

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 11-0482.01 Michael Dohr

HOUSE BILL 11-1051

HOUSE SPONSORSHIP

Swerdfeger, Waller

SENATE SPONSORSHIP

King S.,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

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

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.*

SENATE
3rd Reading Unam ended
February 28, 2011

SENATE
2nd Reading Unam ended
February 25, 2011

HOUSE
3rd Reading Unam ended
February 4, 2011

HOUSE
2nd Reading Unam ended
February 3, 2011

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.