



## COLORADO YMCA YOUTH IN GOVERNMENT PROGRAM

### LEGAL/CONSTITUTIONAL ANALYSIS OF A BILL

#### CONSTITUTIONAL EVALUATION

1. Is the bill within the power of the legislative body to enact?

*The State legislature cannot pass bills which extend beyond the borders of Colorado or bills which require the federal government to do something.*

*The Colorado legislature can pass bills which are intended to promote the public health, peace, or safety of the people of Colorado.*

*Article V of the Colorado Constitution lists the powers of the legislative branch of state government and specifically lists a few subjects about which the legislature cannot make laws.*

2. Is the bill written clearly and precisely enough that the people of Colorado can reasonably be expected to know what they are to do or not do?

*A bill that is so unclear in its terms that no one can understand what is required of them will likely be found "void for vagueness" by a court of law.*

3. Does the bill violate any rights given to the people by the United State Bill of Rights or the Colorado Bill of Rights?

*A law which violates the fundamental rights of the people is unconstitutional.*

4. Does the bill apply narrowly to the people involved in the problem? Or, does it employ a "scatter gun" approach, which draws into its coverage people who are uninvolved in the problem?

*For example: Some people commit crimes with knives. However, a bill, which would outlaw the possession of all knives by all people, would be unnecessarily overboard and limit the rights of innocent people. Such a bill would be unconstitutionally overboard.*

5. Does the bill take away from the people a "life, liberty, or property" right without due process of law?

*Amendment 5 and 14 of the United States Bill of Rights and Section 25, Article II of the Colorado Bill of Rights, require that whenever government takes away from the people their lives, liberty, or property, the government*



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*must use "due process" (fundamentally fair procedures). Due process at a minimum usually requires some kind of hearing in which the citizen can speak for himself and defend his position.*

6. Does the bill create a special class of people and then single out these people for some kind of restriction (discrimination)? Whenever the government classifies people for different treatment, the people should beware. Such discrimination may violate the equal protection clause of the 14<sup>th</sup> Amendment of the U.S. Constitution.

*The Supreme Court of the United State has a rule that:*

*Whenever a law classifies people on the bases of race, national origin, or citizenship, the government must have a compelling reason. No compelling reasons for racial classification have ever been found since the court stated this principle (highest standard).*

*Classifications on the bases of sex must be substantially related to some important government interest or they will be unconstitutional (intermediate standard).*

*Classification on the bases of age or wealth must have a rational bases in fact. That is, they cannot be arbitrary (lowest standard).*

### **LEGAL/TECHNICAL EVALUATION**

1. Does the bill address a clearly defined problem and propose a reasonable solution to the problem which can be reasonably enforced?

*A bill may be unconstitutional if it unreasonably restricts citizens' freedom without any possibility of accomplishing its goal. The goal may be a good and worthy one, but the bill may not reasonably be able to reach the goal. A law, which cannot be enforced, will be dangerously disruptive and destroy respect for the law.*

*Does the bill have a main provisions clause, which describes in detail the topic, stated in the title?*

*Leaving out the main provisions clause is like leaving out the main body of an essay. Without the main provisions, the bill actually says nothing.*