

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0885.01 Michael Dohr x4347

**HOUSE BILL 22-1257**

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**HOUSE SPONSORSHIP**

**Weissman and Soper,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

State, Civic, Military, & Veterans Affairs  
Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE ADOPTION OF 2022 RECOMMENDATIONS OF THE**  
102 **COLORADO CRIMINAL JUVENILE JUSTICE COMMISSION**  
103 **REGARDING SENTENCING PROVISIONS FOR OFFENSES, AND, IN**  
104 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Pursuant to law that will take effect March 1, 2022, it is a class 2 misdemeanor to practice the following professions without an active license, registration, or certification: Professional engineering,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

architecture, audiology, dentistry, direct-entry midwifery, medicine, physician assistant, anesthesiologist assistant, professional nursing, nursing home administration, optometry, pharmacy, pharmacy technician, and respiratory therapy. The bill makes practicing those professions intentionally without a license, registration, or certification a class 6 felony.

The bill states the purposes of probation are:

- To serve as a sentencing option and a response to crime in order to moderate and deter future criminal behavior and victimization;
- To support persons in behavior change through the coordination and provision of effective and individualized services which may include, but are not limited to, educational, therapeutic, restorative, and skill-building services;
- To hold persons accountable for their behavior through supervision and interventions that promote reparation of harm to the community and victims, which reparation includes, but is not limited to, restitution to victims;
- To serve as a cost-effective option for persons appropriate for community supervision; and
- To honor the statutory and constitutional rights of victims of crime.

The bill requires a probation officer to issue a summons when a probationer has allegedly violated a condition of probation or the officer is seeking probation revocation, with some exceptions.

The bill requires the state court administrator to develop a system of structured and individualized behavior responses to guide probation officers in determining how best to respond to probation violations.

Under current law, when a parolee has a technical violation of parole, a brief period of confinement in a county jail may be imposed as a sanction. The bill allows that confinement to also be served in a department of corrections facility.

The bill specifies that for a theft that involves public benefits, the value of the benefits involved for purposes of determining the level of the offense is calculated by the difference between the value of the benefits received and the value of benefits the recipient applied for and was lawfully eligible for.

Under current law, it is illegal for someone to possess a firearm if the person was convicted of or adjudicated for a victim's right act crime that is a felony. The bill adds more felony offenses to the convictions that prohibit a person from possessing a firearm.

Under current law, it is illegal for someone to possess a firearm if the person was previously adjudicated for a victim's right act crime that is a felony offense. The bill allows a person in that situation who has


good cause for possessing a firearm to petition the court for an order determining that the crime does not apply to the person.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-20-407, **add**  
3 (1)(e) as follows:

4 **12-20-407. Unauthorized practice of profession or occupation**  
5 **- penalties - exclusions.** (1) (e) A PERSON COMMITS A CLASS 6 FELONY  
6 AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401 IF THE  
7 PERSON INTENTIONALLY PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE  
8 ANY OF THE FOLLOWING PROFESSIONS OR OCCUPATIONS WITHOUT A  
9 LICENSE, CERTIFICATION, OR REGISTRATION ISSUED PURSUANT TO THE  
10 PART OR ARTICLE OF THIS TITLE 12 GOVERNING THE PARTICULAR  
11 PROFESSION OR OCCUPATION:

12   
13 (I) PROFESSIONAL ENGINEERING, AS REGULATED PURSUANT TO  
14 ARTICLE 120 OF THIS TITLE 12;

15 (II) ARCHITECTURE, AS REGULATED PURSUANT TO ARTICLE 120 OF  
16 THIS TITLE 12;

17 (III) AUDIOLOGY, AS REGULATED PURSUANT TO ARTICLE 210 OF  
18 THIS TITLE 12;

19 (IV) DENTISTRY, AS REGULATED PURSUANT TO ARTICLE 220 OF  
20 THIS TITLE 12;

21 (V) DIRECT-ENTRY MIDWIFERY, AS REGULATED PURSUANT TO  
22 ARTICLE 225 OF THIS TITLE 12;

23 (VI) MEDICINE, PRACTICE AS A PHYSICIAN ASSISTANT, OR  
24 PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT, AS REGULATED PURSUANT  
25 TO ARTICLE 240 OF THIS TITLE 12;

1 (VII) PROFESSIONAL NURSING, AS REGULATED PURSUANT TO  
2 ARTICLE 255 OF THIS TITLE 12;

3 (VIII) NURSING HOME ADMINISTRATION, AS REGULATED  
4 PURSUANT TO ARTICLE 265 OF THIS TITLE 12;

5 (IX) OPTOMETRY, AS REGULATED PURSUANT TO ARTICLE 275 OF  
6 THIS TITLE 12;

7 (X) PHARMACY OR AS A PHARMACY TECHNICIAN, AS REGULATED  
8 PURSUANT TO ARTICLE 280 OF THIS TITLE 12; OR

9 (XI) RESPIRATORY THERAPY, AS REGULATED PURSUANT TO  
10 ARTICLE 300 OF THIS TITLE 12.

11 **SECTION 2.** In Colorado Revised Statutes, **add** 16-11-201.5 as  
12 follows:

13 **16-11-201.5. Purposes of probation.** (1) THE PURPOSES OF THIS  
14 ARTICLE 11 WITH RESPECT TO PROBATION ARE:

15 (a) TO SERVE AS A SENTENCING OPTION AND A RESPONSE TO CRIME  
16 IN ORDER TO MODERATE AND DETER FUTURE CRIMINAL BEHAVIOR AND  
17 VICTIMIZATION;

18 (b) TO SUPPORT PERSONS IN BEHAVIOR CHANGE THROUGH THE  
19 COORDINATION AND PROVISION OF EFFECTIVE AND INDIVIDUALIZED  
20 SERVICES THAT MAY INCLUDE, BUT ARE NOT LIMITED TO, EDUCATIONAL,  
21 THERAPEUTIC, RESTORATIVE, AND SKILL-BUILDING SERVICES;

22 (c) TO HOLD PERSONS ACCOUNTABLE FOR THEIR BEHAVIOR  
23 THROUGH SUPERVISION AND INTERVENTIONS THAT PROMOTE REPARATION  
24 OF HARM TO THE COMMUNITY AND VICTIMS, WHICH REPARATION  
25 INCLUDES, BUT IS NOT LIMITED TO, RESTITUTION TO VICTIMS;

26 (d) TO SERVE AS A COST-EFFECTIVE OPTION FOR PERSONS  
27 APPROPRIATE FOR COMMUNITY SUPERVISION; AND

1 (e) TO HONOR THE STATUTORY AND CONSTITUTIONAL RIGHTS OF  
2 VICTIMS OF CRIME.

3 **SECTION 3.** In Colorado Revised Statutes, 16-11-205, **amend**  
4 (1), (2), and (5); and **add** (6.5) as follows:

5 **16-11-205. Arrest of probationer - revocation.** (1) A probation  
6 officer may arrest any probationer when:

7 (a) ~~He~~ THE OFFICER has a warrant commanding that the  
8 probationer be arrested; or

9 (b) ~~He~~ THE OFFICER has probable cause to believe that a warrant  
10 for the probationer's arrest has been issued in this state or another state for  
11 any criminal offense or for violation of the conditions of probation; or

12 (c) Any offense ~~under~~ PURSUANT TO the laws of this state THAT IS  
13 STATUTORILY ELIGIBLE FOR ARREST has been or is being committed by the  
14 probationer in his presence; or

15 (d) ~~He has probable cause to believe that a crime has been~~  
16 ~~committed and the probationer has committed such crime; or~~

17 (e) ~~He~~ THE OFFICER has probable cause to believe that the  
18 conditions of probation have been violated and probable cause to believe  
19 that the probationer is leaving or about to leave the state, or that the  
20 probationer will fail or refuse to appear before the court to answer  
21 charges of violation of the conditions of probation, or that the arrest of the  
22 probationer is necessary to ~~prevent physical harm to the probationer~~  
23 PROTECT THE SAFETY OF THE COMMUNITY or another person or PREVENT  
24 the commission of a crime. ~~or~~

25 (f) ~~The probationer, who is on probation as a result of a conviction~~  
26 ~~of any felony except a class 1 felony, has been tested for the illegal or~~  
27 ~~unauthorized use of a controlled substance and the result of such test is~~

1 ~~positive.~~

2 (2) ~~If a probation officer has reason to believe that the conditions~~  
3 ~~of probation have been violated by any probationer, he may~~ UNLESS ANY  
4 CIRCUMSTANCES AS PROVIDED IN SUBSECTION (1) OF THIS SECTION EXIST,  
5 THE PROBATION OFFICER SHALL issue a summons requiring the  
6 probationer to appear before the court at a specified time and place to  
7 answer charges of violation of the conditions of probation. WHEN A  
8 PROBATION OFFICER HAS REASON TO BELIEVE THAT THE PROBATIONER  
9 VIOLATED CONDITIONS OF PROBATION AND A PETITION FOR REVOCATION  
10 IS NECESSARY AND APPROPRIATE SUBJECT TO SECTION 16-11-215, the  
11 summons, unless accompanied by a copy of a complaint, shall contain a  
12 brief statement of the violation and the date and place thereof. Failure of  
13 the probationer to appear before the court as required by the summons  
14 shall be deemed a violation of the conditions of probation.

15 (5) A complaint alleging the violation of a condition of probation  
16 may be filed either by the probation officer pursuant to subsection (4) of  
17 this section or by the district attorney. Such complaint ~~shall~~ MUST contain  
18 the name of the probationer, ~~shall~~ MUST identify the violation charged and  
19 the condition of probation alleged to have been violated, including the  
20 date and approximate location thereof, MUST INCLUDE A SUMMARY OF THE  
21 VIOLATION BEHAVIOR HISTORY AND ANY BEHAVIORAL RESPONSES APPLIED  
22 CONSISTENT WITH THE STRUCTURED AND INDIVIDUALIZED BEHAVIORAL  
23 RESPONSES DEVELOPED PURSUANT TO SECTION 16-11-215 and ~~shall~~ MUST  
24 be signed by the probation officer or the district attorney. A copy thereof  
25 ~~shall~~ MUST be given to the probationer a reasonable length of time before  
26 ~~he~~ THE PROBATIONER appears before the court.

27 (6.5) UNLESS THERE IS REASON TO BELIEVE THAT A PROBATIONER

1        WOULD NOT APPEAR, WOULD INTERFERE WITH THE CRIMINAL JUSTICE  
2        PROCESS, OR POSES SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS, A  
3        PROBATION OFFICER SHALL ISSUE A SUMMONS RATHER THAN REQUEST A  
4        WARRANT WHEN FILING A PETITION FOR REVOCATION.

5                **SECTION 4.** In Colorado Revised Statutes, 16-11-209, **repeal** (2)  
6        and (3) as follows:

7                **16-11-209. Duties of probation officers.** ~~(2) Any probationer, on~~  
8        ~~probation as a result of a conviction, who is under the supervision of a~~  
9        ~~probation officer pursuant to this part 2 and who is initially tested for the~~  
10        ~~illegal or unauthorized use of a controlled substance and the result of such~~  
11        ~~test is positive shall be subject to any or all of the following actions:~~

- 12                ~~(a) An immediate warrantless arrest;~~
- 13                ~~(b) An immediate increase in the level of supervision;~~
- 14                ~~(c) Random screenings for the detection of the illegal or~~  
15        ~~unauthorized use of a controlled substance, which use may serve as the~~  
16        ~~basis for additional punishment or any other community placement;~~
- 17                ~~(d) Referral to a substance use disorder treatment program.~~

18                ~~(3) If any probationer described in subsection (2) of this section~~  
19        ~~is subjected to a second or subsequent test for the illegal or unauthorized~~  
20        ~~use of a controlled substance and the result of such test is positive, the~~  
21        ~~probation officer shall take one or more of the following actions:~~

- 22                ~~(a) Make an immediate warrantless arrest;~~
- 23                ~~(b) Seek a probation revocation in accordance with sections~~  
24        ~~16-11-205 and 16-11-206;~~
- 25                ~~(c) Immediately increase the level of supervision;~~
- 26                ~~(d) Increase the number of drug screenings for the illegal or~~  
27        ~~unauthorized use of controlled substances;~~

1           ~~(e) Refer the probationer to a substance use disorder treatment~~  
2 ~~program.~~

3           **SECTION 5.** In Colorado Revised Statutes, **add** 16-11-215 as  
4 follows:

5           **16-11-215. Structured and individualized behavioral responses.**

6           (1) BEFORE JULY 1, 2023, THE STATE COURT ADMINISTRATOR SHALL  
7 DEVELOP A SYSTEM OF STRUCTURED AND INDIVIDUALIZED BEHAVIORAL  
8 RESPONSES, INCLUDING INCENTIVES AND SANCTIONS, TO GUIDE PROBATION  
9 OFFICERS IN DETERMINING HOW BEST TO MOTIVATE POSITIVE BEHAVIOR  
10 CHANGE AND THE APPROPRIATE RESPONSE TO A VIOLATION OF TERMS AND  
11 CONDITIONS OF PROBATION.

12           (2) A SYSTEM OF STRUCTURED AND INDIVIDUALIZED RESPONSES  
13 MUST INCLUDE AN ACCOUNTABILITY-BASED SERIES OF BEHAVIORAL  
14 RESPONSES, INTERMEDIATE SANCTIONS, INCENTIVES, AND SERVICES  
15 DESIGNED TO RESPOND TO A PROBATIONER'S VIOLATION OF PROBATION  
16 QUICKLY, FAIRLY, CONSISTENTLY, AND PROPORTIONALLY. THE SYSTEM OF  
17 STRUCTURED AND INDIVIDUALIZED RESPONSES MUST ALSO BE DESIGNED  
18 TO MOTIVATE POSITIVE BEHAVIOR CHANGE, SUCCESSFUL COMPLETION OF  
19 PROBATION, AND A PROBATIONER'S INDIVIDUAL BEHAVIORAL OR  
20 TREATMENT GOALS.

21           (3) PROBATION DEPARTMENTS SHALL USE THE SYSTEM OF  
22 STRUCTURED AND INDIVIDUALIZED BEHAVIORAL RESPONSES DEVELOPED  
23 PURSUANT TO THIS SUBSECTION (3) OR DEVELOP AND USE AN EQUIVALENT  
24 AND LOCALLY DEVELOPED SYSTEM THAT IS ALIGNED TO BEST PRACTICES.

25           **SECTION 6.** In Colorado Revised Statutes, **amend** 16-11.5-101  
26 as follows:

27           **16-11.5-101. Legislative declaration.** The general assembly



1 hereby declares that substance abuse, specifically the abuse of alcohol and  
2 controlled substances, is a major problem in the criminal justice system  
3 of the state of Colorado and in the entire nation. Substance abuse is a  
4 significant factor in the commission of crimes, and it is a significant  
5 factor in impeding the rehabilitation of persons convicted of crimes which  
6 results in an increased rate of recidivism. Therefore, the general assembly  
7 hereby resolves to curtail the disastrous effects of substance abuse in the  
8 criminal justice system by providing for consistency in the response to  
9 substance abuse throughout the criminal justice system and to improve  
10 and standardize substance abuse treatment for ~~offenders~~ PEOPLE at each  
11 stage of the criminal justice system and to provide ~~punitive measures~~ A  
12 RANGE OF INDIVIDUALIZED BEHAVIORAL RESPONSES for ~~offenders who~~  
13 ~~refuse to cooperate with and~~ PEOPLE WHO DO NOT respond SUCCESSFULLY  
14 to substance abuse treatment while ~~such offenders~~ THE PEOPLE are  
15 involved with the criminal justice system.

16 SECTION 7. In Colorado Revised Statutes, 16-11.5-105, **amend**  
17 (2) and (3) as follows:

18 **16-11.5-105. Departments shall develop testing programs and**  
19 **behavioral response systems.** (2) Any offender who tests positive for  
20 the use of alcohol or controlled substances subsequent to the initial test  
21 required by section 18-1.3-209 ~~C.R.S.~~, shall be subjected to a **punitive**  
22 ~~sanction~~ SYSTEM OF STRUCTURED AND INDIVIDUALIZED BEHAVIORAL  
23 RESPONSES. The judicial department, the department of corrections, the  
24 state board of parole, and the division of criminal justice of the  
25 department of public safety shall cooperate to develop and make public  
26 a range of ~~punitive sanctions~~ STRUCTURED AND INDIVIDUALIZED  
27 BEHAVIORAL RESPONSES for those ~~offenders~~ PEOPLE under the jurisdiction

1 of each agency ~~which~~ THAT are appropriate to the ~~offenders~~ PEOPLE  
2 supervised by each particular agency. ~~Such punitive sanctions shall be~~  
3 ~~formulated in such a way as to promote fairness and consistency in the~~  
4 ~~treatment of offenders and may include, but shall not be limited to,~~  
5 ~~increases in the level of an offender's supervision, increases in the use of~~  
6 ~~electronic monitoring of an offender, loss of earned time granted pursuant~~  
7 ~~to section 17-22.5-405, C.R.S., and referral of the offender to the court or~~  
8 ~~the state board of parole for resentencing or revocation of probation or~~  
9 ~~parole.~~ A SYSTEM OF STRUCTURED AND INDIVIDUALIZED BEHAVIORAL  
10 RESPONSES MUST INCLUDE AN ACCOUNTABILITY-BASED SERIES OF  
11 BEHAVIORAL RESPONSES, SANCTIONS, INCENTIVES, AND SERVICES  
12 DESIGNED TO RESPOND TO AN OFFENDER'S VIOLATION BEHAVIOR QUICKLY,  
13 FAIRLY, CONSISTENTLY, AND PROPORTIONALLY. THE SYSTEM MUST ALSO  
14 BE DESIGNED TO MOTIVATE POSITIVE BEHAVIOR CHANGE, SUCCESSFUL  
15 COMPLETION OF SUPERVISION, AND AN OFFENDER'S INDIVIDUALIZED  
16 TREATMENT OR BEHAVIOR CHANGE GOALS USING RESEARCH-INFORMED  
17 STRATEGIES DESIGNED TO REDUCE THE LIKELIHOOD OF CONTINUED  
18 INVOLVEMENT WITH THE CRIMINAL JUSTICE SYSTEM. It is the intent of the  
19 general assembly that any offender's test ~~which~~ THAT is positive for the  
20 use of controlled substances or alcohol ~~shall result in an intensified level~~  
21 ~~of testing, treatment, supervision, or other sanctions designed to control~~  
22 ~~abuse of substances for such offender~~ IS ADDRESSED WITH A RANGE OF  
23 BEHAVIORAL RESPONSES PRIOR TO CONSIDERATION FOR REVOCATION OR  
24 RESENTENCING BY THE COURT OR PRIOR TO CONSIDERATION OF  
25 REVOCATION BY THE STATE BOARD OF PAROLE.

26 (3) The judicial department, the department of corrections, the  
27 state board of parole, and the division of criminal justice of the

1 department of public safety shall cooperate to develop AND IMPLEMENT  
2 a range of incentives for offenders under the jurisdiction of each  
3 particular agency to ~~discontinue abuse of~~ MOTIVATE RECOVERY FROM A  
4 SUBSTANCE USE DISORDER AND ABSTINENCE FROM HARMFUL USE OF  
5 alcohol or controlled substances.

6 **SECTION 8.** In Colorado Revised Statutes, 17-2-103, **amend**  
7 (1.5)(d), (1.5)(e), and (1.5)(f) as follows:

8 **17-2-103. Arrest of parolee - revocation proceedings.**

9 (1.5) (d) If a parolee has a technical violation, the parolee's community  
10 parole officer, with the approval of the director of the division of adult  
11 parole or the director's designee, may impose a brief term of confinement,  
12 ~~in the county jail~~, not to exceed fourteen consecutive days, as an  
13 intermediate sanction.

14 (e) A parolee's community parole officer must notify the parolee  
15 when a brief term of ~~incarceration in jail~~ CONFINEMENT may be imposed  
16 as an intermediate sanction against the parolee.

17 (f) CONFINEMENT AS AN INTERMEDIATE SANCTION MAY BE  
18 PROVIDED IN ANY FACILITY OPERATED OR APPROVED BY THE DEPARTMENT  
19 OF CORRECTIONS OR IN A COUNTY JAIL. The division of adult parole is  
20 responsible for reimbursing county jails for beds used as an intermediate  
21 sanction. The sheriff of each county has the authority and discretion to  
22 determine the number of jail beds, if any, that are available to the  
23 department of corrections in their respective facilities for the purpose of  
24 imposing an intermediate sanction. If jail beds are unavailable in the local  
25 community of the facility in which the parolee is being supervised, the  
26 division of adult parole is authorized to utilize ANY FACILITY OPERATED  
27 OR APPROVED BY THE DEPARTMENT OF CORRECTIONS OR other available

1 county jail beds if transportation to and from the jail is provided to the  
2 parolee.

3 **SECTION 9.** In Colorado Revised Statutes, 18-1.3-102, **amend**  
4 (2) as follows:

5 **18-1.3-102. Deferred sentencing of defendant.** (2) Prior to entry  
6 of a plea of guilty to be followed by deferred judgment and sentence, the  
7 district attorney, in the course of plea discussion as provided in sections  
8 16-7-301 and 16-7-302 ~~C.R.S.~~, is authorized to enter into a written  
9 stipulation, to be signed by the defendant, the defendant's attorney of  
10 record, and the district attorney, under which the defendant is obligated  
11 to adhere to such stipulation. The conditions imposed in the stipulation  
12 ~~shall be~~ AND THE RESPONSES TO VIOLATION BEHAVIOR ARE similar ~~in all~~  
13 ~~respects to conditions permitted as part of probation.~~ A person convicted  
14 of a crime, the underlying factual basis of which included an act of  
15 domestic violence, as defined in section 18-6-800.3 (1), shall stipulate to  
16 the conditions specified in section 18-1.3-204 (2)(b). In addition, the  
17 stipulation may require the defendant to perform community or charitable  
18 work service projects or make donations thereto. Upon full compliance  
19 with such conditions by the defendant, the plea of guilty previously  
20 entered shall be withdrawn and the charge upon which the judgment and  
21 sentence of the court was deferred shall be dismissed with prejudice. The  
22 stipulation shall specifically provide that, upon a breach by the defendant  
23 of any condition regulating the conduct of the defendant, the court shall  
24 enter judgment and impose sentence upon the guilty plea; except that, if  
25 the offense is a violation of article 18 of this ~~title~~ TITLE 18, the court may  
26 accept an admission or find a violation of the stipulation without entering  
27 judgment and imposing sentence if the court first makes findings of fact

1 on the record stating the entry of judgment and sentencing would not be  
2 consistent with the purposes of sentencing, that the defendant would be  
3 better served by continuing the deferred judgment period, and that public  
4 safety would not be jeopardized by the continuation of the deferred  
5 judgment. If the court makes those findings and continues the deferred  
6 judgment over the objection of the prosecution, the court shall also  
7 impose additional and immediate sanctions upon the defendant to address  
8 the violation, to include, but not be limited to, the imposition of further  
9 terms and conditions that will enhance the likelihood of the defendant's  
10 success, respond to the defendant's noncompliance, and promote further  
11 individual accountability, including extending the time period of the  
12 deferred judgment for up to two additional years or incarceration in the  
13 county jail for a period not to exceed ninety days consistent with the  
14 provisions of section 18-1.3-202 (1), or both. When, as a condition of the  
15 deferred sentence, the court orders the defendant to make restitution,  
16 evidence of failure to pay the restitution shall constitute prima facie  
17 evidence of a violation. Whether a breach of condition has occurred shall  
18 be determined by the court without a jury upon application of the district  
19 attorney or a probation officer and upon notice of hearing thereon of not  
20 less than seven days to the defendant or the defendant's attorney of  
21 record. Application for entry of judgment and imposition of sentence may  
22 be made by the district attorney or a probation officer at any time within  
23 the term of the deferred judgment or within thirty-five days thereafter.  
24 The burden of proof at the hearing shall be by a preponderance of the  
25 evidence, and the procedural safeguards required in a revocation of  
26 probation hearing shall apply.

27 **SECTION 10.** In Colorado Revised Statutes, 18-4-401, **add** (11)

1 as follows:

2 **18-4-401. Theft - repeal.** (11) (a) IF THE ITEM OF VALUE  
3 INVOLVED IS A PUBLIC BENEFIT, THEN FOR PURPOSES OF DETERMINING THE  
4 OFFENSE LEVEL FOR SUBSECTION (2) OF THIS SECTION, THE VALUE IS THE  
5 DIFFERENCE BETWEEN THE VALUE OF THE PUBLIC BENEFIT RECEIVED AND  
6 THE VALUE OF THE PUBLIC BENEFIT FOR WHICH THE RECIPIENT WAS  
7 ELIGIBLE.

8 (b) AS USED IN THIS SUBSECTION (11), "PUBLIC BENEFITS" MEANS  
9 SERVICES OR AID, OR BOTH, INCLUDING FOOD, CASH, AND MEDICAL  
10 ASSISTANCE, PROVIDED THROUGH AN APPROPRIATION OF FEDERAL, STATE,  
11 OR LOCAL GOVERNMENT MONEY TO INDIVIDUALS OR HOUSEHOLDS THAT,  
12 BECAUSE OF THEIR ECONOMIC CIRCUMSTANCES OR SOCIAL CONDITION, ARE  
13 IN NEED OF AND MAY BENEFIT FROM SUCH SERVICES OR AID.

14 **SECTION 11.** In Colorado Revised Statutes, 18-12-108, **amend**  
15 **as they will become effective March 1, 2022,** (1) and (3); and **add** (7)  
16 as follows:

17 **18-12-108. Possession of weapons by previous offenders.** (1) A  
18 person commits the crime of possession of a weapon by a previous  
19 offender if the person knowingly possesses, uses, or carries upon his or  
20 her person a firearm as defined in section 18-1-901 (3)(h) or any other  
21 weapon that is subject to the provisions of this article 12 subsequent to  
22 the person's conviction for a felony crime as defined in section 24-4.1-302  
23 (1) OR LISTED IN SUBSECTION (7) OF THIS SECTION, or subsequent to the  
24 person's conviction for attempt or conspiracy to commit a crime as  
25 defined in section 24-4.1-302 (1) that is a felony, ~~under~~ PURSUANT TO  
26 Colorado or any other state's law or ~~under~~ PURSUANT TO federal law.

27 (3) (a) A person commits the crime of possession of a weapon by

1 a previous offender if the person knowingly possesses, uses, or carries  
2 upon his or her person a firearm as defined in section 18-1-901 (3)(h) or  
3 any other weapon that is subject to the provisions of this article 12  
4 subsequent to the person's adjudication for an act which, if committed by  
5 an adult, would constitute a felony crime as defined in section 24-4.1-302  
6 (1) OR LISTED IN SUBSECTION (7) OF THIS SECTION, or subsequent to the  
7 person's adjudication for attempt or conspiracy to commit a crime as  
8 defined in section 24-4.1-302 (1) that is a felony, ~~under~~ PURSUANT TO  
9 Colorado or any other state's law or ~~under~~ PURSUANT TO federal law in the  
10 previous ten years from the completion of the person's sentence for the  
11 adjudication of a felony crime as defined in section 24-4.1-302 (1), or  
12 subsequent to the person's adjudication for attempt or conspiracy to  
13 commit a crime as defined in section 24-4.1-302 (1) that is a felony, ~~under~~  
14 PURSUANT TO Colorado or any other state's law or ~~under~~ PURSUANT TO  
15 federal law in the previous ten years.

16 (b) IF A PERSON COMPLETES A SENTENCE FOR THE ADJUDICATION  
17 OF A FELONY CRIME AS DEFINED IN SECTION 24-4.1-302 (1) OR LISTED IN  
18 SUBSECTION (7) OF THIS SECTION, OR SUBSEQUENT TO THE PERSON'S  
19 ADJUDICATION FOR ATTEMPT OR CONSPIRACY TO COMMIT A CRIME AS  
20 DEFINED IN SECTION 24-4.1-302 (1) OR LISTED IN SUBSECTION (7) OF THIS  
21 SECTION THAT IS A FELONY PURSUANT TO COLORADO OR ANY OTHER  
22 STATE'S LAW OR UNDER FEDERAL LAW, AND THE PERSON HAS GOOD CAUSE  
23 FOR POSSESSING, USING, OR CARRYING A FIREARM AS DEFINED IN SECTION  
24 18-1-901 (3)(h) OR ANY OTHER WEAPON THAT IS SUBJECT TO THIS ARTICLE  
25 12, THE PERSON MAY PETITION THE COURT FOR AN ORDER DETERMINING  
26 THAT SUBSECTION (3)(a) OF THIS SECTION DOES NOT APPLY TO THE PERSON  
27 IF THE PERSON OTHERWISE LEGALLY POSSESSES, USES, OR CARRIES UPON

1 HIS OR HER PERSON A FIREARM AS DEFINED IN SECTION 18-1-901 (3)(h) OR  
2 ANY OTHER WEAPON THAT IS SUBJECT TO THIS ARTICLE 12. A COURT  
3 SHALL ENTER AN ORDER DETERMINING THAT SUBSECTION (3)(a) OF THIS  
4 SECTION DOES NOT APPLY TO THE PERSON IF THE COURT FINDS, UPON  
5 REQUEST OF THE PERSON AND BY A PREPONDERANCE OF THE EVIDENCE,  
6 THERE IS GOOD CAUSE FOR THE PERSON TO POSSESS, USE, OR CARRY A  
7 FIREARM AS DEFINED IN SECTION 18-1-901 (3)(h) OR ANY OTHER WEAPON  
8 THAT IS SUBJECT TO THIS ARTICLE 12.

9 (7) IN ADDITION TO A CONVICTION FOR FELONY CRIME AS DEFINED  
10 IN SECTION 24-4.1-302 (1), A FELONY CONVICTION OR ADJUDICATION FOR  
11 ONE OF THE FOLLOWING FELONIES PROHIBITS A PERSON FROM POSSESSING,  
12 USING, OR CARRYING UPON HIS OR HER PERSON A FIREARM AS DEFINED IN  
13 SECTION 18-1-901 (3)(h) OR ANY OTHER WEAPON THAT IS SUBJECT TO THIS  
14 ARTICLE 12 PURSUANT TO SUBSECTION (1) OR (3) OF THIS SECTION:

15 (a) AN OFFENSE SUBJECT TO SENTENCING PURSUANT TO SECTION  
16 18-1.3-1004;

17 (b) FIRST DEGREE MURDER OF A PEACE OFFICER, FIREFIGHTER, OR  
18 EMERGENCY MEDICAL SERVICE PROVIDER IN VIOLATION OF SECTION  
19 18-3-107;

20 (c) CRIMINAL EXTORTION IN VIOLATION OF SECTION 18-3-207;

21 (d) FALSE IMPRISONMENT IN VIOLATION OF SECTION 18-3-303;

22 (e) ENTICEMENT OF A CHILD IN VIOLATION OF SECTION 18-3-305;

23 (f) INTERNET LURING OF A CHILD IN VIOLATION OF SECTION  
24 18-3-306;

25 (g) INTERNET SEXUAL EXPLOITATION OF A CHILD IN VIOLATION OF  
26 SECTION 18-3-405.4;

27 (h) UNLAWFUL SEXUAL CONDUCT BY A PEACE OFFICER IN



- 1 VIOLATION OF SECTION 18-3-405.7;
- 2 (i) UNLAWFUL TERMINATION OF A PREGNANCY IN THE FIRST  
3 DEGREE IN VIOLATION OF SECTION 18-3.5-103;
- 4 (j) UNLAWFUL TERMINATION OF A PREGNANCY IN THE SECOND  
5 DEGREE IN VIOLATION OF SECTION 18-3.5-104;
- 6 (k) FIRST DEGREE ARSON IN VIOLATION OF SECTION 18-4-102;
- 7 (l) SECOND DEGREE ARSON IN VIOLATION OF SECTION 18-4-103;
- 8 (m) THIRD DEGREE ARSON IN VIOLATION OF SECTION 18-4-104;
- 9 (n) FOURTH DEGREE ARSON IN VIOLATION OF SECTION 18-4-105;
- 10 (o) HABITUAL CHILD ABUSE IN VIOLATION OF SECTION 18-6-401.2;
- 11 (p) CONTRIBUTING TO THE DELINQUENCY OF A MINOR IN  
12 VIOLATION OF SECTION 18-6-701;
- 13 (q) PANDERING IN VIOLATION OF SECTION 18-7-203;
- 14 (r) PIMPING IN VIOLATION OF SECTION 18-7-206;
- 15 (s) PANDERING OF A CHILD IN VIOLATION OF SECTION 18-7-403;
- 16 (t) PROCUREMENT OF A CHILD IN VIOLATION OF SECTION  
17 18-7-403.5;
- 18 (u) KEEPING A PLACE OF CHILD PROSTITUTION IN VIOLATION OF  
19 SECTION 18-7-404;
- 20 (v) IMPERSONATING A PEACE OFFICER IN VIOLATION OF SECTION  
21 18-8-112;
- 22 (w) DISARMING A PEACE OFFICER IN VIOLATION OF SECTION  
23 18-8-116;
- 24 (x) AIDING ESCAPE FROM AN INSTITUTION FOR THE CARE AND  
25 TREATMENT OF PERSONS WITH BEHAVIORAL OR MENTAL HEALTH  
26 DISORDERS IN VIOLATION OF SECTION 18-8-201.1;
- 27 (y) ASSAULT DURING ESCAPE IN VIOLATION OF SECTION 18-8-206;

- 1 (z) HOLDING HOSTAGES IN VIOLATION OF SECTION 18-8-207;
- 2 (aa) ESCAPE IN VIOLATION OF SECTION 18-8-208;
- 3 (bb) ATTEMPT TO ESCAPE IN VIOLATION OF SECTION 18-8-208.1;
- 4 (cc) PARTICIPATION IN A RIOT IN DETENTION FACILITIES IN  
5 VIOLATION OF SECTION 18-8-211;
- 6 (dd) INTIMIDATING A JUROR IN VIOLATION OF SECTION 18-8-608;
- 7 (ee) INCITING A RIOT IN VIOLATION OF SECTION 18-9-102;
- 8 (ff) ARMING A RIOTER IN VIOLATION OF SECTION 18-9-103;
- 9 (gg) ENGAGING IN A RIOT IN VIOLATION OF SECTION 18-9-104;
- 10 (hh) VEHICULAR ELUDING IN VIOLATION OF SECTION 18-9-116.5;
- 11 (ii) FIREARMS, EXPLOSIVES, OR INCENDIARY DEVICES IN FACILITIES  
12 OF PUBLIC TRANSPORTATION IN VIOLATION OF SECTION 18-9-118;
- 13 (jj) FAILURE OR REFUSAL TO LEAVE PREMISES OR PROPERTY UPON  
14 REQUEST OF A PEACE OFFICER IN VIOLATION OF SECTION 18-9-119;
- 15 (kk) TERRORIST TRAINING ACTIVITIES IN VIOLATION OF SECTION  
16 18-9-120;
- 17 (ll) AGGRAVATED CRUELTY TO ANIMALS IN VIOLATION OF SECTION  
18 18-9-202;
- 19 (mm) TREASON IN VIOLATION OF SECTION 18-11-101;
- 20 (nn) INSURRECTION IN VIOLATION OF SECTION 18-11-102;
- 21 (oo) ADVOCATING THE OVERTHROW OF THE GOVERNMENT IN  
22 VIOLATION OF SECTION 18-11-201;
- 23 (pp) INCITING DESTRUCTION OF LIFE OR PROPERTY IN VIOLATION  
24 OF SECTION 18-11-202;
- 25 (qq) MEMBERSHIP IN ANARCHIST AND SEDITIOUS ASSOCIATIONS IN  
26 VIOLATION OF SECTION 18-11-203;
- 27 (rr) POSSESSING A DANGEROUS OR ILLEGAL WEAPON IN VIOLATION

- 1 OF SECTION 18-12-102;
- 2 (ss) UNLAWFULLY CARRYING A WEAPON IN VIOLATION OF SECTION  
3 18-12-105.5;
- 4 (tt) USE OF A STUN GUN IN VIOLATION OF SECTION 18-12-106.5;
- 5 (uu) ILLEGAL DISCHARGE OF A FIREARM IN VIOLATION OF SECTION  
6 18-12-107.5;
- 7 (vv) POSSESSION OF A WEAPON BY A PREVIOUS OFFENDER IN  
8 VIOLATION OF SECTION 18-12-108 IF COMMITTED ON OR AFTER MARCH 1,  
9 2022;
- 10 (ww) POSSESSION OF A HANDGUN BY A JUVENILE IN VIOLATION OF  
11 SECTION 18-12-108.5;
- 12 (xx) UNLAWFULLY PROVIDING OR PERMITTING A JUVENILE TO  
13 POSSESS A HANDGUN IN VIOLATION OF SECTION 18-12-108.7;
- 14 (yy) POSSESSION, USE, OR REMOVAL OF EXPLOSIVES OR  
15 INCENDIARY DEVICES IN VIOLATION OF SECTION 18-12-109;
- 16 (zz) UNLAWFUL PURCHASE OF A FIREARM IN VIOLATION OF  
17 SECTION 18-12-111;
- 18 (aaa) POSSESSING A LARGE-CAPACITY MAGAZINE DURING THE  
19 COMMISSION OF A CRIME OF VIOLENCE IN VIOLATION OF SECTION  
20 18-12-302 (1)(c);
- 21 (bbb) DUELING IN VIOLATION OF SECTION 18-13-104;
- 22 (ccc) INTENTIONALLY SETTING A WILDFIRE IN VIOLATION OF  
23 SECTION 18-13-109.5;
- 24 (ddd) UNLAWFUL ADMINISTRATION OF KETAMINE IN VIOLATION OF  
25 SECTION 18-13-123;
- 26 (eee) SMUGGLING OF A HUMAN IN VIOLATION OF SECTION  
27 18-13-128;

1 (fff) ORGANIZED CRIME IN VIOLATION OF SECTION 18-17-104;  
2 (ggg) A SPECIAL OFFENDER IN VIOLATION OF SECTION 18-18-407  
3 (1)(d)(II); AND  
4 (hhh) A CRIMINAL ATTEMPT, COMPLICITY, OR CONSPIRACY TO  
5 COMMIT ANY OF THE OFFENSES LISTED IN THIS SUBSECTION (7).

6 **SECTION 12. Appropriation.** For the 2022-23 state fiscal year,  
7 \$53,390 is appropriated to the judicial department for use by the  
8 probation and related services division. This appropriation is from the  
9 general fund and is based on an assumption that the department will  
10 require an additional 0.7 FTE. To implement this act, the division may  
11 use this appropriation for probation programs.

12 **SECTION 13. Effective date - applicability.** This act takes  
13 effect upon passage and sections 1, 10, and 11 apply to offenses  
14 committed on or after said date.

15 **SECTION 14. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, or safety.