

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0054.01 Michael Dohr x4347

HOUSE BILL 13-1251

HOUSE SPONSORSHIP

Pabon, Foote

SENATE SPONSORSHIP

Morse,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING COLLECTION OF A DNA SAMPLE FROM OFFENDERS
102 CONVICTED OF A MISDEMEANOR.

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>.)

Under current law, only an offender convicted of a misdemeanor involving unlawful sexual conduct must provide a DNA sample for inclusion in the DNA database at the Colorado Bureau of Investigation. The bill would require collection of a DNA sample from all persons convicted of a class 1, 2, or 3 misdemeanor.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-11-102.4, **amend**
3 (1) (g) as follows:

4 **16-11-102.4. Genetic testing of convicted offenders.**

5 (1) Beginning July 1, 2007, each of the following convicted offenders
6 shall submit to and pay for collection and a chemical testing of the
7 offender's biological substance sample to determine the genetic markers
8 thereof, unless the offender has already provided a biological substance
9 sample for such testing pursuant to a statute of this state:

10 (g) Every offender sentenced on or after July 1, 2007, for a felony
11 conviction OR SENTENCED ON OR AFTER JULY 1, 2013, FOR A CLASS 1, 2,
12 OR 3 MISDEMEANOR; except that this paragraph (g) shall not apply to an
13 offender granted a deferred judgment and sentencing as authorized in
14 section 18-1.3-102, C.R.S., unless otherwise required to submit to a
15 sample pursuant to this section, or unless the deferred judgment and
16 sentencing is revoked and a sentence is imposed. The sample shall be
17 collected:

18 (I) From an offender sentenced to the department of corrections,
19 by the department during the intake process but in any event within
20 thirty-five days after the offender is received by the department;

21 (II) From an offender sentenced to county jail or community
22 corrections, by the sheriff or by the community corrections program
23 within thirty-five days after the offender is received into the custody of
24 the county jail or the community corrections facility;

25 (III) From an offender sentenced to probation, by the judicial
26 department OR PROBATION DEPARTMENT within thirty-five days after the

1 offender is placed on probation;

2 (IV) From an offender sentenced to the youthful offender system,
3 by the department of corrections within thirty-five days after the offender
4 is received at the youthful offender system; and

5 (V) From an offender who receives any other sentence or who
6 receives a suspended sentence, by the judicial department OR PROBATION
7 DEPARTMENT within thirty-five days after the offender is sentenced or the
8 sentence is suspended.

9 **SECTION 2. 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, and safety.