

CHAPTER 69

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 22-1257

BY REPRESENTATIVE(S) Weissman and Soper, Gray, Jodeh, Lindsay, Michaelson Jenet, Ricks, Snyder, Garnett, Benavidez;
also SENATOR(S) Gonzales and Gardner, Lee, Moreno.

AN ACT

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

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

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

12-20-407. Unauthorized practice of profession or occupation - penalties - exclusions. (1) (e) A PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401 IF THE PERSON PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE ANY OF THE FOLLOWING PROFESSIONS OR OCCUPATIONS AND INTENTIONALLY AND FRAUDULENTLY REPRESENTS ONESELF AS A LICENSED, CERTIFIED, OR REGISTERED PROFESSIONAL OR PRACTITIONER ISSUED PURSUANT TO A PART OR ARTICLE OF THIS TITLE 12 GOVERNING THE PARTICULAR PROFESSION OR OCCUPATION:

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

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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

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

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

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

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

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

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

(c) 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;

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

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

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

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

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

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

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

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

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

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

(2) ~~If a probation officer has reason to believe that the conditions of probation have been violated by any probationer, he may~~ UNLESS ANY CIRCUMSTANCES AS PROVIDED IN SUBSECTION (1) OR (6.5) OF THIS SECTION EXIST, WHEN A PROBATION OFFICER HAS REASON TO BELIEVE THAT THE PROBATIONER VIOLATED CONDITIONS OF PROBATION AND THAT A PETITION FOR REVOCATION IS NECESSARY AND APPROPRIATE SUBJECT TO SECTION 16-11-215, THE PROBATION OFFICER SHALL ISSUE a summons requiring the probationer to appear before the court at a specified time and place to answer charges of violation of the conditions of probation. The summons, unless accompanied by a copy of a complaint, shall contain a brief statement of the violation and the date and place thereof. Failure of the probationer to appear before the court as required by the summons shall be deemed a violation of the conditions of probation.

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

(6.5) UNLESS THERE IS REASON TO BELIEVE THAT A PROBATIONER WOULD NOT APPEAR, WOULD INTERFERE WITH THE CRIMINAL JUSTICE PROCESS, OR POSES SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS, A PROBATION OFFICER SHALL ISSUE

A SUMMONS RATHER THAN REQUEST A WARRANT WHEN FILING A PETITION FOR REVOCATION.

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

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

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

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

- ~~(a) Make an immediate warrantless arrest;~~
- ~~(b) Seek a probation revocation in accordance with sections 16-11-205 and 16-11-206;~~
- ~~(c) Immediately increase the level of supervision;~~
- ~~(d) Increase the number of drug screenings for the illegal or unauthorized use of controlled substances;~~
- ~~(e) Refer the probationer to a substance use disorder treatment program.~~

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

16-11-215. Structured and individualized behavioral responses - repeal.

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

(2) A SYSTEM OF STRUCTURED AND INDIVIDUALIZED RESPONSES MUST INCLUDE AN ACCOUNTABILITY-BASED SERIES OF BEHAVIORAL RESPONSES, INTERMEDIATE SANCTIONS, INCENTIVES, AND SERVICES DESIGNED TO RESPOND TO A PROBATIONER'S

VIOLATION OF PROBATION QUICKLY, FAIRLY, CONSISTENTLY, AND PROPORTIONALLY. THE SYSTEM OF STRUCTURED AND INDIVIDUALIZED RESPONSES MUST ALSO BE DESIGNED TO MOTIVATE POSITIVE BEHAVIOR CHANGE, SUCCESSFUL COMPLETION OF PROBATION, AND A PROBATIONER'S INDIVIDUAL BEHAVIORAL OR TREATMENT GOALS.

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

(4) (a) THE STATE COURT ADMINISTRATOR SHALL REPORT ON THE SYSTEM OF STRUCTURED AND INDIVIDUALIZED RESPONSES DEVELOPED PURSUANT TO THIS SECTION DURING THE JUDICIAL DEPARTMENT'S ANNUAL PRESENTATION HELD PURSUANT TO SECTION 2-7-203 DURING THE 2024 LEGISLATIVE SESSION.

(b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2024.

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

16-11.5-101. Legislative declaration. The general assembly hereby declares that substance abuse, specifically the abuse of alcohol and controlled substances, is a major problem in the criminal justice system of the state of Colorado and in the entire nation. Substance abuse is a significant factor in the commission of crimes, and it is a significant factor in impeding the rehabilitation of persons convicted of crimes which results in an increased rate of recidivism. Therefore, the general assembly hereby resolves to curtail the disastrous effects of substance abuse in the criminal justice system by providing for consistency in the response to substance abuse throughout the criminal justice system and to improve and standardize substance abuse treatment for offenders PEOPLE at each stage of the criminal justice system and to provide punitive measures A RANGE OF INDIVIDUALIZED BEHAVIORAL RESPONSES for offenders who refuse to cooperate with and PEOPLE WHO DO NOT respond SUCCESSFULLY to substance abuse treatment while such offenders THE PEOPLE are involved with the criminal justice system.

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

16-11.5-105. Departments shall develop testing programs and behavioral response systems. (2) Any offender who tests positive for the use of alcohol or controlled substances subsequent to the initial test required by section 18-1.3-209 C.R.S., shall be subjected to a ~~punitive sanction~~ SYSTEM OF STRUCTURED AND INDIVIDUALIZED BEHAVIORAL RESPONSES. The judicial department, the department of corrections, the state board of parole, and the division of criminal justice of the department of public safety shall cooperate to develop and make public a range of ~~punitive sanctions~~ STRUCTURED AND INDIVIDUALIZED BEHAVIORAL RESPONSES for those offenders PEOPLE under the jurisdiction of each agency which THAT are appropriate to the offenders PEOPLE supervised by each particular agency. ~~Such punitive sanctions shall be formulated in such a way as to promote fairness and consistency in the treatment of offenders and may include, but shall not be limited to, increases in the level of an offender's supervision, increases in the use of~~

~~electronic monitoring of an offender, loss of earned time granted pursuant to section 17-22.5-405, C.R.S., and referral of the offender to the court or the state board of parole for resentencing or revocation of probation or parole.~~ A SYSTEM OF STRUCTURED AND INDIVIDUALIZED BEHAVIORAL RESPONSES MUST INCLUDE AN ACCOUNTABILITY-BASED SERIES OF BEHAVIORAL RESPONSES, SANCTIONS, INCENTIVES, AND SERVICES DESIGNED TO RESPOND TO AN OFFENDER'S VIOLATION BEHAVIOR QUICKLY, FAIRLY, CONSISTENTLY, AND PROPORTIONALLY. THE SYSTEM MUST ALSO BE DESIGNED TO MOTIVATE POSITIVE BEHAVIOR CHANGE, SUCCESSFUL COMPLETION OF SUPERVISION, AND AN OFFENDER'S INDIVIDUALIZED TREATMENT OR BEHAVIOR CHANGE GOALS USING RESEARCH-INFORMED STRATEGIES DESIGNED TO REDUCE THE LIKELIHOOD OF CONTINUED INVOLVEMENT WITH THE CRIMINAL JUSTICE SYSTEM. It is the intent of the general assembly that any offender's test ~~which~~ THAT is positive for the use of controlled substances or alcohol ~~shall result in an intensified level of testing, treatment, supervision, or other sanctions designed to control abuse of substances for such offender~~ IS ADDRESSED WITH A RANGE OF BEHAVIORAL RESPONSES PRIOR TO CONSIDERATION FOR REVOCATION OR RESENTENCING BY THE COURT OR PRIOR TO CONSIDERATION OF REVOCATION BY THE STATE BOARD OF PAROLE.

(3) The judicial department, the department of corrections, the state board of parole, and the division of criminal justice of the department of public safety shall cooperate to develop AND IMPLEMENT a range of incentives for offenders under the jurisdiction of each particular agency to ~~discontinue abuse of~~ MOTIVATE RECOVERY FROM A SUBSTANCE USE DISORDER AND ABSTINENCE FROM HARMFUL USE OF alcohol or controlled substances.

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

17-2-103. Arrest of parolee - revocation proceedings. (1.5) (d) If a parolee has a technical violation, the parolee's community parole officer, with the approval of the director of the division of adult parole or the director's designee, may impose a brief term of confinement, ~~in the county jail~~, not to exceed fourteen consecutive days, as an intermediate sanction.

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

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

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

18-1.3-102. Deferred sentencing of defendant. (2) Prior to entry of a plea of guilty to be followed by deferred judgment and sentence, the district attorney, in the course of plea discussion as provided in sections 16-7-301 and 16-7-302 C.R.S., is authorized to enter into a written stipulation, to be signed by the defendant, the defendant's attorney of record, and the district attorney, under which the defendant is obligated to adhere to such stipulation. The conditions imposed in the stipulation shall be AND THE RESPONSES TO VIOLATION BEHAVIOR ARE SIMILAR IN ALL RESPECTS TO ~~conditions permitted as part of~~ probation. A person convicted of a crime, the underlying factual basis of which included an act of domestic violence, as defined in section 18-6-800.3 (1), shall stipulate to the conditions specified in section 18-1.3-204 (2)(b). In addition, the stipulation may require the defendant to perform community or charitable work service projects or make donations thereto. Upon full compliance with such conditions by the defendant, the plea of guilty previously entered shall be withdrawn and the charge upon which the judgment and sentence of the court was deferred shall be dismissed with prejudice. The stipulation shall specifically provide that, upon a breach by the defendant of any condition regulating the conduct of the defendant, the court shall enter judgment and impose sentence upon the guilty plea; except that, if the offense is a violation of article 18 of this ~~title~~ TITLE 18, the court may accept an admission or find a violation of the stipulation without entering judgment and imposing sentence if the court first makes findings of fact on the record stating the entry of judgment and sentencing would not be consistent with the purposes of sentencing, that the defendant would be better served by continuing the deferred judgment period, and that public safety would not be jeopardized by the continuation of the deferred judgment. If the court makes those findings and continues the deferred judgment over the objection of the prosecution, the court shall also impose additional and immediate sanctions upon the defendant to address the violation, to include, but not be limited to, the imposition of further terms and conditions that will enhance the likelihood of the defendant's success, respond to the defendant's noncompliance, and promote further individual accountability, including extending the time period of the deferred judgment for up to two additional years or incarceration in the county jail for a period not to exceed ninety days consistent with the provisions of section 18-1.3-202 (1), or both. When, as a condition of the deferred sentence, the court orders the defendant to make restitution, evidence of failure to pay the restitution shall constitute prima facie evidence of a violation. Whether a breach of condition has occurred shall be determined by the court without a jury upon application of the district attorney or a probation officer and upon notice of hearing thereon of not less than seven days to the defendant or the defendant's attorney of record. Application for entry of judgment and imposition of sentence may be made by the district attorney or a probation officer at any time within the term of the deferred judgment or within thirty-five days thereafter. The burden of proof at the hearing shall be by a preponderance of the evidence, and the procedural safeguards required in a revocation of probation hearing shall apply.

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

18-4-401. Theft - repeal. (11) (a) IF THE ITEM OF VALUE INVOLVED IS A PUBLIC BENEFIT, THEN FOR PURPOSES OF DETERMINING THE OFFENSE LEVEL FOR SUBSECTION (2) OF THIS SECTION, THE VALUE IS THE DIFFERENCE BETWEEN THE VALUE OF THE

PUBLIC BENEFIT RECEIVED AND THE VALUE OF THE PUBLIC BENEFIT FOR WHICH THE RECIPIENT WAS ELIGIBLE.

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

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

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

(3) (a) A person commits the crime of possession of a weapon by a previous offender if the person knowingly possesses, uses, or carries upon his or her person a firearm as defined in section 18-1-901 (3)(h) or any other weapon that is subject to the provisions of this article 12 subsequent to the person's adjudication for an act which, if committed by an adult, would constitute a felony crime as defined in section 24-4.1-302 (1) OR LISTED IN SUBSECTION (7) OF THIS SECTION, or subsequent to the person's adjudication for attempt or conspiracy to commit a crime as defined in section 24-4.1-302 (1) that is a felony, ~~under~~ PURSUANT TO Colorado or any other state's law or ~~under~~ PURSUANT TO federal law in the previous ten years ~~from the completion of the person's sentence for the adjudication of a felony crime as defined in section 24-4.1-302 (1), or subsequent to the person's adjudication for attempt or conspiracy to commit a crime as defined in section 24-4.1-302 (1) that is a felony, under PURSUANT TO Colorado or any other state's law or under PURSUANT TO federal law in the previous ten years.~~ FROM THE COMPLETION OF THE PERSON'S SENTENCE FOR THE ADJUDICATION OF A FELONY CRIME AS DEFINED IN SECTION 24-4.1-302 (1).

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

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

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

- (a) AN OFFENSE SUBJECT TO SENTENCING PURSUANT TO SECTION 18-1.3-1004;
- (b) FIRST DEGREE MURDER OF A PEACE OFFICER, FIREFIGHTER, OR EMERGENCY MEDICAL SERVICE PROVIDER IN VIOLATION OF SECTION 18-3-107;
- (c) CRIMINAL EXTORTION IN VIOLATION OF SECTION 18-3-207;
- (d) FALSE IMPRISONMENT IN VIOLATION OF SECTION 18-3-303;
- (e) ENTICEMENT OF A CHILD IN VIOLATION OF SECTION 18-3-305;
- (f) INTERNET LURING OF A CHILD IN VIOLATION OF SECTION 18-3-306;
- (g) INTERNET SEXUAL EXPLOITATION OF A CHILD IN VIOLATION OF SECTION 18-3-405.4;
- (h) UNLAWFUL SEXUAL CONDUCT BY A PEACE OFFICER IN VIOLATION OF SECTION 18-3-405.7;
- (i) UNLAWFUL TERMINATION OF A PREGNANCY IN THE FIRST DEGREE IN VIOLATION OF SECTION 18-3.5-103;
- (j) UNLAWFUL TERMINATION OF A PREGNANCY IN THE SECOND DEGREE IN VIOLATION OF SECTION 18-3.5-104;
- (k) FIRST DEGREE ARSON IN VIOLATION OF SECTION 18-4-102;
- (l) SECOND DEGREE ARSON IN VIOLATION OF SECTION 18-4-103;
- (m) THIRD DEGREE ARSON IN VIOLATION OF SECTION 18-4-104;
- (n) FOURTH DEGREE ARSON IN VIOLATION OF SECTION 18-4-105;
- (o) HABITUAL CHILD ABUSE IN VIOLATION OF SECTION 18-6-401.2;
- (p) CONTRIBUTING TO THE DELINQUENCY OF A MINOR IN VIOLATION OF SECTION 18-6-701;

- (q) PANDERING IN VIOLATION OF SECTION 18-7-203;
- (r) PIMPING IN VIOLATION OF SECTION 18-7-206;
- (s) PANDERING OF A CHILD IN VIOLATION OF SECTION 18-7-403;
- (t) PROCUREMENT OF A CHILD IN VIOLATION OF SECTION 18-7-403.5;
- (u) KEEPING A PLACE OF CHILD PROSTITUTION IN VIOLATION OF SECTION 18-7-404;
- (v) IMPERSONATING A PEACE OFFICER IN VIOLATION OF SECTION 18-8-112;
- (w) DISARMING A PEACE OFFICER IN VIOLATION OF SECTION 18-8-116;
- (x) AIDING ESCAPE FROM AN INSTITUTION FOR THE CARE AND TREATMENT OF PERSONS WITH BEHAVIORAL OR MENTAL HEALTH DISORDERS IN VIOLATION OF SECTION 18-8-201.1;
- (y) ASSAULT DURING ESCAPE IN VIOLATION OF SECTION 18-8-206;
- (z) HOLDING HOSTAGES IN VIOLATION OF SECTION 18-8-207;
- (aa) ESCAPE IN VIOLATION OF SECTION 18-8-208;
- (bb) ATTEMPT TO ESCAPE IN VIOLATION OF SECTION 18-8-208.1;
- (cc) PARTICIPATION IN A RIOT IN DETENTION FACILITIES IN VIOLATION OF SECTION 18-8-211;
- (dd) INTIMIDATING A JUROR IN VIOLATION OF SECTION 18-8-608;
- (ee) INCITING A RIOT IN VIOLATION OF SECTION 18-9-102;
- (ff) ARMING A RIOTER IN VIOLATION OF SECTION 18-9-103;
- (gg) ENGAGING IN A RIOT IN VIOLATION OF SECTION 18-9-104;
- (hh) VEHICULAR ELUDING IN VIOLATION OF SECTION 18-9-116.5;
- (ii) FIREARMS, EXPLOSIVES, OR INCENDIARY DEVICES IN FACILITIES OF PUBLIC TRANSPORTATION IN VIOLATION OF SECTION 18-9-118;
- (jj) FAILURE OR REFUSAL TO LEAVE PREMISES OR PROPERTY UPON REQUEST OF A PEACE OFFICER IN VIOLATION OF SECTION 18-9-119;
- (kk) TERRORIST TRAINING ACTIVITIES IN VIOLATION OF SECTION 18-9-120;
- (ll) AGGRAVATED CRUELTY TO ANIMALS IN VIOLATION OF SECTION 18-9-202;
- (mm) TREASON IN VIOLATION OF SECTION 18-11-101;

- (nn) INSURRECTION IN VIOLATION OF SECTION 18-11-102;
- (oo) ADVOCATING THE OVERTHROW OF THE GOVERNMENT IN VIOLATION OF SECTION 18-11-201;
- (pp) INCITING DESTRUCTION OF LIFE OR PROPERTY IN VIOLATION OF SECTION 18-11-202;
- (qq) MEMBERSHIP IN ANARCHIST AND SEDITIOUS ASSOCIATIONS IN VIOLATION OF SECTION 18-11-203;
- (rr) POSSESSING A DANGEROUS OR ILLEGAL WEAPON IN VIOLATION OF SECTION 18-12-102;
- (ss) UNLAWFULLY CARRYING A WEAPON IN VIOLATION OF SECTION 18-12-105.5;
- (tt) USE OF A STUN GUN IN VIOLATION OF SECTION 18-12-106.5;
- (uu) ILLEGAL DISCHARGE OF A FIREARM IN VIOLATION OF SECTION 18-12-107.5;
- (vv) POSSESSION OF A WEAPON BY A PREVIOUS OFFENDER IN VIOLATION OF SECTION 18-12-108 IF COMMITTED ON OR AFTER MARCH 1, 2022;
- (ww) POSSESSION OF A HANDGUN BY A JUVENILE IN VIOLATION OF SECTION 18-12-108.5;
- (xx) UNLAWFULLY PROVIDING OR PERMITTING A JUVENILE TO POSSESS A HANDGUN IN VIOLATION OF SECTION 18-12-108.7;
- (yy) POSSESSION, USE, OR REMOVAL OF EXPLOSIVES OR INCENDIARY DEVICES IN VIOLATION OF SECTION 18-12-109;
- (zz) UNLAWFUL PURCHASE OF A FIREARM IN VIOLATION OF SECTION 18-12-111;
- (aaa) POSSESSING A LARGE-CAPACITY MAGAZINE DURING THE COMMISSION OF A CRIME OF VIOLENCE IN VIOLATION OF SECTION 18-12-302 (1)(c);
- (bbb) DUELING IN VIOLATION OF SECTION 18-13-104;
- (ccc) INTENTIONALLY SETTING A WILDFIRE IN VIOLATION OF SECTION 18-13-109.5;
- (ddd) UNLAWFUL ADMINISTRATION OF KETAMINE IN VIOLATION OF SECTION 18-13-123;
- (eee) SMUGGLING OF A HUMAN IN VIOLATION OF SECTION 18-13-128;
- (fff) ORGANIZED CRIME IN VIOLATION OF SECTION 18-17-104;
- (ggg) A SPECIAL OFFENDER IN VIOLATION OF SECTION 18-18-407 (1)(d)(II); AND
- (hhh) A CRIMINAL ATTEMPT, COMPLICITY, OR CONSPIRACY TO COMMIT ANY OF

THE OFFENSES LISTED IN THIS SUBSECTION (7).

SECTION 12. In Colorado Revised Statutes, 24-4.1-302.5, **add** (1)(b.6) as follows:

24-4.1-302.5. Rights afforded to victims - definitions. (1) In order to preserve and protect a victim's rights to justice and due process, each victim of a crime has the following rights:

(b.6) FOR A VICTIM OF AN OFFENSE RESULTING IN A JUVENILE FELONY ADJUDICATION, THE RIGHT TO BE INFORMED OF THE FILING OF ANY PETITION OR MOTION TO LEGALLY POSSESS, USE, OR CARRY A FIREARM OR OTHER WEAPON PURSUANT TO SECTION 18-12-108 (3)(b);

SECTION 13. Appropriation. For the 2022-23 state fiscal year, \$53,390 is appropriated to the judicial department for use by the probation and related services division. This appropriation is from the general fund and is based on an assumption that the department will require an additional 0.7 FTE. To implement this act, the division may use this appropriation for probation programs.

SECTION 14. Effective date - applicability. (1) This act takes effect upon passage; except that sections 3 and 4 of this act take effect July 1, 2023.

(2) Sections 1, 10, and 11 of this act apply to offenses committed on or after the effective date of this act.

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

Approved: April 7, 2022