIL ACTIONS FILED ON AND AFTER JULY 1, 2007, ON DOCKET
26 FEES FOR CRIMINAL CONVICTIONS ENTERED ON AND AFTER JULY 1, 2007,
27 ON FILING FEES FOR SPECIFIED PROBATE FILINGS MADE ON AND AFTER JULY

1 1, 2007, ON DOCKET FEES FOR SPECIFIED SPECIAL PROCEEDING FILINGS
2 MADE ON AND AFTER JULY 1, 2007, ON FEES FOR SPECIFIED FILINGS IN
3 WATER MATTERS INITIATED ON AND AFTER JULY 1, 2007, AND ON DOCKET
4 FEES FOR SPECIFIED TRAFFIC INFRACTION PENALTIES ASSESSED ON AND
5 AFTER JULY 1, 2007. THE SURCHARGE SHALL BE TRANSMITTED TO THE
6 STATE TREASURER, WHO SHALL CREDIT THE SURCHARGE TO THE FUND.

7 (c) ALL INVESTMENT EARNINGS DERIVED FROM THE DEPOSIT AND
8 INVESTMENT OF MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND
9 SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND AT THE
10 END OF ANY FISCAL YEAR. ANY UNEXPENDED AND UNENCUMBERED
11 MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL
12 REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO
13 THE GENERAL FUND OR ANY OTHER FUND.

14 (2) MONEYS FROM THE FUND THAT ARE DISTRIBUTED TO COUNTIES
15 PURSUANT TO THIS PART 2 SHALL BE USED TO SUPPLEMENT EXISTING
16 COUNTY FUNDING FOR PURPOSES RELATED TO SECURITY OF FACILITIES
17 CONTAINING A STATE COURT OR PROBATION OFFICE AND SHALL NOT BE
18 USED TO SUPPLANT MONEYS ALREADY ALLOCATED BY THE COUNTY FOR
19 SUCH PURPOSES.

20 (3) ALL MONEYS CREDITED TO THE FUND SHALL BE AVAILABLE FOR
21 GRANTS AWARDED BY THE STATE COURT ADMINISTRATOR, BASED ON
22 RECOMMENDATIONS OF THE COMMISSION, TO COUNTIES FOR THE PURPOSES
23 DESCRIBED IN THIS PART 2; EXCEPT THAT THE STATE COURT
24 ADMINISTRATOR MAY USE UP TO TEN PERCENT OF THE MONEYS ANNUALLY
25 APPROPRIATED FROM THE FUND FOR ADMINISTRATIVE COSTS INCURRED
26 THROUGH THE IMPLEMENTATION OF THIS PART 2. THE STATE COURT
27 ADMINISTRATOR, SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL

1 ASSEMBLY, IS HEREBY AUTHORIZED TO EXPEND MONEYS APPROPRIATED
2 FROM THE FUND PURSUANT TO THIS PART 2.

3 (4) IN ACCORDANCE WITH THE PRINCIPLES SET OUT IN SECTION
4 13-1-205, THE COMMISSION SHALL ADOPT GUIDELINES PRESCRIBING THE
5 PROCEDURES TO BE FOLLOWED IN MAKING, FILING, AND EVALUATING
6 GRANT APPLICATIONS, THE CRITERIA FOR EVALUATION, AND OTHER
7 GUIDELINES NECESSARY FOR ADMINISTERING THE FUND.

8 **13-1-205. Grant applications - duties of counties.** (1) TO BE
9 ELIGIBLE FOR MONEYS FROM THE FUND, A LOCAL SECURITY TEAM SHALL
10 APPLY TO THE COMMISSION THROUGH THE STATE COURT ADMINISTRATOR
11 FOR MONEYS TO BE USED AS SPECIFIED IN THIS PART 2 AND IN
12 ACCORDANCE WITH THE TIMELINES AND GUIDELINES ADOPTED BY THE
13 COMMISSION AND USING THE APPLICATION FORM PROVIDED BY THE
14 COMMISSION. FOR THE COMMISSION TO CONSIDER A GRANT APPLICATION,
15 THE APPLICATION SHALL BE SIGNED BY THE ADMINISTRATIVE AUTHORITY
16 OF EACH ENTITY THAT IS REPRESENTED ON THE LOCAL SECURITY TEAM.

17 (2) GRANTS FROM THE FUND SHALL BE USED TO FUND COUNTIES
18 THAT MEET THE CRITERIA SPECIFIED IN SUBSECTION (4) OF THIS SECTION
19 FOR:

20 (a) THE PROVISION OF COURT SECURITY STAFFING AT A FACILITY
21 CONTAINING A STATE COURT OR PROBATION OFFICE;

22 (b) THE PURCHASE OF SECURITY EQUIPMENT OR RELATED
23 STRUCTURAL IMPROVEMENTS FOR A FACILITY CONTAINING A STATE COURT
24 OR PROBATION OFFICE;

25 (c) THE PROVISION OF TRAINING ON ISSUES OF COURT SECURITY;
26 OR

27 (d) MISCELLANEOUS FUNDING NEEDS ASSOCIATED WITH ISSUES OF

1 COURT SECURITY OR SECURITY EQUIPMENT.

2 (3) MONEYS CREDITED TO THE FUND THAT ARE AVAILABLE FOR
3 GRANT DISTRIBUTION SHALL BE AWARDED BASED ON THE FOLLOWING
4 PRIORITY SCHEDULE:

5 (a) REQUESTS FROM COUNTIES THAT MEET THE CRITERIA SPECIFIED
6 IN SUBSECTION (4) OF THIS SECTION SHALL HAVE THE HIGHEST PRIORITY;
7 AND

8 (b) REQUESTS FOR MONEYS FOR PERSONNEL COSTS SHALL BE
9 GIVEN SUBSEQUENT PRIORITY.

10 (4) COUNTIES THAT MEET AT LEAST TWO OF THE FOLLOWING
11 CRITERIA SHALL BE GIVEN THE HIGHEST PRIORITY FOR NEED-BASED
12 GRANTS FOR COURT SECURITY PERSONNEL SERVICES PURSUANT TO THIS
13 PART 2:

14 (a) COUNTIES IN WHICH THE TOTAL POPULATION IS BELOW THE
15 STATE MEDIAN, AS DETERMINED BY THE MOST RECENT DATA PUBLISHED
16 BY THE DEPARTMENT OF LOCAL AFFAIRS;

17 (b) COUNTIES IN WHICH THE PER CAPITA INCOME IS BELOW THE
18 STATE MEDIAN, AS DETERMINED BY THE MOST RECENT DATA PUBLISHED
19 BY THE DEPARTMENT OF LOCAL AFFAIRS;

20 (c) COUNTIES IN WHICH PROPERTY TAX REVENUES ARE BELOW THE
21 STATE MEDIAN, AS DETERMINED BY THE MOST RECENT DATA PUBLISHED
22 BY THE DEPARTMENT OF LOCAL AFFAIRS; OR

23 (d) COUNTIES IN WHICH THE TOTAL COUNTY POPULATION LIVING
24 BELOW THE FEDERAL POVERTY LEVEL IS GREATER THAN THE STATE
25 MEDIAN, AS DETERMINED BY THE MOST RECENT CENSUS PUBLISHED BY THE
26 UNITED STATES BUREAU OF THE CENSUS.

27 **13-1-206. Repeal of part.** (1) THIS PART 2 IS REPEALED,

1 EFFECTIVE JULY 1, 2017.

2 (2) PRIOR TO REPEAL, THE COURT SECURITY CASH FUND
3 COMMISSION SHALL BE REVIEWED AS PROVIDED IN SECTION 2-3-1203,
4 C.R.S.

5 **SECTION 2.** 13-32-101, Colorado Revised Statutes, is amended
6 BY THE ADDITION OF A NEW SUBSECTION to read:

7 **13-32-101. Docket fees in civil actions - judicial stabilization**
8 **cash fund - support registry fund created.** (7) PURSUANT TO SECTION
9 13-1-204 (1) (b), A FIVE-DOLLAR SURCHARGE SHALL BE ASSESSED AND
10 COLLECTED ON EACH DOCKET FEE THAT IS DESCRIBED IN PARAGRAPHS (a),
11 (b), (c), (d), AND (f) OF SUBSECTION (1) OF THIS SECTION CONCERNING
12 CIVIL ACTIONS FILED ON AND AFTER JULY 1, 2007.

13 **SECTION 3.** 13-32-102, Colorado Revised Statutes, is amended
14 BY THE ADDITION OF A NEW SUBSECTION to read:

15 **13-32-102. Fees in probate proceedings.** (4) PURSUANT TO
16 SECTION 13-1-204(1) (b), A FIVE-DOLLAR SURCHARGE SHALL BE ASSESSED
17 AND COLLECTED ON EACH FEE THAT IS DESCRIBED IN SUBSECTIONS (1) AND
18 (3) OF THIS SECTION CONCERNING FILINGS MADE ON AND AFTER JULY 1,
19 2007.

20 **SECTION 4.** 13-32-103, Colorado Revised Statutes, is amended
21 BY THE ADDITION OF A NEW SUBSECTION to read:

22 **13-32-103. Docket fees in special proceedings.** (7) PURSUANT
23 TO SECTION 13-1-204 (1) (b), A FIVE-DOLLAR SURCHARGE SHALL BE
24 ASSESSED AND COLLECTED ON EACH DOCKET FEE THAT IS DESCRIBED IN
25 SUBSECTIONS (1), (2), (3), AND (6) OF THIS SECTION CONCERNING FILINGS
26 MADE ON AND AFTER JULY 1, 2007.

27 **SECTION 5.** 13-32-105, Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW SUBSECTION to read:

2 **13-32-105. Docket fees in criminal actions.** (3) PURSUANT TO
3 SECTION 13-1-204(1) (b), A FIVE-DOLLAR SURCHARGE SHALL BE ASSESSED
4 AND COLLECTED ON EACH DOCKET FEE DESCRIBED IN THIS SECTION
5 CONCERNING CRIMINAL CONVICTIONS ENTERED ON AND AFTER JULY 1,
6 2007.

7 **SECTION 6.** 13-71-144, Colorado Revised Statutes, is amended
8 to read:

9 **13-71-144. Jury fees to be assessed in civil cases.** (1) Any party
10 demanding a trial by jury as provided by statute shall pay to the clerk of
11 the court a fee of one hundred dollars in district court cases and fifty
12 dollars in county court cases at the time ~~such~~ THE demand is made
13 pursuant to the Colorado rules of civil procedure. The clerk of the court
14 shall pay ~~such~~ THE fee, when collected, to the state treasurer for deposit
15 to the credit of the general fund. On and after March 18, 2003, the jury
16 fee in district court shall be increased by fifty dollars, and the jury fee in
17 county court shall be increased by twenty-five dollars, and the additional
18 revenue generated by ~~such~~ THE increase shall be transmitted to the state
19 treasurer for deposit in the judicial stabilization cash fund created in
20 section 13-32-101 (1.5). The jury fee is not refundable. Each party to an
21 action who does not affirmatively waive, in writing, the right to a trial by
22 jury on all issues which are so triable shall pay the jury fee. Failure to pay
23 the jury fee at the time of filing the demand, and no later than ten days
24 after the service of the last pleading directed to any issue triable by a jury,
25 shall constitute a waiver of a jury trial by the demanding, nonpaying
26 party.

27 (2) PURSUANT TO SECTION 13-1-204 (1) (b), A FIVE-DOLLAR

1 SURCHARGE SHALL BE ASSESSED AND COLLECTED ON EACH JURY FEE
2 DESCRIBED IN THIS SECTION CONCERNING CIVIL ACTIONS FILED ON AND
3 AFTER JULY 1, 2007.

4 **SECTION 7.** 37-92-302 (1), Colorado Revised Statutes, is
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6 **37-92-302. Applications for water rights or changes of such**
7 **rights - plans for augmentation.** (1) (e) PURSUANT TO SECTION
8 13-1-204 (1) (b), C.R.S., A FIVE-DOLLAR SURCHARGE SHALL BE ASSESSED
9 AND COLLECTED ON EACH FEE DESCRIBED IN PARAGRAPH (d) OF THIS
10 SUBSECTION (1) CONCERNING WATER MATTERS INITIATED ON AND AFTER
11 JULY 1, 2007.

12 **SECTION 8.** 42-4-1710 (4), Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

14 **42-4-1710. Failure to pay penalty for traffic infractions -**
15 **failure of parent or guardian to sign penalty assessment notice -**
16 **procedures.** (4) (a.5) PURSUANT TO SECTION 13-1-204 (1) (b), C.R.S.,
17 A FIVE-DOLLAR SURCHARGE, IN ADDITION TO THE ORIGINAL SURCHARGE
18 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4), SHALL BE
19 ASSESSED AND COLLECTED ON EACH DOCKET FEE THAT IS DESCRIBED IN
20 PARAGRAPH (a) OF THIS SUBSECTION (4) CONCERNING PENALTIES
21 ASSESSED ON AND AFTER JULY 1, 2007.

22 **SECTION 9.** 2-3-1203 (3), Colorado Revised Statutes, is
23 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24 **2-3-1203. Sunset review of advisory committees.** (3) The
25 following dates are the dates for which the statutory authorization for the
26 designated advisory committees is scheduled for repeal:

27 (dd) JULY 1, 2017: THE COURT SECURITY CASH FUND COMMISSION,

1 CREATED PURSUANT TO PART 2 OF ARTICLE 1 OF TITLE 13, C.R.S.

2 **SECTION 10. Appropriation.** In addition to any other
3 appropriation, there is hereby appropriated, out of any moneys in the court
4 security cash fund created in section 13-1-204 (1) (a), Colorado Revised
5 Statutes, not otherwise appropriated, to the judicial department, for the
6 fiscal year beginning July 1, 2007, the sum of two million one hundred
7 ninety-four thousand six hundred twenty-two dollars (\$2,194,622) and 1.0
8 FTE, or so much thereof as may be necessary, for the implementation of
9 this act.

10 **SECTION 11. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.