

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 10-0948.01 Troy Bratton

HOUSE BILL 10-1366

HOUSE SPONSORSHIP

Apuan, Casso, Court, Hullinghorst, Labuda, McCann, Middleton, Miklosi, Murray, Scanlan,
Todd

SENATE SPONSORSHIP

Newell,

House Committees

State, Veterans, & Military Affairs
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROHIBITION OF A PERSON WHO IS SERVING A**
102 **SENTENCE UNDER COMMUNITY SUPERVISION AS A RESULT OF**
103 **CONVICTION FOR CERTAIN OFFENSES FROM ACTING AS A**
104 **PETITION CIRCULATOR UNLESS THE PERSON RECEIVES WRITTEN**
105 **PERMISSION FROM THE APPROPRIATE SUPERVISORY ENTITY**
106 **PRIOR TO CIRCULATING ANY PETITION.**

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://www.leg.state.co.us/billsummaries>.)

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

HOUSE
3rd Reading Unamended
May 4, 2010

HOUSE
Amended 2nd Reading
April 30, 2010

The bill makes it unlawful for any person who is on parole or probation for offenses involving unlawful sexual behavior or felony fraud to act as a petition circulator.

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

2 [REDACTED]
3 **SECTION 1.** 17-2-201 (5), Colorado Revised Statutes, is
4 amended BY THE ADDITION OF THE FOLLOWING NEW
5 PARAGRAPHS to read:

6 **17-2-201. State board of parole.** (5) (l) AS A CONDITION OF
7 PAROLE, THE BOARD SHALL ORDER ANY OFFENDER CONVICTED OF OR WHO
8 PLED GUILTY OR NOLO CONTENDERE TO AN OFFENSE INVOLVING
9 UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9),
10 C.R.S., TO REFRAIN FROM ACTING AS A PETITION CIRCULATOR [REDACTED]
11 PURSUANT TO SECTION 1-4-905, PART 1 OF ARTICLE 12 OF TITLE 1, SECTION
12 1-40-112, PART 2 OF ARTICLE 2 OF TITLE 31, PART 5 OF ARTICLE 4 OF TITLE
13 31, PART 3 OF ARTICLE 10 OF TITLE 31, ARTICLE 11 OF TITLE 31, PART 1 OF
14 ARTICLE 12 OF TITLE 31, AND PART 4 OF ARTICLE 4 OF TITLE 32, C.R.S.;
15 EXCEPT THAT THE OFFENDER MAY CIRCULATE PETITIONS UPON RECEIVING
16 WRITTEN PERMISSION FROM THE BOARD.

17 (m) AS A CONDITION OF PAROLE, THE BOARD SHALL ORDER ANY
18 OFFENDER CONVICTED OF OR WHO PLED GUILTY OR NOLO CONTENDERE TO
19 AN OFFENSE INVOLVING FELONY FRAUD PURSUANT TO ARTICLE 5 OF TITLE
20 18, C.R.S., TO REFRAIN FROM ACTING AS A PETITION CIRCULATOR [REDACTED]
21 PURSUANT TO SECTION 1-4-905, PART 1 OF ARTICLE 12 OF TITLE 1, SECTION
22 1-40-112, PART 2 OF ARTICLE 2 OF TITLE 31, PART 5 OF ARTICLE 4 OF TITLE
23 31, PART 3 OF ARTICLE 10 OF TITLE 31, ARTICLE 11 OF TITLE 31, PART 1 OF
24 ARTICLE 12 OF TITLE 31, AND PART 4 OF ARTICLE 4 OF TITLE 32, C.R.S.;

1 EXCEPT THAT THE OFFENDER MAY CIRCULATE PETITIONS UPON RECEIVING
2 WRITTEN PERMISSION FROM THE BOARD.

3 **SECTION 2.** 18-1.3-204, Colorado Revised Statutes, is amended
4 BY THE ADDITION OF A NEW SUBSECTION to read:

5 **18-1.3-204. Conditions of probation.** (1.7) IF THE DEFENDANT
6 IS BEING SENTENCED TO PROBATION AS A RESULT OF A CONVICTION FOR AN
7 OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN
8 SECTION 16-22-102 (9), C.R.S., OR AS A RESULT OF A CONVICTION FOR AN
9 OFFENSE INVOLVING FELONY FRAUD PURSUANT TO ARTICLE 5 OF TITLE 18,
10 C.R.S., A CONDITION OF PROBATION SHALL BE THAT THE DEFENDANT
11 REFRAIN FROM ACTING AS A PETITION CIRCULATOR PURSUANT TO
12 SECTION 1-4-905, PART 1 OF ARTICLE 12 OF TITLE 1, SECTION 1-40-112,
13 PART 2 OF ARTICLE 2 OF TITLE 31, PART 5 OF ARTICLE 4 OF TITLE 31, PART
14 3 OF ARTICLE 10 OF TITLE 31, ARTICLE 11 OF TITLE 31, PART 1 OF ARTICLE
15 12 OF TITLE 31, AND PART 4 OF ARTICLE 4 OF TITLE 32, C.R.S.; EXCEPT
16 THAT THE DEFENDANT MAY CIRCULATE PETITIONS UPON RECEIVING
17 WRITTEN PERMISSION FROM THE COURT OR FROM THE APPROPRIATE
18 PROBATION OFFICER.

19 **SECTION 3. Exception to the requirements of section 2-2-703,**
20 **Colorado Revised Statutes.** The general assembly hereby finds that the
21 amendments to sections 17-2-201 and 18-1.3-204, Colorado Revised
22 Statutes, enacted in sections 1 and 2 of this act, will result in the minor
23 fiscal impact of one additional offender being convicted and sentenced to
24 the department of corrections every two years during the five years
25 following passage of this act. Because of the relative insignificance of
26 this degree of fiscal impact, these amendments are an exception to the
27 five-year appropriation requirements specified in section 2-2-703,

1 Colorado Revised Statutes.

2 **SECTION 4. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.