

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 23-1293

BY REPRESENTATIVE(S) Weissman and Soper, Armagost, Jodeh, Marshall, Weinberg;
also SENATOR(S) Gonzales and Gardner, Priola.

CONCERNING THE ADOPTION OF THE 2023 RECOMMENDATIONS OF THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE REGARDING FELONY SENTENCING, 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, **amend** 8-43-402 as follows:

8-43-402. False statement - felony. If, for the purpose of obtaining any AN order, benefit, award, compensation, or payment ~~under~~ PURSUANT TO the provisions of articles 40 to 47 of this ~~title~~ TITLE 8, either for self-gain or for the benefit of any other person, anyone willfully makes a false statement or representation material to the claim, such person commits a ~~class 5 felony~~ CLASS 6 FELONY and shall be punished as provided in section 18-1.3-401, ~~C.R.S.~~, and ~~shall forfeit~~ FORFEITS all right to compensation under said articles upon conviction of ~~such~~ THE offense.

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.

SECTION 2. In Colorado Revised Statutes, 13-10-126, **amend** (2)(a)(I)(A) as follows:

13-10-126. Prostitution offender program authorized - reports.

(2) A program created and administered by a municipal or county court or multiple municipal or county courts pursuant to subsection (1) of this section must:

(a) Permit enrollment in the program only by an offender who either:

(I) (A) Has no prior convictions or any charges pending for any felony; for any offense described in section 18-3-305 OR 18-3-306, ~~or 18-13-128, C.R.S.~~, in part 4 or 5 of article 3 of title 18, ~~C.R.S.~~, in part 3, 4, 6, 7, or 8 of article 6 of title 18, ~~C.R.S.~~, in section 18-7-203 or 18-7-206, ~~C.R.S.~~, or in part 3, 4, or 5 of article 7 of title 18; ~~C.R.S.~~; or for any offense committed in another state that would constitute such an offense if committed in this state; and

SECTION 3. In Colorado Revised Statutes, 16-8-115, **amend** (3)(c) as follows:

16-8-115. Release from commitment after verdict of not guilty by reason of insanity or not guilty by reason of impaired mental condition. (3) (c) A defendant who has been conditionally released remains under the supervision of the department of human services until the committing court enters a final order of unconditional release. When a defendant fails to comply with any conditions of his release requiring him to establish, maintain, and reside at a specific residence and his whereabouts have therefore become unknown to the authorities charged with his supervision or when the defendant leaves the state of Colorado without the consent of the committing court, the defendant's absence from supervision shall constitute ~~escape~~ UNAUTHORIZED ABSENCE, as defined in section ~~18-8-208, C.R.S.~~ 18-8-208.2. Such offense occurs in the county in which the defendant is authorized to reside.

SECTION 4. In Colorado Revised Statutes, 18-1.3-201, **amend** (2.5)(b) introductory portion and (2.5)(b)(IX) as follows:

18-1.3-201. Application for probation. (2.5) (b) Except as described in ~~paragraph (a) of subsection (4)~~ SUBSECTION (4)(a) of this section, a person who has been twice or more convicted of a felony upon charges separately brought and tried and arising out of separate and distinct criminal episodes under the laws of this state, any other state, or the United States prior to the conviction on which ~~his or her~~ THE PERSON'S application is based ~~shall not be~~ IS NOT eligible for probation if the current conviction or a prior conviction is for:

(IX) Aggravated robbery, as described in section 18-4-302 or AGGRAVATED ROBBERY OF CONTROLLED SUBSTANCES, AS DESCRIBED IN SECTION 18-4-303 AS IT EXISTED PRIOR TO OCTOBER 1, 2023;

SECTION 5. In Colorado Revised Statutes, 18-3-203, **amend** (1)(f.5)(I), (2)(c)(I), and (2)(c)(II) as follows:

18-3-203. Assault in the second degree. (1) A person commits the crime of assault in the second degree if:

(f.5) (I) While lawfully confined in a detention facility within this state, ~~a person~~ AN ACTOR with intent to infect, injure, OR harm ~~harass, annoy, threaten, or alarm~~ a person in a detention facility whom the actor knows or reasonably should know to be an employee of a detention facility, causes such employee to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or any toxic, caustic, or hazardous material by any means, including, but not limited to, throwing, tossing, or expelling such fluid or material.

(2) (c) (I) If a defendant is convicted of assault in the second degree pursuant to ~~paragraph (c.5) of subsection (1) of this section or paragraph (b.5) of this subsection (2)~~ SUBSECTION (2)(b.5) OF THIS SECTION, except with respect to sexual assault or sexual assault in the first degree as it existed prior to July 1, 2000, the court shall sentence the defendant in accordance with the provisions of section 18-1.3-406. A defendant convicted of assault in the second degree pursuant to paragraph (b.5) of this subsection (2) with respect to sexual assault or sexual assault in the first degree as it existed prior to July 1, 2000, shall be sentenced in accordance with section 18-1.3-401 (8)(e) or (8)(e.5).

(II) If a defendant is convicted of assault in the second degree

pursuant to ~~paragraph (b), (c), (d), or (g) of subsection (1)~~ SUBSECTION (1)(b), (1)(c.5), (1)(d), OR (1)(g) of this section, the court shall sentence the ~~offender~~ DEFENDANT in accordance with section 18-1.3-406; except that, notwithstanding the provisions of section 18-1.3-406, the court is not required to sentence the defendant to the department of corrections for a mandatory term of incarceration.

SECTION 6. In Colorado Revised Statutes, 18-3-302, **amend** (1) and (3) as follows:

18-3-302. Second degree kidnapping. (1) ~~Any~~ A person who knowingly seizes and carries ~~any~~ A person from one place to another, without ~~his~~ THE PERSON'S consent and without lawful justification, AND SUCH MOVEMENT INCREASES THE RISK OF HARM TO THE PERSON, commits second degree kidnapping.

(3) Second degree kidnapping is a class 2 felony if any of the following circumstances exist:

(a) The person kidnapped is a victim of a sexual offense pursuant to part 4 of this ~~article~~; or ARTICLE 3;

(b) The person kidnapped is a victim of a robbery; OR

(c) THE KIDNAPPING WAS A VIOLATION OF SUBSECTION (2) OF THIS SECTION.

SECTION 7. In Colorado Revised Statutes, 18-4-102, **amend** (2) as follows:

18-4-102. First degree arson. (2) First degree arson is a class 3 felony IF THE ARSON IS OF AN OCCUPIED STRUCTURE, AND IT IS A CLASS 4 FELONY IF THE ARSON IS OF A BUILDING.

SECTION 8. In Colorado Revised Statutes, 18-4-104, **amend** (2) as follows:

18-4-104. Third degree arson. (2) Third degree arson is a ~~class 4 felony~~ CLASS 5 FELONY.

SECTION 9. In Colorado Revised Statutes, 18-4-202, **repeal** (3) as follows:

18-4-202. First degree burglary. ~~(3) If under the circumstances stated in subsection (1) of this section the property involved is a controlled substance, as defined in section 18-18-102 (5), within a pharmacy or other place having lawful possession thereof, such person commits first degree burglary of controlled substances, which is a class 2 felony.~~

SECTION 10. In Colorado Revised Statutes, 18-4-203, **amend** (2)(a); and **add** (2)(d) as follows:

18-4-203. Second degree burglary. (2) (a) ~~Except as provided in subsection (2)(b) or (2)(c) of this section,~~ Second degree burglary is a class 4 felony IF THE BURGLARY IS OF AN OCCUPIED STRUCTURE OR OF A BUILDING BEING USED FOR THE OPERATION OF A COMMERCIAL BUSINESS.

(d) SECOND DEGREE BURGLARY IS A CLASS 5 FELONY IF THE BURGLARY IS OF ANY OTHER BUILDING NOT DESCRIBED IN SUBSECTION (2)(a), (2)(b) OR (2)(c) OF THIS SECTION.

SECTION 11. In Colorado Revised Statutes, **repeal** 18-4-303 as follows:

18-4-303. Aggravated robbery of controlled substances. ~~(1) A person who takes any controlled substance, as defined in section 18-18-102 (5), from any pharmacy or other place having lawful possession thereof or from any pharmacist or other person having lawful possession thereof under the aggravating circumstances defined in section 18-4-302 is guilty of aggravated robbery of controlled substances:~~

~~(2) Aggravated robbery of controlled substances is a class 2 felony.~~

SECTION 12. In Colorado Revised Statutes, 18-4-408, **amend** (3)(a) as follows:

18-4-408. Theft of trade secrets - penalty. (3) (a) Theft of a trade secret is a class 2 misdemeanor. ~~A second or subsequent offense under this section committed within five years after the date of a prior conviction is a class 5 felony.~~

SECTION 13. In Colorado Revised Statutes, 18-4-412, **amend** (3) as follows:

18-4-412. Theft of medical records or medical information - penalty - definitions. (3) Theft of a medical record or medical information is a ~~class 6 felony~~ CLASS 1 MISDEMEANOR; EXCEPT THAT IF THE PERSON STEALS OR DISCLOSES THE MEDICAL RECORD OR INFORMATION TO AN UNAUTHORIZED PERSON, IT IS A CLASS 5 FELONY.

SECTION 14. In Colorado Revised Statutes, 18-4-503, **amend** (2)(a) as follows:

18-4-503. Second degree criminal trespass. (2) (a) Second degree criminal trespass in violation of subsection (1)(a) or (1)(b) of this section is a petty offense, but it is a ~~class 4 felony~~ CLASS 5 FELONY if the person trespasses on premises so classified as agricultural land with the intent to commit a felony thereon.

SECTION 15. In Colorado Revised Statutes, 18-4-504, **amend** (2)(b) as follows:

18-4-504. Third degree criminal trespass. (2) Third degree criminal trespass is a petty offense, but:

(b) It is a class 5 felony if the person trespasses on premises so classified as agricultural land with the intent to commit a felony thereon; EXCEPT THAT IT IS A CLASS 6 FELONY IF THE AGRICULTURAL LAND DID NOT HAVE A FENCE SECURING THE PERIMETER.

SECTION 16. In Colorado Revised Statutes, 18-5-102, **amend** (1) introductory portion and (1)(c) as follows:

18-5-102. Forgery. (1) A person commits forgery, if, with intent to defraud, ~~such~~ THE person falsely makes, completes, alters, or utters a written instrument ~~which~~ THAT is or purports to be, or ~~which~~ THAT is calculated to become or to represent if completed:

(c) A deed, will, codicil, contract, assignment, commercial instrument, promissory note, ~~check~~, or other instrument ~~which~~ THAT does or may evidence, create, transfer, terminate, or otherwise affect a legal right,

interest, obligation, or status; or

SECTION 17. In Colorado Revised Statutes, 18-5-109, **amend** (2) as follows:

18-5-109. Criminal possession of forgery devices. (2) Criminal possession of forgery devices:

(a) COMMITTED IN VIOLATION OF SUBSECTION (1)(a), (1)(b), OR (1)(d) OF THIS SECTION IS A CLASS 5 FELONY;

(b) COMMITTED IN VIOLATION OF SUBSECTION (1)(c) OF THIS SECTION is a class 6 felony.

SECTION 18. In Colorado Revised Statutes, 18-5-113, **amend** (2)(a); and **add** (2)(a.5) as follows:

18-5-113. Criminal impersonation. (2) (a) Criminal impersonation in violation of ~~subsection (1)(a)~~ SUBSECTION (1)(a)(III) or (1)(b)(I) of this section is a class 6 felony.

(a.5) CRIMINAL IMPERSONATION IN VIOLATION OF SUBSECTION (1)(a)(I) or (1)(a)(II) OF THIS SECTION IS A CLASS 5 FELONY.

SECTION 19. In Colorado Revised Statutes, 18-5-211, **amend** (4) as follows:

18-5-211. Insurance fraud - definitions. (4) (a) Insurance fraud committed in violation of subsection (1)(a) of this section is a class 2 misdemeanor.

(b) Insurance fraud committed in violation of subsections (1)(b) to (1)(e) OR SUBSECTION (3) OF THIS SECTION IS A CLASS 6 FELONY.

(c) INSURANCE FRAUD COMMITTED IN VIOLATION OF subsection (2) ~~or (3)~~ of this section is a class 5 felony.

SECTION 20. In Colorado Revised Statutes, **amend** 18-5-506 as follows:

18-5-506. Fraudulent receipt - penalty. A warehouse, as defined in section 4-7-102 (a)(13), C.R.S., or any officer, agent, or servant of a warehouse, that issues or aids in issuing a receipt knowing that the goods for which the receipt is issued have not been actually received by the warehouse, or are not under the warehouse's actual control at the time of issuing the receipt, commits a ~~class 6 felony~~ CLASS 2 MISDEMEANOR.

SECTION 21. In Colorado Revised Statutes, 18-5-706, **amend** (2) as follows:

18-5-706. Criminal possession of forgery devices. (2) Possession of a forgery device is a ~~class 6 felony~~ CLASS 5 FELONY.

SECTION 22. In Colorado Revised Statutes, 18-5-902, **amend** (2)(b); and **repeal** (3) as follows:

18-5-902. Identity theft. (2) (b) Identity theft in violation of subsection (1)(b), (1)(d), or (1)(e) of this section is a class 2 misdemeanor; except that it is a ~~class 6 felony~~ CLASS 5 FELONY if the person possesses three or more financial devices or the personal or financial identifying information of three or more persons.

~~(3) The court shall be required to sentence the defendant to the department of corrections for a term of at least the minimum of the presumptive range and may sentence the defendant to a maximum of twice the presumptive range if:~~

~~(a) The defendant is convicted of identity theft or of attempt, conspiracy, or solicitation to commit identity theft, and~~

~~(b) The defendant has a prior conviction for a violation of this part 9 or a prior conviction for an offense committed in any other state, the United States, or any other territory subject to the jurisdiction of the United States that would constitute a violation of this part 9 if committed in this state, or for attempt, conspiracy, or solicitation to commit a violation of this part 9 or for attempt, conspiracy, or solicitation to commit an offense in another jurisdiction that would constitute a violation of this part 9 if committed in this state.~~

SECTION 23. In Colorado Revised Statutes, 18-5-903, **amend** (2)

as follows:

18-5-903. Criminal possession of a financial device.

(2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(c) OF THIS SECTION, criminal possession of one OR MORE financial ~~device~~ DEVICES is a class 2 misdemeanor.

~~(b) Criminal possession of two or more financial devices is a class 6 felony.~~

(c) Criminal possession of ~~four~~ THREE or more financial devices, of which at least two are issued to different account holders, is a class 5 felony.

SECTION 24. In Colorado Revised Statutes, 18-5.5-102, **amend** (3)(b) as follows:

18-5.5-102. Cybercrime. (3) (b) Cybercrime committed in violation of subsection (1)(a) of this section is a class 2 misdemeanor. ~~except that, if the person has previously been convicted under this section or of any criminal act committed in any jurisdiction of the United States which, if committed in this state, would be a felony under this statute, cybercrime committed in violation of subsection (1)(a) of this section is a class 6 felony.~~

SECTION 25. In Colorado Revised Statutes, **amend** 18-8-110 as follows:

18-8-110. False report of explosives, weapons, or harmful substances. Any person who reports to any other person that a bomb or other explosive, any chemical or biological agent, any poison or weapon, or any harmful radioactive substance has been placed in any public or private place or vehicle designed for the transportation of persons or property, knowing that the report is false, commits a ~~class 6 felony~~ CLASS 5 FELONY.

SECTION 26. In Colorado Revised Statutes, 18-8-112, **amend** (2) as follows:

18-8-112. Impersonating a peace officer. (2) Impersonating a peace officer is a ~~class 6 felony~~ CLASS 5 FELONY.

SECTION 27. In Colorado Revised Statutes, 18-8-208.2, **amend** (1) introductory portion as follows:

18-8-208.2. Unauthorized absence. (1) A person who is serving a direct sentence to a community corrections program pursuant to section 18-1.3-301; transitioning from the department of corrections to a community corrections program or placed in an intensive supervision program pursuant to section 17-27.5-101; participating in a work release or home detention program pursuant to 18-1.3-106 (1.1), intensive supervision program, or any other similar authorized supervised or unsupervised absence from a detention facility as defined in section 18-8-203 (3); TRANSITIONING FROM THE DEPARTMENT OF HUMAN SERVICES TO A RESIDENTIAL FACILITY OR PROGRAM PURSUANT TO SECTION 16-8-115 OR 16-8-118; or is housed in a staff secure facility as defined in section 19-2.5-102 commits the crime of unauthorized absence if the person knowingly:

SECTION 28. In Colorado Revised Statutes, 18-8-211, **amend** (2)(b) as follows:

18-8-211. Riots in detention facilities. (2) Active participation in a riot by any person while confined in any detention facility within the state:

(b) Is a CLASS 4 felony if the participant does not employ any such weapon or device in the course of such participation. ~~and, upon conviction thereof, the punishment shall be imprisonment in a detention facility for not less than two years nor more than ten years.~~

SECTION 29. In Colorado Revised Statutes, 18-8-303, **amend** (1) introductory portion as follows:

18-8-303. Compensation for past official behavior. (1) A person commits a ~~class 6 felony~~, CLASS 4 FELONY if ~~he~~ THE PERSON:

SECTION 30. In Colorado Revised Statutes, 18-8-307, **amend** (4) as follows:

18-8-307. Designation of supplier prohibited. (4) Any public servant who violates the provisions of subsection (1) of this section commits a ~~class 6 felony~~ CLASS 5 FELONY.

SECTION 31. In Colorado Revised Statutes, 18-8-402, **amend** (2) as follows:

18-8-402. Misuse of official information. (2) Misuse of official information is a ~~class 6 felony~~ CLASS 5 FELONY.

SECTION 32. In Colorado Revised Statutes, 18-8-609, **amend** (2) as follows:

18-8-609. Jury-tampering. (2) Jury-tampering is a ~~class 5 felony~~, except that jury-tampering in any ~~class 1 felony~~ trial is a class 4 felony.

SECTION 33. In Colorado Revised Statutes, 18-8-706, **amend** (2) as follows:

18-8-706. Retaliation against a witness or victim. (2) Retaliation against a witness or victim is a ~~class 3 felony~~ CLASS 4 FELONY.

SECTION 34. In Colorado Revised Statutes, **add** 18-8-706.3 as follows:

18-8-706.3. Aggravated retaliation against a witness or victim.

(1) A PERSON COMMITS THE CRIME OF AGGRAVATED RETALIATION AGAINST A WITNESS OR VICTIM IF, DURING THE ACT OF RETALIATION, THE PERSON:

(a) IS ARMED WITH A DEADLY WEAPON WITH THE INTENT, IF RESISTED, TO KILL, MAIM, OR WOUND THE PERSON BEING RETALIATED AGAINST OR ANY OTHER PERSON; OR

(b) KNOWINGLY WOUNDS WITH A DEADLY WEAPON THE PERSON BEING RETALIATED AGAINST OR ANY OTHER PERSON; OR

(c) BY THE USE OF FORCE, THREATS, OR INTIMIDATION WITH A DEADLY WEAPON, KNOWINGLY PUTS THE PERSON BEING RETALIATED AGAINST OR ANY OTHER PERSON IN REASONABLE FEAR OF DEATH OR BODILY INJURY.

(2) AGGRAVATED RETALIATION AGAINST A WITNESS OR VICTIM IS A CLASS 3 FELONY.

SECTION 35. In Colorado Revised Statutes, 18-9-116.5, **repeal** (2)(b) as follows:

18-9-116.5. Vehicular eluding. (2) (b) ~~Notwithstanding section 18-1.3-401, the minimum sentence within the presumptive range for a violation of this section shall be increased as follows:~~

~~(I) For a class 5 felony, the minimum fine shall be two thousand dollars;~~

~~(H) For a class 4 felony, the minimum fine shall be four thousand dollars; and~~

~~(HH) For a class 3 felony, the minimum fine shall be six thousand dollars.~~

SECTION 36. In Colorado Revised Statutes, 18-9-119, **amend** (5) and (7) as follows:

18-9-119. Failure or refusal to leave premises or property upon request of a peace officer - penalties - payment of costs. (5) Any person who violates subsection (2) of this section and who, in the same criminal episode, knowingly holds another person hostage or who confines or detains such other person through the possession, use, or threatened use of a deadly weapon, without the other person's consent, and without proper legal authority commits a ~~class 4 felony~~ CLASS 3 FELONY.

(7) Any person who violates subsection (2) of this section and who, in the same criminal episode, knowingly holds another person hostage or confines or detains such other person by knowingly causing such other person to reasonably believe that ~~he~~ THE PERSON possesses a deadly weapon commits a ~~class 5 felony~~ CLASS 4 FELONY.

SECTION 37. In Colorado Revised Statutes, 18-9-202, **amend** (2)(c) as follows:

18-9-202. Cruelty to animals - aggravated cruelty to animals - service animals - short title. (2) (c) Aggravated cruelty to animals is a class 6 felony; ~~except that a second or subsequent conviction for the offense of aggravated cruelty to animals is a class 5 felony. A plea of nolo~~

~~contendere accepted by the court shall be considered a conviction for purposes of this section~~ CLASS 4 FELONY.

SECTION 38. In Colorado Revised Statutes, 18-9-204, **amend** (2) as follows:

18-9-204. Animal fighting - penalty. (2) (a) ~~Except as described in paragraph (b) of this subsection (2);~~ A person who violates the provisions of this section commits a class 5 felony and, in addition to the punishment provided in section 18-1.3-401, the court shall impose upon the person a mandatory fine of at least one thousand dollars.

(b) ~~A person who commits a second or subsequent violation of this section commits a class 4 felony and, in addition to the punishment provided in section 18-1.3-401, the court shall impose upon the person a mandatory fine of at least five thousand dollars.~~

SECTION 39. In Colorado Revised Statutes, **amend** 18-9-302 as follows:

18-9-302. Wiretapping and eavesdropping devices prohibited - penalty. Any person who manufactures, buys, sells, or knowingly has in the person's possession any instrument, device, contrivance, machine, or apparatus designed or commonly used for wiretapping or eavesdropping, as prohibited in sections 18-9-303 and 18-9-304, with the intent to unlawfully use or employ or allow the same to be so used or employed, or who knowingly aids, authorizes, agrees with, employs, permits, or conspires with any OTHER person to unlawfully manufacture, buy, sell, or have the same in the person's possession is guilty of a petty offense. ~~Upon commission of a second or subsequent offense, any person committing the same commits a class 5 felony.~~

SECTION 40. In Colorado Revised Statutes, 18-9-303, **amend** (2) as follows:

18-9-303. Wiretapping prohibited - penalty. (2) Wiretapping is ~~a class 6 felony; except that, if the wiretapping involves a cordless telephone, it is a class 2 misdemeanor.~~

SECTION 41. In Colorado Revised Statutes, 18-9-309, **amend**

(4)(a) introductory portion and (4)(b); and **repeal** (2.5) as follows:

18-9-309. Telecommunications crime. (2.5) ~~A person commits a class 6 felony if, within five years after a previous violation of subsection (2) of this section, the person commits a second or subsequent violation of subsection (2) of this section; except that a second or subsequent violation of subsection (2) of this section involving knowingly using cloning equipment to create a cloned cellular phone, as described in paragraph (b) of subsection (2) of this section, is a class 4 felony.~~

(4) (a) A person commits a ~~class 4 felony~~ CLASS 2 MISDEMEANOR if ~~he or she~~ THE PERSON knowingly uses cloning equipment to:

(b) A person commits a ~~class 4 felony~~ CLASS 2 MISDEMEANOR if ~~he or she~~ THE PERSON aids, abets, advises, or encourages one or more persons who engage in the activities described in ~~paragraph (a) of this subsection (4)~~ SUBSECTION (4)(a) OF THIS SECTION.

SECTION 42. In Colorado Revised Statutes, 18-10-103, **amend** (2) as follows:

18-10-103. Gambling - professional gambling - offenses. (2) A person who engages in professional gambling commits a class 2 misdemeanor. ~~If the offender is a repeating gambling offender, it is a class 5 felony.~~

SECTION 43. In Colorado Revised Statutes, 18-10-105, **amend** (2) as follows:

18-10-105. Possession of a gambling device or record. (2) Possession of a gambling device or record or violation of subsection (1.5) of this section is a class 2 misdemeanor. ~~If the offender is a repeating gambling offender, it is a class 6 felony.~~

SECTION 44. In Colorado Revised Statutes, 18-10-106, **amend** (1) as follows:

18-10-106. Gambling information. (1) Whoever knowingly transmits or receives gambling information by telephone, telegraph, radio, semaphore, or other means or knowingly installs or maintains equipment for

the transmission or receipt of gambling information commits a class 2 misdemeanor. ~~If the offender is a repeating gambling offender, it is a class 6 felony.~~

SECTION 45. In Colorado Revised Statutes, 18-12-102, **amend** (1), (2), and (3) as follows:

18-12-102. Possessing a dangerous or illegal weapon - affirmative defense - definition. (1) As used in this section, the term "dangerous weapon" means a firearm silencer, machine gun, short shotgun, OR short rifle. ~~or ballistic knife.~~

(2) As used in this section, the term "illegal weapon" means a blackjack, a gas gun, BALLISTIC KNIFE, or metallic knuckles.

(3) A person who knowingly possesses a dangerous weapon commits a class 5 felony. ~~Each subsequent violation of this subsection (3) by the same person shall be a class 4 felony.~~

SECTION 46. In Colorado Revised Statutes, 18-12-105.5, **amend** (1) as follows:

18-12-105.5. Unlawfully carrying a weapon - unlawful possession of weapons - school, college, or university grounds. (1)(a) A person ~~commits a class 6 felony if such person~~ SHALL NOT knowingly and unlawfully and without legal authority ~~carries, brings, or has in such~~ CARRY, BRING, OR HAVE IN THE person's possession a deadly weapon as defined in section 18-1-901 (3)(e) in or on the real estate and all improvements erected thereon of any public or private elementary, middle, junior high, high, or vocational school or any public or private college, university, or seminary, except for the purpose of presenting an authorized public demonstration or exhibition pursuant to instruction in conjunction with an organized school or class, for the purpose of carrying out the necessary duties and functions of an employee of an educational institution that require the use of a deadly weapon, or for the purpose of participation in an authorized extracurricular activity or on an athletic team.

(b)(I) A PERSON WHO VIOLATES SUBSECTION (1)(a) OF THIS SECTION COMMITS A CLASS 6 FELONY IF THE WEAPON INVOLVED IS A DEADLY WEAPON OTHER THAN A FIREARM, AS DEFINED IN SECTION 18-1-901.

(II) A PERSON WHO VIOLATES SUBSECTION (1)(a) OF THIS SECTION COMMITS A CLASS 5 FELONY IF THE WEAPON INVOLVED IS A FIREARM, AS DEFINED IN SECTION 18-1-901.

SECTION 47. In Colorado Revised Statutes, 18-12-108, **amend** (7) introductory portion and (7)(bbb); and **repeal** (7)(eee) as follows:

18-12-108. Possession of weapons by previous offenders. (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~~ THE 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:

(bbb) Dueling in violation of section 18-13-104 IF COMMITTED ON OR BEFORE OCTOBER 1, 2023;

(eee) ~~Smuggling of a human in violation of section 18-13-128;~~

SECTION 48. In Colorado Revised Statutes, 18-12-109, **amend** (2), (2.5), (5), (5.5), (6), and (6.5) as follows:

18-12-109. Possession, use, or removal of explosives or incendiary devices - possession of components thereof - chemical, biological, and nuclear weapons - persons exempt - hoaxes. (2) (a) Any person who knowingly possesses OR controls ~~manufactures, gives, mails, sends, or causes to be sent~~ an explosive or incendiary device commits a ~~class 4 felony~~ CLASS 5 FELONY.

(b) ANY PERSON WHO KNOWINGLY MANUFACTURERS, GIVES, MAILS, SENDS, OR CAUSES TO BE SENT AN EXPLOSIVE OR INCENDIARY DEVICE COMMITS A CLASS 4 FELONY.

(2.5) (a) Any person who knowingly possesses OR controls ~~manufacturers, gives, mails, sends, or causes to be sent~~ a chemical, biological, or radiological weapon commits a ~~class 3 felony~~ CLASS 4 FELONY.

(b) ANY PERSON WHO KNOWINGLY MANUFACTURERS, GIVES, MAILS,

SENDS, OR CAUSES TO BE SENT A CHEMICAL, BIOLOGICAL, OR NUCLEAR WEAPON COMMITS A CLASS 3 FELONY.

(5) Any person who removes or causes to be removed or carries away any explosive or incendiary device from the premises where ~~said~~ THE explosive or incendiary device is kept by the lawful user, vendor, transporter, or manufacturer thereof, without the consent or direction of the lawful possessor, commits a class 4 felony. ~~A person convicted of this offense shall be subjected to a mandatory minimum sentence of two years in the department of corrections.~~

(5.5) Any person who removes or causes to be removed or carries away any chemical, biological, or radiological weapon from the premises where ~~said~~ THE chemical, biological, or radiological weapon is kept by the lawful user, vendor, transporter, or manufacturer thereof, without the consent or direction of the lawful possessor, commits a class 3 felony. ~~A person convicted of this offense shall be subject to a mandatory minimum sentence of four years in the department of corrections.~~

(6) Any person who possesses any explosive or incendiary parts commits a ~~class 4 felony~~ CLASS 5 FELONY.

(6.5) Any person who possesses any chemical weapon, biological weapon, or ~~radiological~~ NUCLEAR weapon parts commits a ~~class 3 felony~~ CLASS 4 FELONY.

SECTION 49. In Colorado Revised Statutes, 18-13-104, **amend** (2) as follows:

18-13-104. Fighting by agreement - dueling. (2) Persons who by agreement engage in a fight with deadly weapons, whether in a public or private place, commit dueling. ~~which~~ DUELING is a ~~class 4 felony~~ CLASS 1 MISDEMEANOR.

SECTION 50. In Colorado Revised Statutes, 18-13-112, **amend** (3) as follows:

18-13-112. Hazardous waste violations. (3)(a) ~~Any~~ A person who violates ~~any provision of~~ this section BY INTENTIONALLY SPILLING HAZARDOUS WASTE commits a class 4 felony.

(b) A PERSON WHO VIOLATES THIS SECTION BY ABANDONING A VEHICLE CONTAINING HAZARDOUS WASTE COMMITS A CLASS 5 FELONY.

SECTION 51. In Colorado Revised Statutes, 18-13-114, **amend** (6)(a) as follows:

18-13-114. Sale of secondhand property - record - inspection - crime - definitions. (6) (a) Any secondhand dealer who violates ~~any of the provisions of subsection (1) or (2) of this section~~ commits a petty offense. ~~Upon a second or subsequent conviction for a violation of subsection (1) or (2) of this section within three years of the date of a prior conviction, a secondhand dealer commits a class 5 felony.~~

SECTION 52. In Colorado Revised Statutes, 18-13-123, **amend** (5) as follows:

18-13-123. Unlawful administration of gamma hydroxybutyrate (GHB) or ketamine. (5) Violation of ~~the provisions of subsection (3) of this section~~ is a class 3 felony. ~~except that such violation is a class 2 felony if the violation is subsequent to a prior conviction for a violation of subsection (3) of this section or section 18-18-405 where the controlled substance was gamma hydroxybutyrate (GHB) or ketamine or the immediate chemical precursors or chemical analogs for either of such substances.~~

SECTION 53. In Colorado Revised Statutes, **repeal** 18-13-128 as follows:

18-13-128. Smuggling of humans. (1) ~~A person commits smuggling of humans if, for the purpose of assisting another person to enter, remain in, or travel through the United States or the state of Colorado in violation of immigration laws, he or she provides or agrees to provide transportation to that person in exchange for money or any other thing of value.~~

~~(2) Smuggling of humans is a class 3 felony.~~

~~(3) A person commits a separate offense for each person to whom he or she provides or agrees to provide transportation in violation of subsection (1) of this section.~~

~~(4) Notwithstanding the provisions of section 18-1-202, smuggling of humans offenses may be tried in any county in the state where a person who is illegally present in the United States who is a subject of the action is found.~~

SECTION 54. In Colorado Revised Statutes, 18-17-103, **amend** (5)(b) introductory portion and (5)(b)(II) as follows:

18-17-103. Definitions. As used in this article 17, unless the context otherwise requires:

(5) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(b) Any violation of the following provisions of the Colorado statutes or any criminal act committed in any jurisdiction of the United States ~~which~~ THAT, if committed in this state, would be a crime under the following provisions of the Colorado statutes:

(II) Offenses against property, as defined in sections 18-4-102 (first degree arson), 18-4-103 (second degree arson), 18-4-104 (third degree arson), 18-4-105 (fourth degree arson), 18-4-202 (first degree burglary), 18-4-203 (second degree burglary), 18-4-301 (robbery), 18-4-302 (aggravated robbery), ~~18-4-303 (aggravated robbery of controlled substances)~~; 18-4-401 (theft), 18-4-409 (aggravated motor vehicle theft), and 18-4-501 (criminal mischief);

SECTION 55. In Colorado Revised Statutes, 18-20-103, **repeal** (1)(d) as follows:

18-20-103. Violations of taxation provisions - penalties. (1) Any person who:

~~(d) Violates section 44-30-603 (1)(b) or (1)(c) two or more times in any twelve-month period commits a class 5 felony;~~

SECTION 56. In Colorado Revised Statutes, 18-20-108, **amend** (2) as follows:

18-20-108. Use of device for calculating probabilities. (2) Any person issued a license pursuant to article 30 of title 44 violating any provision of this section commits a class 6 felony and any other person violating any provision of this section commits a class 2 misdemeanor. ~~If the person is a repeating gambling offender, the person commits a class 5 felony.~~

SECTION 57. In Colorado Revised Statutes, 18-20-109, **amend** (8) as follows:

18-20-109. Use of counterfeit or unapproved chips or tokens or unlawful coins or devices - possession of certain unlawful devices, equipment, products, or materials. (8) ~~Any~~ A person violating any provision of this section commits a class 6 felony. ~~except that, if the person is a repeating gambling offender, the person commits a class 5 felony.~~

SECTION 58. In Colorado Revised Statutes, 18-20-111, **amend** (4) as follows:

18-20-111. Unlawful manufacture, sale, distribution, marking, altering, or modification of equipment and devices related to limited gaming - unlawful instruction. (4) Any person issued a license pursuant to article 30 of title 44 violating any provision of this section commits a class 6 felony, and any other person violating any provision of this section commits a class 2 misdemeanor. ~~If the person is a repeating gambling offender, the person commits a class 5 felony.~~

SECTION 59. In Colorado Revised Statutes, **amend** 18-20-112 as follows:

18-20-112. Unlawful entry by excluded and ejected persons. (1) (a) It is unlawful for any person whose name is on the list promulgated by the Colorado limited gaming control commission pursuant to section 44-30-1703 (3) or (4) to enter the licensed premises of a limited gaming licensee.

(b) A PERSON WHO VIOLATES SUBSECTION (1)(a) OF THIS SECTION COMMITS A CLASS 6 FELONY.

(2) (a) It is unlawful for any person whose name is on the list

promulgated by the Colorado limited gaming control commission pursuant to section 44-30-1703 (3) or (4) to have any personal pecuniary interest, direct or indirect, in any limited gaming licensee, licensed premises, establishment, or business involved in or with limited gaming or in the shares in any corporation, association, or firm licensed pursuant to article 30 of title 44.

(b) A PERSON WHO VIOLATES SUBSECTION (2)(a) OF THIS SECTION COMMITS A CLASS 5 FELONY.

~~(3) Any person violating the provisions of this section commits a class 5 felony.~~

SECTION 60. In Colorado Revised Statutes, 19-5-213.5, **amend** (4) as follows:

19-5-213.5. Unauthorized advertising for adoption purposes - exceptions - penalty - definitions. (4) Unauthorized advertising of a child, as described in subsection (2) of this section, is a ~~class 6 felony~~ CLASS 2 MISDEMEANOR.

SECTION 61. In Colorado Revised Statutes, 24-4.1-302, **amend** (1)(v) as follows:

24-4.1-302. Definitions. As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

(1) "Crime" means any of the following offenses, acts, and violations as defined by the statutes of the state of Colorado, whether committed by an adult or a juvenile:

(v) Aggravated robbery of controlled substances, in violation of section 18-4-303, ~~C.R.S.~~ AS IT EXISTED PRIOR TO OCTOBER 1, 2023;

SECTION 62. In Colorado Revised Statutes, **amend** 24-22-110 as follows:

24-22-110. Personal profit on state money unlawful - penalty. ~~Any~~ A person holding the office of state treasurer or ~~any~~ A person employed in the department of the treasury who, directly or indirectly, accepts or

receives from any OTHER person, for himself or herself or otherwise than on behalf of the state, any fee, reward, or compensation, either in money or other property or thing of value, in consideration of the deposit or investment of state ~~moneys~~ MONEY with any ~~such~~ OTHER person or in consideration of any agreement or arrangement touching upon the use of state ~~moneys~~ MONEY commits a ~~class 6 felony~~ CLASS 5 FELONY and shall be punished as provided in section 18-1.3-401. ~~C.R.S.~~

SECTION 63. In Colorado Revised Statutes, 24-30-1406, **amend** (1) as follows:

24-30-1406. Criminal liability. (1) Any person, other than a bona fide employee working solely for a person providing professional services, who offers, agrees, or contracts to solicit or secure for any other person contracts for professional services with a state agency or state institution of higher education and who, in so doing, receives any fee, commission, gift, or other consideration contingent upon or resulting from the making of the contract commits a ~~class 3 felony~~ CLASS 4 FELONY and shall be punished as provided in section 18-1.3-401. ~~C.R.S.~~

SECTION 64. In Colorado Revised Statutes, **amend** 31-31-1203 as follows:

31-31-1203. False statement - felony. If, for the purpose of obtaining any order, benefit, award, compensation, or payment ~~under the provisions of~~ PURSUANT TO articles 30, 30.5, and 31 of this ~~title~~ TITLE 31, either for self-gain or for the benefit of any other person, ~~anyone~~ A PERSON willfully makes a false statement or representation material to the claim, ~~such~~ THE person commits a ~~class 5 felony~~ CLASS 6 FELONY and, UPON CONVICTION THEREOF, shall be punished as provided in section 18-1.3-401, ~~C.R.S.~~, and ~~shall forfeit~~ THE PERSON FORFEITS all right to compensation ~~under said articles upon conviction of such offense~~ PURSUANT TO ARTICLES 30 AND 30.5 OF THIS TITLE 31 AND THIS ARTICLE 31.

SECTION 65. In Colorado Revised Statutes, **amend** 35-44-108 as follows:

35-44-108. Who may take up estrays. It is unlawful for ~~any~~ A person other than an authorized inspector of the state board of stock inspection commissioners to take into custody or retain possession of ~~any~~

AN estray, except as provided in section 35-44-107. ~~Any~~ A person who takes into custody and retains possession of ~~any~~ AN estray without notifying the state board of stock inspection commissioners within the time as provided in this ~~article~~ ARTICLE 44 is guilty of a ~~class 6 felony~~ CLASS 2 MISDEMEANOR and, upon conviction thereof, shall be punished as provided in ~~section 18-1.3-401, C.R.S.~~ SECTION 18-1.3-501.

SECTION 66. In Colorado Revised Statutes, 39-21-118, **amend** (1) as follows:

39-21-118. Criminal penalties - repeal. (1) ~~Any~~ A person who willfully attempts in any manner to evade or defeat ~~any~~ A tax administered by the department or the payment thereof, in addition to other penalties provided by law, is guilty of a ~~class 5 felony~~ CLASS 6 FELONY and, upon conviction thereof, shall be punished as provided in section 18-1.3-401 ~~C.R.S.~~, or shall be punished by a fine of not more than one hundred thousand dollars, or five hundred thousand dollars in the case of a corporation, or by both such fine and imprisonment, together with the costs of prosecution.

SECTION 67. In Colorado Revised Statutes, 39-26-120, **amend** (2) as follows:

39-26-120. False or fraudulent return, statement - penalty. (2) ~~Any~~ A person willfully violating ~~any~~ of the provisions of this section is guilty of a CLASS 5 felony ~~Any~~ AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401. A corporation willfully making a false return or a return willfully containing a false statement is guilty of a CLASS 5 felony ~~Any~~ AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401. A court of competent jurisdiction of the county in which the offender resides, or, if a corporation, then the county of its principal place of business, ~~shall have~~ HAS jurisdiction to enforce this section.

SECTION 68. In Colorado Revised Statutes, 44-20-123, **amend** (1)(b) as follows:

44-20-123. Sales activity following license denial, suspension, or revocation - unlawful act - penalty. (1) (b) A violation of subsection (1)(a) of this section ~~shall be~~ IS punishable in accordance with section 44-20-128. ~~except that a second or subsequent violation of subsection (1)(a)~~

~~of this section shall be a class 6 felony.~~

SECTION 69. In Colorado Revised Statutes, 44-20-422, **amend** (1)(b) as follows:

44-20-422. Sales activity following license denial, suspension, or revocation - unlawful act - penalty. (1) (b) A violation of subsection (1)(a) of this section ~~shall be~~ IS punishable in accordance with section 44-20-429. ~~except that a second or subsequent violation of subsection (1)(a) of this section shall be a class 6 felony.~~

SECTION 70. In Colorado Revised Statutes, 44-30-821, **amend** (3) as follows:

44-30-821. Cheating - definition. (3) Any person issued a license pursuant to this article 30 violating any provision of this section commits a class 6 felony and shall be punished as provided in section 18-1.3-401, and any other person violating any provision of this section commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501. ~~If the person is a repeating gambling offender, the person commits a class 5 felony and shall be punished as provided in section 18-1.3-401.~~

SECTION 71. In Colorado Revised Statutes, 44-30-824, **amend** (8) as follows:

44-30-824. Use of counterfeit or unapproved chips or tokens or unlawful coins or devices - possession of certain unlawful devices, equipment, products, or materials. (8) ~~Any~~ A person violating any provision of this section commits a class 6 felony and shall be punished as provided in section 18-1.3-401. ~~except that, if the person is a repeating gambling offender, the person commits a class 5 felony and shall be punished as provided in section 18-1.3-401.~~

SECTION 72. In Colorado Revised Statutes, 44-30-825, **amend** (2) as follows:

44-30-825. Cheating game and devices. (2) ~~Any~~ A person violating any provision of this section commits a class 6 felony and shall be punished as provided in section 18-1.3-401. ~~except that, if the person is a repeating gambling offender, the person commits a class 5 felony and shall~~

~~be punished as provided in section 18-1.3-401.~~

SECTION 73. In Colorado Revised Statutes, **repeal** 44-30-827 as follows:

44-30-827. Unlawful entry by excluded and ejected persons.

~~(1) It is unlawful for any person whose name is on the list promulgated by the commission pursuant to section 44-30-1703 (3) or (4) to enter the licensed premises of a limited gaming licensee.~~

~~(2) It is unlawful for any person whose name is on the list promulgated by the commission pursuant to section 44-30-1703 (3) or (4) to have any personal pecuniary interest, direct or indirect, in any limited gaming licensee, licensed premises, establishment, or business involved in or with limited gaming or in the shares in any corporation, association, or firm licensed pursuant to this article 30.~~

~~(3) Any person violating the provisions of this section commits a class 5 felony and shall be punished as provided in section 18-1.3-401.~~

SECTION 74. In Colorado Revised Statutes, 44-30-1512, **amend** (3) as follows:

44-30-1512. Penalties. (3) A person purporting to issue, suspend, revoke, or renew licenses pursuant to this part 15 or to procure or influence the issuance, suspension, revocation, or renewal of a license for any personal pecuniary gain or any thing of value, as defined in section 18-1-901 (3)(r), or a person violating section 44-30-1502 commits a ~~class 3 felony~~ CLASS 4 FELONY and shall be punished as provided in section 18-1.3-401.

SECTION 75. In Colorado Revised Statutes, 44-40-117, **amend** (3) as follows:

44-40-117. Penalties. (3) ~~Any~~ A person issuing, suspending, revoking, or renewing contracts pursuant to section 44-40-106 or licenses pursuant to section 44-40-107 for any personal pecuniary gain or any A thing of value as defined in section 18-1-901 (3)(r), or ~~any~~ A person violating ~~any of the provisions of~~ section 44-40-110, commits a ~~class 3 felony~~ CLASS 4 FELONY and shall be punished as provided in section

18-1.3-401.

SECTION 76. Appropriation. (1) For the 2023-24 state fiscal year, \$32,170 is appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$24,970 for use by probation and related services for probation programs, which amount is based on an assumption that the division will require an additional 0.4 FTE; and

(b) \$7,200 for use by courts administration for capital outlay.

SECTION 77. Effective date - applicability. This act takes effect October 1, 2023, and applies to offenses committed on or after said date.

SECTION 78. 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.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO