

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 23-1012.01 Michael Dohr x4347

HOUSE BILL 23-1293

HOUSE SPONSORSHIP

Weissman and Soper,

SENATE SPONSORSHIP

Gonzales and Gardner,

House Committees

Judiciary
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ADOPTION OF THE 2023 RECOMMENDATIONS OF THE**
102 **COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE**
103 **REGARDING FELONY SENTENCING.**

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>.)

The bill reclassifies various criminal offenses that are currently a felony to a different felony or misdemeanor level. The bill changes the elements of some crimes to align with the new sentencing classifications.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 8-43-402 as
3 follows:

4 **8-43-402. False statement - felony.** If, for the purpose of
5 obtaining ~~any~~ AN order, benefit, award, compensation, or payment ~~under~~
6 PURSUANT TO the provisions of articles 40 to 47 of this ~~title~~ TITLE 8, either
7 for self-gain or for the benefit of any other person, anyone willfully
8 makes a false statement or representation material to the claim, such
9 person commits a ~~class 5 felony~~ CLASS 6 FELONY and shall be punished
10 as provided in section 18-1.3-401, ~~C.R.S.~~, and ~~shall forfeit~~ FORFEITS all
11 right to compensation under said articles upon conviction of ~~such~~ THE
12 offense.

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

15 **13-10-126. Prostitution offender program authorized -**
16 **reports.** (2) A program created and administered by a municipal or
17 county court or multiple municipal or county courts pursuant to
18 subsection (1) of this section must:

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

21 (I) (A) Has no prior convictions or any charges pending for any
22 felony; for any offense described in section 18-3-305 OR 18-3-306, ~~or~~
23 ~~18-13-128, C.R.S.~~, in part 4 or 5 of article 3 of title 18, ~~C.R.S.~~, in part 3,
24 4, 6, 7, or 8 of article 6 of title 18, ~~C.R.S.~~, in section 18-7-203 or
25 18-7-206, ~~C.R.S.~~, or in part 3, 4, or 5 of article 7 of title 18; ~~C.R.S.~~; or for
26 any offense committed in another state that would constitute such an
27 offense if committed in this state; and

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

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

16 **SECTION 4.** In Colorado Revised Statutes, 18-1.3-201, **amend**
17 (2.5)(b) introductory portion and (2.5)(b)(IX) as follows:

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

26 (IX) Aggravated robbery, as described in section 18-4-302 or
27 AGGRAVATED ROBBERY OF CONTROLLED SUBSTANCES, AS DESCRIBED IN

1 SECTION 18-4-303 AS IT EXISTED PRIOR TO OCTOBER 1, 2023;

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

4 18-3-203. Assault in the second degree. (1) A person commits
5 the crime of assault in the second degree if:

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

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

24 (II) If a defendant is convicted of assault in the second degree
25 pursuant to ~~paragraph (b), (c), (d), or (g) of subsection (1)~~ SUBSECTION
26 (1)(b), (1)(c.5), (1)(d), OR (1)(g) of this section, the court shall sentence
27 the ~~offender~~ DEFENDANT in accordance with section 18-1.3-406; except

1 that, notwithstanding the provisions of section 18-1.3-406, the court is not
2 required to sentence the defendant to the department of corrections for a
3 mandatory term of incarceration.

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

6 **18-3-302. Second degree kidnapping.** (1) ~~Any~~ A person who
7 knowingly seizes and carries ~~any~~ A person from one place to another,
8 without ~~his~~ THE PERSON'S consent and without lawful justification, AND
9 SUCH MOVEMENT INCREASES THE RISK OF HARM TO THE PERSON, commits
10 second degree kidnapping.

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

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

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

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

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

20 **18-4-102. First degree arson.** (2) First degree arson is a class 3
21 felony IF THE ARSON IS OF AN OCCUPIED STRUCTURE, AND IT IS A CLASS 4
22 FELONY IF THE ARSON IS OF A BUILDING.

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

25 **18-4-104. Third degree arson.** (2) Third degree arson is a ~~class~~
26 ~~4 felony~~ CLASS 5 FELONY.

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

1 as follows:

2 **18-4-202. First degree burglary.** (3) ~~If under the circumstances~~
3 ~~stated in subsection (1) of this section the property involved is a~~
4 ~~controlled substance, as defined in section 18-18-102 (5), within a~~
5 ~~pharmacy or other place having lawful possession thereof, such person~~
6 ~~commits first degree burglary of controlled substances, which is a class~~
7 ~~2 felony.~~

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

10 **18-4-203. Second degree burglary.** (2) (a) ~~Except as provided~~
11 ~~in subsection (2)(b) or (2)(c) of this section, Second degree burglary is a~~
12 ~~class 4 felony IF THE BURGLARY IS OF AN OCCUPIED STRUCTURE OR OF A~~
13 ~~BUILDING BEING USED FOR THE OPERATION OF A COMMERCIAL BUSINESS.~~

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

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

19 **18-4-303. Aggravated robbery of controlled substances.** ~~(1) A~~
20 ~~person who takes any controlled substance, as defined in section~~
21 ~~18-18-102 (5), from any pharmacy or other place having lawful~~
22 ~~possession thereof or from any pharmacist or other person having lawful~~
23 ~~possession thereof under the aggravating circumstances defined in section~~
24 ~~18-4-302 is guilty of aggravated robbery of controlled substances.~~

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

27 **SECTION 12.** In Colorado Revised Statutes, 18-4-408, **amend**

1 (3)(a) as follows:

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

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

8 **18-4-412. Theft of medical records or medical information -**
9 **penalty - definitions.** (3) Theft of a medical record or medical
10 information is a ~~class 6 felony~~ CLASS 1 MISDEMEANOR; EXCEPT THAT IF
11 THE PERSON STEALS OR DISCLOSES THE MEDICAL RECORD OR INFORMATION
12 TO AN UNAUTHORIZED PERSON, IT IS A CLASS 5 FELONY.

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

15 **18-4-503. Second degree criminal trespass.** (2) (a) Second
16 degree criminal trespass in violation of subsection (1)(a) or (1)(b) of this
17 section is a petty offense, but it is a ~~class 4 felony~~ CLASS 5 FELONY if the
18 person trespasses on premises so classified as agricultural land with the
19 intent to commit a felony thereon.

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

22 **18-4-504. Third degree criminal trespass.** (2) Third degree
23 criminal trespass is a petty offense, but:

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

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

3 **18-5-102. Forgery.** (1) A person commits forgery, if, with intent
4 to defraud, ~~such~~ THE person falsely makes, completes, alters, or utters a
5 written instrument ~~which~~ THAT is or purports to be, or ~~which~~ THAT is
6 calculated to become or to represent if completed:

7 (c) A deed, will, codicil, contract, assignment, commercial
8 instrument, promissory note, ~~check~~, or other instrument ~~which~~ THAT does
9 or may evidence, create, transfer, terminate, or otherwise affect a legal
10 right, interest, obligation, or status; or

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

13 **18-5-109. Criminal possession of forgery devices.** (2) Criminal
14 possession of forgery devices:

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

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

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

21 **18-5-113. Criminal impersonation.** (2) (a) Criminal
22 impersonation in violation of ~~subsection (1)(a)~~ SUBSECTION (1)(a)(III) or
23 (1)(b)(I) of this section is a class 6 felony.

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

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

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

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

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

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

10 **18-5-506. Fraudulent receipt - penalty.** A warehouse, as defined
11 in section 4-7-102 (a)(13), ~~C.R.S.~~, or any officer, agent, or servant of a
12 warehouse, that issues or aids in issuing a receipt knowing that the goods
13 for which the receipt is issued have not been actually received by the
14 warehouse, or are not under the warehouse's actual control at the time of
15 issuing the receipt, commits a ~~class 6 felony~~ CLASS 2 MISDEMEANOR.

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

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

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

22 **18-5-902. Identity theft.** (2) (b) Identity theft in violation of
23 subsection (1)(b), (1)(d), or (1)(e) of this section is a class 2
24 misdemeanor; except that it is a ~~class 6 felony~~ CLASS 5 FELONY if the
25 person possesses three or more financial devices or the personal or
26 financial identifying information of three or more persons.

27 (3) ~~The court shall be required to sentence the defendant to the~~

1 ~~department of corrections for a term of at least the minimum of the~~
2 ~~presumptive range and may sentence the defendant to a maximum of~~
3 ~~twice the presumptive range if:~~

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

6 ~~(b) The defendant has a prior conviction for a violation of this part~~
7 ~~9 or a prior conviction for an offense committed in any other state, the~~
8 ~~United States, or any other territory subject to the jurisdiction of the~~
9 ~~United States that would constitute a violation of this part 9 if committed~~
10 ~~in this state, or for attempt, conspiracy, or solicitation to commit a~~
11 ~~violation of this part 9 or for attempt, conspiracy, or solicitation to~~
12 ~~commit an offense in another jurisdiction that would constitute a violation~~
13 ~~of this part 9 if committed in this state.~~

14 **SECTION 23.** In Colorado Revised Statutes, 18-5-903, **amend**
15 (2) as follows:

16 **18-5-903. Criminal possession of a financial device.**

17 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(c) OF THIS SECTION,
18 criminal possession of one OR MORE financial ~~device~~ DEVICES is a class
19 2 misdemeanor.

20 (b) ~~Criminal possession of two or more financial devices is a class~~
21 ~~6 felony.~~

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

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

27 **18-5.5-102. Cybercrime.** (3) (b) Cybercrime committed in

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

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

9 **18-8-110. False report of explosives, weapons, or harmful**
10 **substances.** Any person who reports to any other person that a bomb or
11 other explosive, any chemical or biological agent, any poison or weapon,
12 or any harmful radioactive substance has been placed in any public or
13 private place or vehicle designed for the transportation of persons or
14 property, knowing that the report is false, commits a ~~class 6 felony~~ CLASS
15 5 FELONY.

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

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

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

22 **18-8-208.2. Unauthorized absence.** (1) A person who is serving
23 a direct sentence to a community corrections program pursuant to section
24 18-1.3-301; transitioning from the department of corrections to a
25 community corrections program or placed in an intensive supervision
26 program pursuant to section 17-27.5-101; participating in a work release
27 or home detention program pursuant to 18-1.3-106 (1.1), intensive

1 supervision program, or any other similar authorized supervised or
2 unsupervised absence from a detention facility as defined in section
3 18-8-203 (3); TRANSITIONING FROM THE DEPARTMENT OF HUMAN
4 SERVICES TO A RESIDENTIAL FACILITY OR PROGRAM PURSUANT TO SECTION
5 16-8-115 OR 16-8-118; or is housed in a staff secure facility as defined in
6 section 19-2.5-102 commits the crime of unauthorized absence if the
7 person knowingly:

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

10 **18-8-211. Riots in detention facilities.** (2) Active participation
11 in a riot by any person while confined in any detention facility within the
12 state:

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

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

19 **18-8-303. Compensation for past official behavior.** (1) A
20 person commits a ~~class 6 felony~~, CLASS 4 FELONY if ~~he~~ THE PERSON:

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

23 **18-8-307. Designation of supplier prohibited.** (4) Any public
24 servant who violates the provisions of subsection (1) of this section
25 commits a ~~class 6 felony~~ CLASS 5 FELONY.

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

1 **18-8-402. Misuse of official information.** (2) Misuse of official
2 information is a ~~class 6 felony~~ CLASS 5 FELONY.

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

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

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

10 **18-8-706. Retaliation against a witness or victim.**
11 (2) Retaliation against a witness or victim is a ~~class 3 felony~~ CLASS 4
12 FELONY.

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

15 **18-8-706.3. Aggravated retaliation against a witness or victim.**

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

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

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

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

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

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

5 **18-9-116.5. Vehicular eluding.** (2) (b) ~~Notwithstanding section~~
6 ~~18-1.3-401, the minimum sentence within the presumptive range for a~~
7 ~~violation of this section shall be increased as follows:~~

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

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

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

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

16 **18-9-119. Failure or refusal to leave premises or property**
17 **upon request of a peace officer - penalties - payment of costs.** (5) Any
18 person who violates subsection (2) of this section and who, in the same
19 criminal episode, knowingly holds another person hostage or who
20 confines or detains such other person through the possession, use, or
21 threatened use of a deadly weapon, without the other person's consent,
22 and without proper legal authority commits a ~~class 4 felony~~ CLASS 3
23 FELONY.

24 (7) Any person who violates subsection (2) of this section and
25 who, in the same criminal episode, knowingly holds another person
26 hostage or confines or detains such other person by knowingly causing
27 such other person to reasonably believe that ~~he~~ THE PERSON possesses a

1 deadly weapon commits a ~~class 5 felony~~ CLASS 4 FELONY.

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

4 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
5 **- service animals - short title.** (2) (c) Aggravated cruelty to animals is
6 a ~~class 6 felony, except that a second or subsequent conviction for the~~
7 ~~offense of aggravated cruelty to animals is a class 5 felony. A plea of nolo~~
8 ~~contendere accepted by the court shall be considered a conviction for~~
9 ~~purposes of this section~~ CLASS 4 FELONY.

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

12 **18-9-204. Animal fighting - penalty.** (2) (a) ~~Except as described~~
13 ~~in paragraph (b) of this subsection (2),~~ A person who violates the
14 provisions of this section commits a class 5 felony and, in addition to the
15 punishment provided in section 18-1.3-401, the court shall impose upon
16 the person a mandatory fine of at least one thousand dollars.

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

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

23 **18-9-302. Wiretapping and eavesdropping devices prohibited**
24 **- penalty.** Any person who manufactures, buys, sells, or knowingly has
25 in the person's possession any instrument, device, contrivance, machine,
26 or apparatus designed or commonly used for wiretapping or
27 eavesdropping, as prohibited in sections 18-9-303 and 18-9-304, with the

1 intent to unlawfully use or employ or allow the same to be so used or
2 employed, or who knowingly aids, authorizes, agrees with, employs,
3 permits, or conspires with any OTHER person to unlawfully manufacture,
4 buy, sell, or have the same in the person's possession is guilty of a petty
5 offense. ~~Upon commission of a second or subsequent offense, any person~~
6 ~~committing the same commits a class 5 felony.~~

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

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

12 **SECTION 41.** In Colorado Revised Statutes, 18-9-309, **amend**
13 (4)(a) introductory portion and (4)(b); and **repeal** (2.5) as follows:

14 **18-9-309. Telecommunications crime.** (2.5) ~~A person commits~~
15 ~~a class 6 felony if, within five years after a previous violation of~~
16 ~~subsection (2) of this section, the person commits a second or subsequent~~
17 ~~violation of subsection (2) of this section; except that a second or~~
18 ~~subsequent violation of subsection (2) of this section involving knowingly~~
19 ~~using cloning equipment to create a cloned cellular phone, as described~~
20 ~~in paragraph (b) of subsection (2) of this section, is a class 4 felony.~~

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

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

27 **SECTION 42.** In Colorado Revised Statutes, 18-10-103, **amend**

1 (2) as follows:

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

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

8 **18-10-105. Possession of a gambling device or record.**
9 (2) Possession of a gambling device or record or violation of subsection
10 (1.5) of this section is a class 2 misdemeanor. ~~If the offender is a~~
11 ~~repeating gambling offender, it is a class 6 felony.~~

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

14 **18-10-106. Gambling information.** (1) Whoever knowingly
15 transmits or receives gambling information by telephone, telegraph, radio,
16 semaphore, or other means or knowingly installs or maintains equipment
17 for the transmission or receipt of gambling information commits a class
18 2 misdemeanor. ~~If the offender is a repeating gambling offender, it is a~~
19 ~~class 6 felony.~~

20 **SECTION 45.** In Colorado Revised Statutes, 18-12-102, **amend**
21 (1), (2), and (3) as follows:

22 **18-12-102. Possessing a dangerous or illegal weapon -**
23 **affirmative defense - definition.** (1) As used in this section, the term
24 "dangerous weapon" means a firearm silencer, machine gun, short
25 shotgun, OR short rifle. ~~or ballistic knife.~~

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

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

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

6 **18-12-105.5. Unlawfully carrying a weapon - unlawful**
7 **possession of weapons - school, college, or university grounds.**

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

21 (b) (I) A PERSON WHO VIOLATES SUBSECTION (1)(a) OF THIS
22 SECTION COMMITS A CLASS 6 FELONY IF THE WEAPON INVOLVED IS A
23 DEADLY WEAPON OTHER THAN A FIREARM, AS DEFINED IN SECTION
24 18-1-901.

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

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

3 **18-12-108. Possession of weapons by previous offenders.** (7) In
4 addition to a conviction for felony crime as defined in section 24-4.1-302
5 (1), a felony conviction or adjudication for one of the following felonies
6 prohibits a person from possessing, using, or carrying upon ~~his or her~~ THE
7 person a firearm as defined in section 18-1-901 (3)(h) or any other
8 weapon that is subject to this article 12 pursuant to subsection (1) or (3)
9 of this section:

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

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

13 **SECTION 48.** In Colorado Revised Statutes, 18-12-109, **amend**
14 (2), (2.5), (5), (5.5), (6), and (6.5) as follows:

15 **18-12-109. Possession, use, or removal of explosives or**
16 **incendiary devices - possession of components thereof - chemical,**
17 **biological, and nuclear weapons - persons exempt - hoaxes.**

18 (2) (a) Any person who knowingly possesses OR controls ~~manufactures,~~
19 ~~gives, mails, sends, or causes to be sent~~ an explosive or incendiary device
20 commits a ~~class 4 felony~~ CLASS 5 FELONY.

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

24 (2.5) (a) Any person who knowingly possesses OR controls
25 ~~manufacturers, gives, mails, sends, or causes to be sent~~ a chemical,
26 biological, or radiological weapon commits a ~~class 3 felony~~ CLASS 4
27 FELONY.

1 (b) ANY PERSON WHO KNOWINGLY MANUFACTURERS, GIVES,
2 MAILS, SENDS, OR CAUSES TO BE SENT A CHEMICAL, BIOLOGICAL, OR
3 NUCLEAR WEAPON COMMITS A CLASS 3 FELONY.

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

11 (5.5) Any person who removes or causes to be removed or carries
12 away any chemical, biological, or radiological weapon from the premises
13 where ~~said~~ THE chemical, biological, or radiological weapon is kept by
14 the lawful user, vendor, transporter, or manufacturer thereof, without the
15 consent or direction of the lawful possessor, commits a class 3 felony. ~~A~~
16 ~~person convicted of this offense shall be subject to a mandatory minimum~~
17 ~~sentence of four years in the department of corrections.~~

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

20 (6.5) Any person who possesses any chemical weapon, biological
21 weapon, or ~~radiological~~ NUCLEAR weapon parts commits a ~~class 3 felony~~
22 CLASS 4 FELONY.

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

25 **18-13-104. Fighting by agreement - dueling.** (2) Persons who
26 by agreement engage in a fight with deadly weapons, whether in a public
27 or private place, commit dueling. ~~which~~ DUELING is a ~~class 4 felony~~

1 CLASS 1 MISDEMEANOR.

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

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

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

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

11 **18-13-114. Sale of secondhand property - record - inspection**
12 **- crime - definitions.** (6) (a) Any secondhand dealer who violates ~~any of~~
13 ~~the provisions of~~ subsection (1) or (2) of this section commits a petty
14 offense. ~~Upon a second or subsequent conviction for a violation of~~
15 ~~subsection (1) or (2) of this section within three years of the date of a~~
16 ~~prior conviction, a secondhand dealer commits a class 5 felony.~~

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

19 **18-13-123. Unlawful administration of gamma**
20 **hydroxybutyrate (GHB) or ketamine.** (5) Violation of the provisions
21 of subsection (3) of this section is a class 3 felony. ~~except that such~~
22 ~~violation is a class 2 felony if the violation is subsequent to a prior~~
23 ~~conviction for a violation of subsection (3) of this section or section~~
24 ~~18-18-405 where the controlled substance was gamma hydroxybutyrate~~
25 ~~(GHB) or ketamine or the immediate chemical precursors or chemical~~
26 ~~analogs for either of such substances.~~

27 **SECTION 53.** In Colorado Revised Statutes, **repeal** 18-13-128

1 as follows:

2 **18-13-128. Smuggling of humans.** ~~(1) A person commits~~
3 ~~smuggling of humans if, for the purpose of assisting another person to~~
4 ~~enter, remain in, or travel through the United States or the state of~~
5 ~~Colorado in violation of immigration laws, he or she provides or agrees~~
6 ~~to provide transportation to that person in exchange for money or any~~
7 ~~other thing of value.~~

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

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

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

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

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

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

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

27 (II) Offenses against property, as defined in sections 18-4-102

1 (first degree arson), 18-4-103 (second degree arson), 18-4-104 (third
2 degree arson), 18-4-105 (fourth degree arson), 18-4-202 (first degree
3 burglary), 18-4-203 (second degree burglary), 18-4-301 (robbery),
4 18-4-302 (aggravated robbery), ~~18-4-303 (aggravated robbery of~~
5 ~~controlled substances)~~, 18-4-401 (theft), 18-4-409 (aggravated motor
6 vehicle theft), and 18-4-501 (criminal mischief);

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

9 **18-20-103. Violations of taxation provisions - penalties.**

10 (1) Any person who:

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

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

15 **18-20-108. Use of device for calculating probabilities.** (2) Any
16 person issued a license pursuant to article 30 of title 44 violating any
17 provision of this section commits a class 6 felony and any other person
18 violating any provision of this section commits a class 2 misdemeanor. ~~If~~
19 ~~the person is a repeating gambling offender, the person commits a class~~
20 ~~5 felony.~~

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

23 **18-20-109. Use of counterfeit or unapproved chips or tokens**
24 **or unlawful coins or devices - possession of certain unlawful devices,**
25 **equipment, products, or materials.** (8) ~~Any~~ A person violating any
26 provision of this section commits a class 6 felony. ~~except that, if the~~
27 ~~person is a repeating gambling offender, the person commits a class 5~~

1 felony.

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

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

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

13 **18-20-112. Unlawful entry by excluded and ejected persons.**
14 (1) (a) It is unlawful for any person whose name is on the list
15 promulgated by the Colorado limited gaming control commission
16 pursuant to section 44-30-1703 (3) or (4) to enter the licensed premises
17 of a limited gaming licensee.

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

20 (2) (a) It is unlawful for any person whose name is on the list
21 promulgated by the Colorado limited gaming control commission
22 pursuant to section 44-30-1703 (3) or (4) to have any personal pecuniary
23 interest, direct or indirect, in any limited gaming licensee, licensed
24 premises, establishment, or business involved in or with limited gaming
25 or in the shares in any corporation, association, or firm licensed pursuant
26 to article 30 of title 44.

27 (b) A PERSON WHO VIOLATES SUBSECTION (2)(a) OF THIS SECTION

1 COMMITTS A CLASS 5 FELONY.

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

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

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

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

12 **24-4.1-302. Definitions.** As used in this part 3, and for no other
13 purpose, including the expansion of the rights of any defendant:

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

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

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

21 **24-22-110. Personal profit on state money unlawful - penalty.**

22 ~~Any~~ A person holding the office of state treasurer or ~~any~~ A person
23 employed in the department of the treasury who, directly or indirectly,
24 accepts or receives from any OTHER person, for himself or herself or
25 otherwise than on behalf of the state, any fee, reward, or compensation,
26 either in money or other property or thing of value, in consideration of the
27 deposit or investment of state ~~moneys~~ MONEY with any ~~such~~ OTHER

1 person or in consideration of any agreement or arrangement touching
2 upon the use of state ~~moneys~~ MONEY commits a ~~class 6 felony~~ CLASS 5
3 FELONY and shall be punished as provided in section 18-1.3-401. ~~C.R.S.~~

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

6 **24-30-1406. Criminal liability.** (1) Any person, other than a
7 bona fide employee working solely for a person providing professional
8 services, who offers, agrees, or contracts to solicit or secure for any other
9 person contracts for professional services with a state agency or state
10 institution of higher education and who, in so doing, receives any fee,
11 commission, gift, or other consideration contingent upon or resulting
12 from the making of the contract commits a ~~class 3 felony~~ CLASS 4 FELONY
13 and shall be punished as provided in section 18-1.3-401. ~~C.R.S.~~

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

16 **31-31-1203. False statement - felony.** If, for the purpose of
17 obtaining any order, benefit, award, compensation, or payment ~~under the~~
18 ~~provisions of~~ PURSUANT TO articles 30, 30.5, and 31 of this ~~title~~ TITLE 31,
19 either for self-gain or for the benefit of any other person, ~~anyone~~ A
20 PERSON willfully makes a false statement or representation material to the
21 claim, ~~such~~ THE person commits a ~~class 5 felony~~ CLASS 6 FELONY and,
22 UPON CONVICTION THEREOF, shall be punished as provided in section
23 18-1.3-401, ~~C.R.S.~~, and ~~shall forfeit~~ THE PERSON FORFEITS all right to
24 compensation ~~under said articles upon conviction of such offense~~
25 PURSUANT TO ARTICLES 30 AND 30.5 OF THIS TITLE 31 AND THIS ARTICLE
26 31.

27 **SECTION 65.** In Colorado Revised Statutes, **amend** 35-44-108

1 as follows:

2 **35-44-108. Who may take up estrays.** It is unlawful for ~~any~~ A
3 person other than an authorized inspector of the state board of stock
4 inspection commissioners to take into custody or retain possession of ~~any~~
5 AN estray, except as provided in section 35-44-107. ~~Any~~ A person who
6 takes into custody and retains possession of ~~any~~ AN estray without
7 notifying the state board of stock inspection commissioners within the
8 time as provided in this ~~article~~ ARTICLE 44 is guilty of a ~~class 6 felony~~
9 CLASS 2 MISDEMEANOR and, upon conviction thereof, shall be punished
10 as provided in ~~section 18-1.3-401, C.R.S.~~ SECTION 18-1.3-501.

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

13 **39-21-118. Criminal penalties - repeal.** (1) ~~Any~~ A person who
14 willfully attempts in any manner to evade or defeat ~~any~~ A tax
15 administered by the department or the payment thereof, in addition to
16 other penalties provided by law, is guilty of a ~~class 5 felony~~ CLASS 6
17 FELONY and, upon conviction thereof, shall be punished as provided in
18 section 18-1.3-401 ~~C.R.S.~~; or shall be punished by a fine of not more than
19 one hundred thousand dollars, or five hundred thousand dollars in the
20 case of a corporation, or by both such fine and imprisonment, together
21 with the costs of prosecution.

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

24 **39-26-120. False or fraudulent return, statement - penalty.**
25 (2) ~~Any~~ A person willfully violating ~~any~~ of the provisions of this section
26 is guilty of a CLASS 5 felony ~~Any~~ AND SHALL BE PUNISHED AS PROVIDED
27 IN SECTION 18-1.3-401. A corporation willfully making a false return or

1 a return willfully containing a false statement is guilty of a CLASS 5 felony
2 ~~Any~~ AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401. A
3 court of competent jurisdiction of the county in which the offender
4 resides, or, if a corporation, then the county of its principal place of
5 business, ~~shall have~~ HAS jurisdiction to enforce this section.

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

8 **44-20-123. Sales activity following license denial, suspension,**
9 **or revocation - unlawful act - penalty.** (1) (b) A violation of subsection
10 (1)(a) of this section ~~shall be~~ IS punishable in accordance with section
11 44-20-128. ~~except that a second or subsequent violation of subsection~~
12 ~~(1)(a) of this section shall be a class 6 felony.~~

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

15 **44-20-422. Sales activity following license denial, suspension,**
16 **or revocation - unlawful act - penalty.** (1) (b) A violation of subsection
17 (1)(a) of this section ~~shall be~~ IS punishable in accordance with section
18 44-20-429. ~~except that a second or subsequent violation of subsection~~
19 ~~(1)(a) of this section shall be a class 6 felony.~~

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

22 **44-30-821. Cheating - definition.** (3) Any person issued a
23 license pursuant to this article 30 violating any provision of this section
24 commits a class 6 felony and shall be punished as provided in section
25 18-1.3-401, and any other person violating any provision of this section
26 commits a class 2 misdemeanor and shall be punished as provided in
27 section 18-1.3-501. ~~If the person is a repeating gambling offender, the~~

1 ~~person commits a class 5 felony and shall be punished as provided in~~
2 ~~section 18-1.3-401.~~

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

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

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

14 **44-30-825. Cheating game and devices.** (2) ~~Any~~ A person
15 violating any provision of this section commits a class 6 felony and shall
16 be punished as provided in section 18-1.3-401. ~~except that, if the person~~
17 ~~is a repeating gambling offender, the person commits a class 5 felony and~~
18 ~~shall be punished as provided in section 18-1.3-401.~~

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

21 **44-30-827. Unlawful entry by excluded and ejected persons.**
22 (1) ~~It is unlawful for any person whose name is on the list promulgated~~
23 ~~by the commission pursuant to section 44-30-1703 (3) or (4) to enter the~~
24 ~~licensed premises of a limited gaming licensee.~~

25 (2) ~~It is unlawful for any person whose name is on the list~~
26 ~~promulgated by the commission pursuant to section 44-30-1703 (3) or (4)~~
27 ~~to have any personal pecuniary interest, direct or indirect, in any limited~~

1 ~~gaming licensee, licensed premises, establishment, or business involved~~
2 ~~in or with limited gaming or in the shares in any corporation, association,~~
3 ~~or firm licensed pursuant to this article 30.~~

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

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

8 **44-30-1512. Penalties.** (3) A person purporting to issue, suspend,
9 revoke, or renew licenses pursuant to this part 15 or to procure or
10 influence the issuance, suspension, revocation, or renewal of a license for
11 any personal pecuniary gain or any thing of value, as defined in section
12 18-1-901 (3)(r), or a person violating section 44-30-1502 commits a ~~class~~
13 ~~3 felony~~ CLASS 4 FELONY and shall be punished as provided in section
14 18-1.3-401.

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

17 **44-40-117. Penalties.** (3) ~~Any~~ A person issuing, suspending,
18 revoking, or renewing contracts pursuant to section 44-40-106 or licenses
19 pursuant to section 44-40-107 for ~~any~~ personal pecuniary gain or ~~any~~ A
20 thing of value as defined in section 18-1-901 (3)(r), or ~~any~~ A person
21 violating ~~any~~ of the provisions of section 44-40-110, commits a ~~class 3~~
22 ~~felony~~ CLASS 4 FELONY and shall be punished as provided in section
23 18-1.3-401.

24 **SECTION 76. Effective date - applicability.** This act takes
25 effect October 1, 2023, and applies to offenses committed on or after said
26 date.

27 **SECTION 77. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.