

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 27, 2023
Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

SB23-290 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend the reengrossed bill, page 7, line 5, strike "AN ENTITY" and
2 substitute "A FACILITY WHERE AN ENTITY IS".

3 Page 37, line 7, strike "AN ENTITY" and substitute "A FACILITY WHERE AN
4 ENTITY IS".

5 Page 45, line 6, after "DIRECTOR" insert "OF THE NATURAL MEDICINE
6 DIVISION".

7 Page 45, line 7, after "DIRECTOR" insert "OF THE NATURAL MEDICINE
8 DIVISION".

9 Page 54, after line 27 insert:

10 "(III) THE STATE LICENSING AUTHORITY SHALL REQUIRE THE
11 APPLICANT TO HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL
12 LAW ENFORCEMENT AGENCY OR A THIRD PARTY APPROVED BY THE
13 COLORADO BUREAU OF INVESTIGATION. IF AN APPROVED THIRD PARTY
14 TAKES THE APPLICANT'S FINGERPRINTS, THE FINGERPRINTS MAY BE
15 ELECTRONICALLY CAPTURED USING THE COLORADO BUREAU OF
16 INVESTIGATION'S APPROVED LIFESCAN EQUIPMENT. A THIRD PARTY SHALL
17 NOT KEEP THE APPLICANT INFORMATION FOR MORE THAN THIRTY DAYS
18 UNLESS REQUESTED BY THE APPLICANT. THE STATE LICENSING AUTHORITY
19 SHALL SEND THE APPLICANT'S FINGERPRINTS TO THE COLORADO BUREAU
20 OF INVESTIGATION FOR THE PURPOSE OF FINGERPRINT PROCESSING BY
21 UTILIZING THE FILES AND RECORDS OF THE COLORADO BUREAU OF
22 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION."

23 Page 69, line 19, after "DIRECTOR" insert "OF THE NATURAL MEDICINE

1 DIVISION".

2 Page 81, strike line 22 and substitute "PROVIDED, AND PROVIDED THAT
3 THE INDIVIDUAL PROVIDING THE SERVICES INFORMS AN INDIVIDUAL
4 ENGAGING IN THE SERVICES THAT THE INDIVIDUAL IS NOT A LICENSED
5 FACILITATOR PURSUANT TO ARTICLE 170 OF TITLE 12."

6 Page 83, after line 23 insert:

7 "SECTION 33. In Colorado Revised Statutes, 17-2-102, **add**
8 (8.5)(d) as follows:

9 **17-2-102. Division of adult parole - general powers, duties, and**
10 **functions - definition.** (8.5) (d) THIS SUBSECTION (8.5) DOES NOT APPLY
11 TO A PAROLEE WHO POSSESSES OR USES NATURAL MEDICINE OR NATURAL
12 MEDICINE PRODUCT AS AUTHORIZED PURSUANT TO SECTION 18-18-434,
13 ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44.

14 **SECTION 34.** In Colorado Revised Statutes, 17-2-201, **add** (5.3)
15 as follows:

16 **17-2-201. State board of parole - duties - definitions.**
17 (5.3) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE POSSESSION
18 OR USE OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT, AS
19 AUTHORIZED PURSUANT TO SECTION 18-18-434, ARTICLE 170 OF TITLE 12,
20 OR ARTICLE 50 OF TITLE 44, MUST NOT BE CONSIDERED AN OFFENSE SUCH
21 THAT ITS POSSESSION OR USE CONSTITUTES A VIOLATION OF CONDITIONS
22 OF PAROLE.

23 **SECTION 35.** In Colorado Revised Statutes, 18-1.3-204, **amend**
24 (2)(a)(VIII) introductory portion; and **add** (1)(c) as follows:

25 **18-1.3-204. Conditions of probation - interstate compact**
26 **probation transfer cash fund - creation.** (1) (c) NOTWITHSTANDING
27 THE PROVISIONS OF SUBSECTION (1)(a) OF THIS SECTION, THE POSSESSION
28 OR USE OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT, AS
29 AUTHORIZED PURSUANT TO SECTION 18-18-434, ARTICLE 170 OF TITLE 12,
30 OR ARTICLE 50 OF TITLE 44, MUST NOT BE CONSIDERED ANOTHER OFFENSE
31 SUCH THAT ITS USE CONSTITUTES A VIOLATION OF THE TERMS OF
32 PROBATION.

33 (2) (a) When granting probation, the court may, as a condition of
34 probation, require that the defendant:

35 (VIII) Refrain from excessive use of alcohol or any unlawful use
36 of controlled substances, as defined in section 18-18-102 (5), or of any
37 other dangerous or abusable drug without a prescription; except that the
38 court shall not, as a condition of probation, PROHIBIT THE POSSESSION OR
39 USE OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT, AS
40 AUTHORIZED PURSUANT TO SECTION 18-18-434, ARTICLE 170 OF TITLE 12,
41 OR ARTICLE 50 OF TITLE 44. FURTHERMORE, THE COURT SHALL NOT, AS A
42 CONDITION OF PROBATION, prohibit the possession or use of medical

1 marijuana, as authorized pursuant to section 14 of article XVIII of the
2 state constitution, unless:".

3 Renumber succeeding sections accordingly.

4 Page 84, line 25, strike "NOT, BY ITSELF," and substitute "NOT".

5 Page 84, line 26, strike "3." and substitute "3, UNLESS IT THREATENS THE
6 HEALTH OR WELFARE OF A CHILD.".

7 Page 85, strike lines 5 through 7 and substitute "THE COURT FINDS THAT
8 THE CHILD'S SAFETY OR MENTAL, EMOTIONAL, OR PHYSICAL HEALTH IS AT
9 RISK AS A RESULT OF THE FAMILY TIME.".

10 Page 85, strike lines 12 through 27 and substitute:

11 "(f.5) (I) NOTWITHSTANDING ANY PROVISION OF THIS PART 7 TO THE
12 CONTRARY, A MOTION FILED FOR THE SEALING OF CONVICTION RECORDS
13 FOR AN OFFENSE THAT WAS UNLAWFUL AT THE TIME OF CONVICTION, BUT
14 IS NO LONGER UNLAWFUL PURSUANT TO SECTION 18-18-434, MAY BE FILED
15 AT ANY TIME. THE COURT SHALL ORDER THE RECORDS SEALED UNLESS THE
16 DISTRICT ATTORNEY OBJECTS PURSUANT TO SUBSECTION (1)(f.5)(II) OF
17 THIS SECTION.

18 (II) IF A MOTION IS FILED FOR THE SEALING OF AN OFFENSE
19 DESCRIBED IN THIS SUBSECTION (1)(f.5), THE DEFENDANT SHALL PROVIDE
20 NOTICE OF THE MOTION TO THE DISTRICT ATTORNEY, WHO MAY OBJECT.
21 THE DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO OBJECT TO THE
22 MOTION BASED ON WHETHER THE UNDERLYING CONVICTION FOR AN
23 OFFENSE IS NO LONGER UNLAWFUL PURSUANT TO SECTION 18-18-434. THE
24 DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO OBJECT AND PROVIDE
25 NOTICE TO THE COURT WITHIN FORTY-TWO DAYS OF RECEIPT OF THE
26 MOTION. IF THE DISTRICT ATTORNEY OBJECTS TO THE MOTION, THE COURT
27 SHALL SET THE MATTER FOR HEARING AND THE BURDEN IS ON THE
28 DEFENDANT TO SHOW BY A PREPONDERANCE OF THE EVIDENCE THAT THE
29 UNDERLYING FACTUAL BASIS OF THE CONVICTION SOUGHT TO BE SEALED
30 IS NO LONGER UNLAWFUL PURSUANT TO SECTION 18-18-434.

31 (III) (A) A DEFENDANT WHO FILES A MOTION PURSUANT TO THIS
32 SUBSECTION (1)(f.5) MUST NOT BE CHARGED FEES OR COSTS.

33 (B) NOTWITHSTANDING SUBSECTION (1)(c) OF THIS SECTION, A
34 DEFENDANT WHO FILES A MOTION PURSUANT TO THIS SUBSECTION (1)(f.5)
35 IS NOT REQUIRED TO SUBMIT A VERIFIED COPY OF THE DEFENDANT'S
36 CRIMINAL HISTORY WITH A FILED MOTION.

37 (C) SECTION 24-72-703 (2)(a)(V) DOES NOT APPLY TO CONVICTION

- 1 RECORDS SEALED PURSUANT TO THIS SUBSECTION (1)(f.5)."
- 2 Page 86, strike lines 1 through 12.

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