

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

An Act

HOUSE BILL 11-1051

BY REPRESENTATIVE(S) Swerdfeger, Waller, Barker, Coram, Court, Duran, Fields, Gardner B., Kerr J., Labuda, Looper, Massey, Nikkel, Pace, Priola, Scott, Stephens, Vigil;
also SENATOR(S) King S., Bacon, Boyd, Giron, Guzman, Jahn, Morse, Newell, Steadman, Williams S.

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

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

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO