

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-1012.01 Michael Dohr x4347

HOUSE BILL 23-1293

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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, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

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.

SENATE
3rd Reading Unamended
May 4, 2023

SENATE
2nd Reading Unamended
May 3, 2023

HOUSE
3rd Reading Unamended
April 29, 2023

HOUSE
Amended 2nd Reading
April 26, 2023

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

1 offense if committed in this state; and

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

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

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

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

27 (IX) Aggravated robbery, as described in section 18-4-302 or

1 AGGRAVATED ROBBERY OF CONTROLLED SUBSTANCES, AS DESCRIBED IN
2 SECTION 18-4-303 AS IT EXISTED PRIOR TO OCTOBER 1, 2023;

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

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

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

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

25 (II) If a defendant is convicted of assault in the second degree
26 pursuant to ~~paragraph (b), (c), (d), or (g) of subsection (1)~~ SUBSECTION
27 (1)(b), (1)(c.5), (1)(d), OR (1)(g) of this section, the court shall sentence

1 the ~~offender~~ DEFENDANT in accordance with section 18-1.3-406; except
2 that, notwithstanding the provisions of section 18-1.3-406, the court is not
3 required to sentence the defendant to the department of corrections for a
4 mandatory term of incarceration.

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

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

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

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

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

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

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

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

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

26 **18-4-104. Third degree arson.** (2) Third degree arson is a ~~class~~
27 ~~4 felony~~ CLASS 5 FELONY.

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

3 **18-4-202. First degree burglary.** (3) ~~If under the circumstances~~
4 ~~stated in subsection (1) of this section the property involved is a~~
5 ~~controlled substance, as defined in section 18-18-102 (5), within a~~
6 ~~pharmacy or other place having lawful possession thereof, such person~~
7 ~~commits first degree burglary of controlled substances, which is a class~~
8 ~~2 felony.~~

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

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

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

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

20 **18-4-303. Aggravated robbery of controlled substances.** ~~(1) A~~
21 ~~person who takes any controlled substance, as defined in section~~
22 ~~18-18-102 (5), from any pharmacy or other place having lawful~~
23 ~~possession thereof or from any pharmacist or other person having lawful~~
24 ~~possession thereof under the aggravating circumstances defined in section~~
25 ~~18-4-302 is guilty of aggravated robbery of controlled substances.~~

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

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

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

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

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

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

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

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

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

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

1 HAVE A FENCE SECURING THE PERIMETER.

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

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

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

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

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

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

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

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

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

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

27 **SECTION 19.** In Colorado Revised Statutes, 18-5-211, **amend**

1 (4) as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **18-5-903. Criminal possession of a financial device.**

18 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(c) OF THIS SECTION,
19 criminal possession of one OR MORE financial ~~device~~ DEVICES is a class
20 2 misdemeanor.

21 ~~(b) Criminal possession of two or more financial devices is a class~~
22 ~~6 felony.~~

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

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

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

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

10 **18-8-110. False report of explosives, weapons, or harmful**
11 **substances.** Any person who reports to any other person that a bomb or
12 other explosive, any chemical or biological agent, any poison or weapon,
13 or any harmful radioactive substance has been placed in any public or
14 private place or vehicle designed for the transportation of persons or
15 property, knowing that the report is false, commits a ~~class 6 felony~~ CLASS
16 5 FELONY.

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

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

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

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

1 or home detention program pursuant to 18-1.3-106 (1.1), intensive
2 supervision program, or any other similar authorized supervised or
3 unsupervised absence from a detention facility as defined in section
4 18-8-203 (3); TRANSITIONING FROM THE DEPARTMENT OF HUMAN
5 SERVICES TO A RESIDENTIAL FACILITY OR PROGRAM PURSUANT TO SECTION
6 16-8-115 OR 16-8-118; or is housed in a staff secure facility as defined in
7 section 19-2.5-102 commits the crime of unauthorized absence if the
8 person knowingly:

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

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

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

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

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

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

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

27 **SECTION 31.** In Colorado Revised Statutes, 18-8-402, **amend**

1 (2) as follows:

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

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

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

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

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

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

16 **18-8-706.3. Aggravated retaliation against a witness or victim.**

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

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

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

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

1 BODILY INJURY.

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

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

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

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

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

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

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

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

25 (7) Any person who violates subsection (2) of this section and
26 who, in the same criminal episode, knowingly holds another person
27 hostage or confines or detains such other person by knowingly causing

1 such other person to reasonably believe that ~~he~~ THE PERSON possesses a
2 deadly weapon commits a ~~class 5 felony~~ CLASS 4 FELONY.

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

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

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

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

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

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

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

1 eavesdropping, as prohibited in sections 18-9-303 and 18-9-304, with the
2 intent to unlawfully use or employ or allow the same to be so used or
3 employed, or who knowingly aids, authorizes, agrees with, employs,
4 permits, or conspires with any OTHER person to unlawfully manufacture,
5 buy, sell, or have the same in the person's possession is guilty of a petty
6 offense. ~~Upon commission of a second or subsequent offense, any person~~
7 ~~committing the same commits a class 5 felony.~~

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

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

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

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

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

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

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

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

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

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

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

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

21 **SECTION 45.** In Colorado Revised Statutes, 18-12-102, **amend**
22 (1), (2), and (3) as follows:

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

27 (2) As used in this section, the term "illegal weapon" means a

1 blackjack, a gas gun, BALLISTIC KNIFE, or metallic knuckles.

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

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

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

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

22 (b) (I) A PERSON WHO VIOLATES SUBSECTION (1)(a) OF THIS
23 SECTION COMMITS A CLASS 6 FELONY IF THE WEAPON INVOLVED IS A
24 DEADLY WEAPON OTHER THAN A FIREARM, AS DEFINED IN SECTION
25 18-1-901.

26 (II) A PERSON WHO VIOLATES SUBSECTION (1)(a) OF THIS SECTION
27 COMMITS A CLASS 5 FELONY IF THE WEAPON INVOLVED IS A FIREARM, AS

1 DEFINED IN SECTION 18-1-901.

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

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

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

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

14 **SECTION 48.** In Colorado Revised Statutes, 18-12-109, **amend**
15 (2), (2.5), (5), (5.5), (6), and (6.5) as follows:

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

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

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

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

1 FELONY.

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

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

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

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

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

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

26 **18-13-104. Fighting by agreement - dueling.** (2) Persons who
27 by agreement engage in a fight with deadly weapons, whether in a public

1 or private place, commit dueling. ~~which DUELING is a class 4 felony~~
2 CLASS 1 MISDEMEANOR.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (II) Offenses against property, as defined in sections 18-4-102
2 (first degree arson), 18-4-103 (second degree arson), 18-4-104 (third
3 degree arson), 18-4-105 (fourth degree arson), 18-4-202 (first degree
4 burglary), 18-4-203 (second degree burglary), 18-4-301 (robbery),
5 18-4-302 (aggravated robbery), ~~18-4-303 (aggravated robbery of~~
6 ~~controlled substances)~~, 18-4-401 (theft), 18-4-409 (aggravated motor
7 vehicle theft), and 18-4-501 (criminal mischief);

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

10 **18-20-103. Violations of taxation provisions - penalties.**

11 (1) Any person who:

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

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

16 **18-20-108. Use of device for calculating probabilities.** (2) Any
17 person issued a license pursuant to article 30 of title 44 violating any
18 provision of this section commits a class 6 felony and any other person
19 violating any provision of this section commits a class 2 misdemeanor. ~~If~~
20 ~~the person is a repeating gambling offender, the person commits a class~~
21 ~~5 felony.~~

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

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

1 ~~person is a repeating gambling offender, the person commits a class 5~~
2 ~~felony.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **31-31-1203. False statement - felony.** If, for the purpose of
18 obtaining any order, benefit, award, compensation, or payment ~~under the~~
19 ~~provisions of~~ PURSUANT TO articles 30, 30.5, and 31 of this ~~title~~ TITLE 31,
20 either for self-gain or for the benefit of any other person, ~~anyone~~ A
21 PERSON willfully makes a false statement or representation material to the
22 claim, ~~such~~ THE person commits a ~~class 5 felony~~ CLASS 6 FELONY and,
23 UPON CONVICTION THEREOF, shall be punished as provided in section
24 18-1.3-401, ~~C.R.S.~~, and ~~shall forfeit~~ THE PERSON FORFEITS all right to
25 compensation ~~under said articles upon conviction of such offense~~
26 PURSUANT TO ARTICLES 30 AND 30.5 OF THIS TITLE 31 AND THIS ARTICLE
27 31.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 section 18-1.3-501. ~~If the person is a repeating gambling offender, the~~
2 ~~person commits a class 5 felony and shall be punished as provided in~~
3 ~~section 18-1.3-401.~~

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

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

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

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

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

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

26 (2) ~~It is unlawful for any person whose name is on the list~~
27 ~~promulgated by the commission pursuant to section 44-30-1703 (3) or (4)~~

1 to have any personal pecuniary interest, direct or indirect, in any limited
2 gaming licensee, licensed premises, establishment, or business involved
3 in or with limited gaming or in the shares in any corporation, association,
4 or firm licensed pursuant to this article 30.

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

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

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

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

18 **44-40-117. Penalties.** (3) ~~Any~~ A person issuing, suspending,
19 revoking, or renewing contracts pursuant to section 44-40-106 or licenses
20 pursuant to section 44-40-107 for ~~any~~ personal pecuniary gain or ~~any~~ A
21 thing of value as defined in section 18-1-901 (3)(r), or ~~any~~ A person
22 violating ~~any~~ of the provisions of section 44-40-110, commits a ~~class 3~~
23 ~~felony~~ CLASS 4 FELONY and shall be punished as provided in section
24 18-1.3-401.

25 **SECTION 76. Appropriation.** (1) For the 2023-24 state fiscal
26 year, \$32,170 is appropriated to the judicial department. This
27 appropriation is from the general fund. To implement this act, the

1 department may use this appropriation as follows:

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

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

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

9 **SECTION 78. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety.