

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Zenzinger

1 Strike the Judiciary Committee Report, dated April 21, 2022, and
2 substitute:

3 "Amend reengrossed bill, page 2, strike lines 14 through 27.

4 Page 3 of the bill, strike lines 1 through 3 and substitute:

5 "(2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO ANY
6 CLAIM THAT IS A GOOD FAITH, NON-FRIVOLOUS CLAIM FILED FOR THE
7 EXPRESS PURPOSE OF ESTABLISHING THE MEANING, LAWFULNESS, OR
8 CONSTITUTIONALITY OF A LAW, REGULATION, OR FEDERAL OR STATE
9 CONSTITUTIONAL RIGHT, AND THE MEANING, LAWFULNESS, OR
10 CONSTITUTIONALITY HAS NOT BEEN DETERMINED BY THE COLORADO
11 SUPREME COURT OR THE COLORADO COURT OF APPEALS, OR FOR CASES
12 PRESENTING QUESTIONS UNDER THE UNITED STATES CONSTITUTION, THE
13 SUPREME COURT OF THE UNITED STATES, THE TENTH CIRCUIT COURT OF
14 APPEALS, OR THE DISTRICT COURT FOR THE DISTRICT OF COLORADO. THIS
15 SUBSECTION (2) DOES NOT APPLY UNLESS, AT THE TIME A SUCCESSFUL
16 MOTION TO DISMISS WAS FILED, THE PARTY THAT BROUGHT THE DISMISSED
17 CLAIM PLEADED IN ITS COMPLAINT, COUNTERCLAIM, OR CROSS-CLAIM
18 THAT THE DISMISSED CLAIM WAS MADE FOR ONE OF THE EXPRESS
19 PURPOSES STATED IN THIS SUBSECTION (2) AND IDENTIFIED THE LAW,
20 REGULATION, OR RIGHT THE PARTY SEEKS TO ADDRESS AS A MATTER OF
21 FIRST IMPRESSION."."

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