

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0743.01 Michael Dohr x4347

SENATE BILL 16-075

SENATE SPONSORSHIP

Johnston and Cooke,

HOUSE SPONSORSHIP

Lawrence and Pabon,

Senate Committees

Judiciary
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING COLLECTION OF A DNA SAMPLE FROM OFFENDERS**

102 **CONVICTED OF MISDEMEANORS AGAINST VULNERABLE PERSONS.**

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, an offender convicted of a misdemeanor involving unlawful sexual conduct must provide a DNA sample for inclusion in the Colorado bureau of investigation's DNA database. The bill would require collection of a DNA sample from a person convicted of any of the following misdemeanors:

! Third degree assault;

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.*

- ! Menacing;
- ! Reckless endangerment;
- ! Theft;
- ! Criminal mischief;
- ! Child abuse;
- ! Violation of a protection order;
- ! Solicitation of a prostitute; and
- ! Harassment.

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); and **add** (1.5) 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 SEPTEMBER 1, 2016, FOR A
12 CONVICTION FOR A MISDEMEANOR SPECIFIED IN SUBSECTION (1.5) OF THIS
13 SECTION; except that this paragraph (g) shall not apply to an offender
14 granted a deferred judgment and sentencing as authorized in section
15 18-1.3-102, C.R.S., unless otherwise required to submit to a sample
16 pursuant to this section, or unless the deferred judgment and sentencing
17 is revoked and a sentence is imposed. The sample shall be 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

1 corrections, by the sheriff or by the community corrections program
2 within thirty-five days after the offender is received into the custody of
3 the county jail or the community corrections facility;

4 (III) From an offender sentenced to probation, by the judicial
5 department OR PROBATION DEPARTMENT within thirty-five days after the
6 offender is placed on probation;

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

10 (V) From an offender who receives any other sentence or who
11 receives a suspended sentence, by the judicial department OR PROBATION
12 DEPARTMENT within thirty-five days after the offender is sentenced or the
13 sentence is suspended.

14 (1.5) AN OFFENDER CONVICTED OF ONE OF THE FOLLOWING
15 MISDEMEANORS IS SUBJECT TO PARAGRAPH (g) OF SUBSECTION (1) OF THIS
16 SECTION:

17 (a) THIRD DEGREE ASSAULT PURSUANT TO SECTION 18-3-204,
18 C.R.S.;

19 (b) MENACING PURSUANT TO SECTION 18-3-206, C.R.S., THE
20 UNDERLYING FACTUAL BASIS OF WHICH INVOLVES DOMESTIC VIOLENCE AS
21 DEFINED IN SECTION 18-6-800.3 (1), C.R.S.;

22 (c) RECKLESS ENDANGERMENT PURSUANT TO SECTION 18-3-208,
23 C.R.S., THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES DOMESTIC
24 VIOLENCE AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.;

25 ==
26 (d) MISDEMEANOR CRIMINAL MISCHIEF PURSUANT TO SECTION
27 18-4-501 (4) (a), (4) (b), OR (4) (c), C.R.S., THE UNDERLYING FACTUAL

1 BASIS OF WHICH INVOLVES DOMESTIC VIOLENCE AS DEFINED IN SECTION
2 18-6-800.3 (1), C.R.S.:

3 (e) MISDEMEANOR CHILD ABUSE PURSUANT TO SECTION 18-6-401
4 (7) (a) (V), (7) (a) (VI), (7) (b) (I), OR (7) (b) (II), C.R.S.;

5 (f) VIOLATION OF A PROTECTION ORDER PURSUANT TO SECTION
6 18-6-803.5, C.R.S.; OR

7
8 (g) HARASSMENT PURSUANT TO SECTION 18-9-111 (1) (a), C.R.S.

9 **SECTION 2. Effective date.** This act takes effect September 1,
10 2016.

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