

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0482.01 Michael Dohr

HOUSE BILL 11-1051

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HOUSE SPONSORSHIP

Swerdfeger, Waller

SENATE SPONSORSHIP

(None),

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING CLARIFICATION THAT A DNA SAMPLE EXPUNGEMENT IS  
102 NEVER AVAILABLE FOR A FELONY CONVICTION.

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**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>.)*

Current law provides that the DNA records based on a sample taken at arrest are expunged if the person is convicted of an offense that is not a felony under title 18, Colorado Revised Statutes. The bill clarifies that the records are expunged if the person is not convicted of any felony, not just a felony under title 18, Colorado Revised Statutes.

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.*

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

2           **SECTION 1.** 16-23-105 (1) (a), Colorado Revised Statutes, is  
3 amended to read:

4           **16-23-105. Expungement.** (1) Except as provided in subsection  
5 (7) of this section, a person whose biological substance sample is  
6 collected pursuant to section 16-23-103 qualifies for expungement if:

7           (a) In the case of a sample collected based upon the filing of a  
8 charge or based upon a final court order, each felony charge stemming  
9 from the charges has, by final court order, been dismissed, resulted in an  
10 acquittal, or resulted in a conviction for an offense other than a felony  
11 offense; ~~described in title 18, C.R.S.;~~

12           **SECTION 2. Effective date - applicability.** This act shall take  
13 effect upon passage and shall apply to the biological substance sample of  
14 an individual who was charged with a felony offense on or after October  
15 1, 2010, and who was convicted on or after the effective date of this act.

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