First Regular Session Seventy-fourth General Assembly STATE OF COLORADO

REVISED

This Version Includes All Amendments Adopted on Second Reading in the Second House

LLS NO. 23-1012.01 Michael Dohr x4347

HOUSE BILL 23-1293

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A BILL FOR AN ACT

101	CONCERNING THE ADOPTION OF THE 2023 RECOMMENDATIONS OF THE
102	COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
103	REGARDING FELONY SENTENCING, AND, IN CONNECTION
104	THEREWITH, MAKING AN APPROPRIATION.

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://leg.colorado.gov.)

The bill reclassifies various criminal offenses that are currently a felony to a different felony or misdemeanor level. The bill changes the elements of some crimes to align with the new sentencing classifications.

Reading Unamended May 3, 2023 SENATE 2nd

Reading Unamended April 29, 2023

3rd

Amended 2nd Reading April 26, 2023

HOUSE

HOUSE

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

2 SECTION 1. In Colorado Revised Statutes, amend 8-43-402 as
3 follows:

4 8-43-402. False statement - felony. If, for the purpose of 5 obtaining any AN order, benefit, award, compensation, or payment under 6 PURSUANT TO the provisions of articles 40 to 47 of this title TITLE 8, either 7 for self-gain or for the benefit of any other person, anyone willfully 8 makes a false statement or representation material to the claim, such 9 person commits a class 5 felony CLASS 6 FELONY and shall be punished 10 as provided in section 18-1.3-401, C.R.S., and shall forfeit FORFEITS all right to compensation under said articles upon conviction of such THE 11 12 offense.

13 SECTION 2. In Colorado Revised Statutes, 13-10-126, amend
14 (2)(a)(I)(A) as follows:

15 13-10-126. Prostitution offender program authorized reports. (2) A program created and administered by a municipal or
 county court or multiple municipal or county courts pursuant to
 subsection (1) of this section must:

(a) Permit enrollment in the program only by an offender whoeither:

(I) (A) Has no prior convictions or any charges pending for any
felony; for any offense described in section 18-3-305 OR 18-3-306, or
18-13-128, C.R.S., in part 4 or 5 of article 3 of title 18, C.R.S., in part 3,
4, 6, 7, or 8 of article 6 of title 18, C.R.S., in section 18-7-203 or
18-7-206, C.R.S., or in part 3, 4, or 5 of article 7 of title 18; C.R.S.; or for
any offense committed in another state that would constitute such an

1 offense if committed in this state; and

2 SECTION 3. In Colorado Revised Statutes, 16-8-115, amend 3 (3)(c) as follows:

4 16-8-115. Release from commitment after verdict of not guilty 5 by reason of insanity or not guilty by reason of impaired mental 6 **condition.** (3) (c) A defendant who has been conditionally released 7 remains under the supervision of the department of human services until 8 the committing court enters a final order of unconditional release. When a defendant fails to comply with any conditions of his release requiring 9 10 him to establish, maintain, and reside at a specific residence and his 11 whereabouts have therefore become unknown to the authorities charged 12 with his supervision or when the defendant leaves the state of Colorado 13 without the consent of the committing court, the defendant's absence from 14 supervision shall constitute escape UNAUTHORIZED ABSENCE, as defined 15 in section 18-8-208, C.R.S. 18-8-208.2. Such offense occurs in the county 16 in which the defendant is authorized to reside.

17

SECTION 4. In Colorado Revised Statutes, 18-1.3-201, amend 18 (2.5)(b) introductory portion and (2.5)(b)(IX) as follows:

19 18-1.3-201. Application for probation. (2.5) (b) Except as 20 described in paragraph (a) of subsection (4) SUBSECTION (4)(a) of this 21 section, a person who has been twice or more convicted of a felony upon 22 charges separately brought and tried and arising out of separate and 23 distinct criminal episodes under the laws of this state, any other state, or 24 the United States prior to the conviction on which his or her THE PERSON'S 25 application is based shall not be IS NOT eligible for probation if the 26 current conviction or a prior conviction is for:

27

(IX) Aggravated robbery, as described in section 18-4-302 or

1 AGGRAVATED ROBBERY OF CONTROLLED SUBSTANCES, AS DESCRIBED IN

2 SECTION 18-4-303 AS IT EXISTED PRIOR TO OCTOBER 1, 2023;

3 SECTION 5. In Colorado Revised Statutes, 18-3-203, amend 4 (1)(f.5)(I), (2)(c)(I), and (2)(c)(II) as follows:

5

18-3-203. Assault in the second degree. (1) A person commits 6 the crime of assault in the second degree if:

7 (f.5) (I) While lawfully confined in a detention facility within this 8 state, a person AN ACTOR with intent to infect, injure, OR harm harass, 9 annoy, threaten, or alarm a person in a detention facility whom the actor 10 knows or reasonably should know to be an employee of a detention 11 facility, causes such employee to come into contact with blood, seminal 12 fluid, urine, feces, saliva, mucus, vomit, or any toxic, caustic, or 13 hazardous material by any means, including, but not limited to, throwing, 14 tossing, or expelling such fluid or material.

15 (2) (c) (I) If a defendant is convicted of assault in the second 16 degree pursuant to paragraph (c.5) of subsection (1) of this section or 17 paragraph (b.5) of this subsection (2) SUBSECTION (2)(b.5) OF THIS 18 SECTION, except with respect to sexual assault or sexual assault in the first 19 degree as it existed prior to July 1, 2000, the court shall sentence the 20 defendant in accordance with the provisions of section 18-1.3-406. A 21 defendant convicted of assault in the second degree pursuant to paragraph 22 (b.5) of this subsection (2) with respect to sexual assault or sexual assault 23 in the first degree as it existed prior to July 1, 2000, shall be sentenced in 24 accordance with section 18-1.3-401 (8)(e) or (8)(e.5).

25 (II) If a defendant is convicted of assault in the second degree 26 pursuant to paragraph (b), (c), (d), or (g) of subsection (1) SUBSECTION 27 (1)(b), (1)(c.5), (1)(d), OR (1)(g) of this section, the court shall sentence

1	the offender DEFENDANT in accordance with section 18-1.3-406; except
2	that, notwithstanding the provisions of section 18-1.3-406, the court is not
3	required to sentence the defendant to the department of corrections for a
4	mandatory term of incarceration.
5	SECTION 6. In Colorado Revised Statutes, 18-3-302, amend (1)
6	and (3) as follows:
7	18-3-302. Second degree kidnapping. (1) Any A person who
8	knowingly seizes and carries any A person from one place to another,
9	without his THE PERSON'S consent and without lawful justification, AND
10	SUCH MOVEMENT INCREASES THE RISK OF HARM TO THE PERSON, commits
11	second degree kidnapping.
12	(3) Second degree kidnapping is a class 2 felony if any of the
13	following circumstances exist:
14	(a) The person kidnapped is a victim of a sexual offense pursuant
15	to part 4 of this article; or ARTICLE 3;
16	(b) The person kidnapped is a victim of a robbery; OR
17	(c) The Kidnapping was a violation of subsection (2) of this
18	SECTION.
19	SECTION 7. In Colorado Revised Statutes, 18-4-102, amend (2)
20	as follows:
21	18-4-102. First degree arson. (2) First degree arson is a class 3
22	felony IF THE ARSON IS OF AN OCCUPIED STRUCTURE, AND IT IS A CLASS 4
23	FELONY IF THE ARSON IS OF A BUILDING.
24	SECTION 8. In Colorado Revised Statutes, 18-4-104, amend (2)
25	as follows:
26	18-4-104. Third degree arson. (2) Third degree arson is a class
27	4 felony class 5 felony.

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SECTION 9. In Colorado Revised Statutes, 18-4-202, repeal (3)
 as follows:

18-4-202. First degree burglary. (3) If under the circumstances
stated in subsection (1) of this section the property involved is a
controlled substance, as defined in section 18-18-102 (5), within a
pharmacy or other place having lawful possession thereof, such person
commits first degree burglary of controlled substances, which is a class
2 felony.

9 SECTION 10. In Colorado Revised Statutes, 18-4-203, amend
10 (2)(a); and add (2)(d) as follows:

11 18-4-203. Second degree burglary. (2) (a) Except as provided
in subsection (2)(b) or (2)(c) of this section, Second degree burglary is a
class 4 felony IF THE BURGLARY IS OF AN OCCUPIED STRUCTURE OR OF A
BUILDING BEING USED FOR THE OPERATION OF A COMMERCIAL BUSINESS.
(d) SECOND DEGREE BURGLARY IS A CLASS 5 FELONY IF THE
BURGLARY IS OF ANY OTHER BUILDING NOT DESCRIBED IN SUBSECTION
(2)(a), (2)(b) OR (2)(c) OF THIS SECTION.

18 SECTION 11. In Colorado Revised Statutes, repeal 18-4-303 as
19 follows:

18-4-303. Aggravated robbery of controlled substances. (1) A
 person who takes any controlled substance, as defined in section
 18-18-102 (5), from any pharmacy or other place having lawful
 possession thereof or from any pharmacist or other person having lawful
 possession thereof under the aggravating circumstances defined in section
 18-4-302 is guilty of aggravated robbery of controlled substances.

26 (2) Aggravated robbery of controlled substances is a class 2
27 felony.

1	SECTION 12. In Colorado Revised Statutes, 18-4-408, amend
2	(3)(a) as follows:

18-4-408. Theft of trade secrets - penalty. (3) (a) Theft of a
trade secret is a class 2 misdemeanor. A second or subsequent offense
under this section committed within five years after the date of a prior
conviction is a class 5 felony.

7 SECTION 13. In Colorado Revised Statutes, 18-4-412, amend
8 (3) as follows:

9 18-4-412. Theft of medical records or medical information 10 penalty - definitions. (3) Theft of a medical record or medical
11 information is a class 6 felony CLASS 1 MISDEMEANOR; EXCEPT THAT IF
12 THE PERSON STEALS OR DISCLOSES THE MEDICAL RECORD OR INFORMATION
13 TO AN UNAUTHORIZED PERSON, IT IS A CLASS 5 FELONY.

SECTION 14. In Colorado Revised Statutes, 18-4-503, amend
(2)(a) as follows:

16 18-4-503. Second degree criminal trespass. (2) (a) Second
17 degree criminal trespass in violation of subsection (1)(a) or (1)(b) of this
18 section is a petty offense, but it is a class 4 felony CLASS 5 FELONY if the
19 person trespasses on premises so classified as agricultural land with the
20 intent to commit a felony thereon.

21 SECTION 15. In Colorado Revised Statutes, 18-4-504, amend
22 (2)(b) as follows:

23 18-4-504. Third degree criminal trespass. (2) Third degree
24 criminal trespass is a petty offense, but:

(b) It is a class 5 felony if the person trespasses on premises so
classified as agricultural land with the intent to commit a felony thereon;
EXCEPT THAT IT IS A CLASS 6 FELONY IF THE AGRICULTURAL LAND DID NOT

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1 HAVE A FENCE SECURING THE PERIMETER.

2 SECTION 16. In Colorado Revised Statutes, 18-5-102, amend
3 (1) introductory portion and (1)(c) as follows:

18-5-102. Forgery. (1) A person commits forgery, if, with intent
to defraud, such THE person falsely makes, completes, alters, or utters a
written instrument which THAT is or purports to be, or which THAT is
calculated to become or to represent if completed:

8 (c) A deed, will, codicil, contract, assignment, commercial 9 instrument, promissory note, check, or other instrument which THAT does 10 or may evidence, create, transfer, terminate, or otherwise affect a legal 11 right, interest, obligation, or status; or

SECTION 17. In Colorado Revised Statutes, 18-5-109, amend
(2) as follows:

14 18-5-109. Criminal possession of forgery devices. (2) Criminal
 possession of forgery devices:

16 (a) COMMITTED IN VIOLATION OF SUBSECTION (1)(a), (1)(b), OR
17 (1)(d) OF THIS SECTION IS A CLASS 5 FELONY;

18 (b) COMMITTED IN VIOLATION OF SUBSECTION (1)(c) OF THIS
19 SECTION is a class 6 felony.

20 SECTION 18. In Colorado Revised Statutes, 18-5-113, amend
21 (2)(a); and add (2)(a.5) as follows:

18-5-113. Criminal impersonation. (2) (a) Criminal
impersonation in violation of subsection (1)(a) SUBSECTION (1)(a)(III) or
(1)(b)(I) of this section is a class 6 felony.

- 25 (a.5) CRIMINAL IMPERSONATION IN VIOLATION OF SUBSECTION
- 26 (1)(a)(I) or (1)(a)(II) of this section is a class 5 felony.
- 27 SECTION 19. In Colorado Revised Statutes, 18-5-211, amend

1 (4) as follows:

2	18-5-211. Insurance fraud - definitions. (4) (a) Insurance fraud
3	committed in violation of subsection (1)(a) of this section is a class 2
4	misdemeanor.
5	(b) Insurance fraud committed in violation of subsections (1)(b)
6	to $(1)(e)$ OR SUBSECTION (3) OF THIS SECTION IS A CLASS 6 FELONY.
7	(c) INSURANCE FRAUD COMMITTED IN VIOLATION OF subsection (2)
8	or (3) of this section is a class 5 felony.
9	SECTION 20. In Colorado Revised Statutes, amend 18-5-506 as
10	follows:
11	18-5-506. Fraudulent receipt - penalty. A warehouse, as defined
12	in section 4-7-102 (a)(13), C.R.S., or any officer, agent, or servant of a
13	warehouse, that issues or aids in issuing a receipt knowing that the goods
14	for which the receipt is issued have not been actually received by the
15	warehouse, or are not under the warehouse's actual control at the time of
16	issuing the receipt, commits a class 6 felony CLASS 2 MISDEMEANOR.
17	SECTION 21. In Colorado Revised Statutes, 18-5-706, amend
18	(2) as follows:
19	18-5-706. Criminal possession of forgery devices.
20	(2) Possession of a forgery device is a class 6 felony CLASS 5 FELONY.
21	SECTION 22. In Colorado Revised Statutes, 18-5-902, amend
22	(2)(b); and repeal (3) as follows:
23	18-5-902. Identity theft. (2) (b) Identity theft in violation of
24	subsection (1)(b), (1)(d), or (1)(e) of this section is a class 2
25	misdemeanor; except that it is a class 6 felony CLASS 5 FELONY if the
26	person possesses three or more financial devices or the personal or
20	Proven Possesses and of more immediate strate of the Possesses of

(3) The court shall be required to sentence the defendant to the
 department of corrections for a term of at least the minimum of the
 presumptive range and may sentence the defendant to a maximum of
 twice the presumptive range if:

(a) The defendant is convicted of identity theft or of attempt,

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6 conspiracy, or solicitation to commit identity theft; and

7 (b) The defendant has a prior conviction for a violation of this part 8 9 or a prior conviction for an offense committed in any other state, the 9 United States, or any other territory subject to the jurisdiction of the 10 United States that would constitute a violation of this part 9 if committed 11 in this state, or for attempt, conspiracy, or solicitation to commit a 12 violation of this part 9 or for attempt, conspiracy, or solicitation to 13 commit an offense in another jurisdiction that would constitute a violation 14 of this part 9 if committed in this state.

15 SECTION 23. In Colorado Revised Statutes, 18-5-903, amend 16 (2) as follows:

17 18-5-903. Criminal possession of a financial device.
18 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(c) OF THIS SECTION,
19 criminal possession of one OR MORE financial device DEVICES is a class
20 2 misdemeanor.

21 (b) Criminal possession of two or more financial devices is a class
22 6 felony.

(c) Criminal possession of four THREE or more financial devices,
of which at least two are issued to different account holders, is a class 5
felony.

26 SECTION 24. In Colorado Revised Statutes, 18-5.5-102, amend
27 (3)(b) as follows:

1 18-5.5-102. Cybercrime. (3) (b) Cybercrime committed in 2 violation of subsection (1)(a) of this section is a class 2 misdemeanor. 3 except that, if the person has previously been convicted under this section 4 or of any criminal act committed in any jurisdiction of the United States 5 which, if committed in this state, would be a felony under this statute, 6 cybercrime committed in violation of subsection (1)(a) of this section is 7 a class 6 felony. 8 **SECTION 25.** In Colorado Revised Statutes, **amend** 18-8-110 as 9 follows: 10 18-8-110. False report of explosives, weapons, or harmful 11 substances. Any person who reports to any other person that a bomb or 12 other explosive, any chemical or biological agent, any poison or weapon, 13 or any harmful radioactive substance has been placed in any public or 14 private place or vehicle designed for the transportation of persons or 15 property, knowing that the report is false, commits a class 6 felony CLASS 16 5 FELONY. 17 SECTION 26. In Colorado Revised Statutes, 18-8-112, amend 18 (2) as follows: 19 **18-8-112.** Impersonating a peace officer. (2) Impersonating a

20 peace officer is a class 6 felony CLASS 5 FELONY.
21 SECTION 27. In Colorado Revised Statutes, 18-8-208.2, amend

- 22 (1) introductory portion as follows:
- 18-8-208.2. Unauthorized absence. (1) A person who is serving
 a direct sentence to a community corrections program pursuant to section
 18-1.3-301; transitioning from the department of corrections to a
 community corrections program or placed in an intensive supervision
 program pursuant to section 17-27.5-101; participating in a work release

1 or home detention program pursuant to 18-1.3-106 (1.1), intensive 2 supervision program, or any other similar authorized supervised or 3 unsupervised absence from a detention facility as defined in section 4 18-8-203 (3); TRANSITIONING FROM THE DEPARTMENT OF HUMAN 5 SERVICES TO A RESIDENTIAL FACILITY OR PROGRAM PURSUANT TO SECTION 6 16-8-115 OR 16-8-118; or is housed in a staff secure facility as defined in 7 section 19-2.5-102 commits the crime of unauthorized absence if the 8 person knowingly:

9 SECTION 28. In Colorado Revised Statutes, 18-8-211, amend
10 (2)(b) as follows:

11 18-8-211. Riots in detention facilities. (2) Active participation
12 in a riot by any person while confined in any detention facility within the
13 state:

(b) Is a CLASS 4 felony if the participant does not employ any such
weapon or device in the course of such participation. and, upon
conviction thereof, the punishment shall be imprisonment in a detention
facility for not less than two years nor more than ten years.

18 SECTION 29. In Colorado Revised Statutes, 18-8-303, amend
19 (1) introductory portion as follows:

20 18-8-303. Compensation for past official behavior. (1) A
21 person commits a class 6 felony, CLASS 4 FELONY if he THE PERSON:

SECTION 30. In Colorado Revised Statutes, 18-8-307, amend
(4) as follows:

18-8-307. Designation of supplier prohibited. (4) Any public
servant who violates the provisions of subsection (1) of this section
commits a class 6 felony CLASS 5 FELONY.

27 SECTION 31. In Colorado Revised Statutes, 18-8-402, amend

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1 (2) as follows:

2 18-8-402. Misuse of official information. (2) Misuse of official 3 information is a class 6 felony CLASS 5 FELONY. 4 SECTION 32. In Colorado Revised Statutes, 18-8-609, amend 5 (2) as follows: 6 18-8-609. Jury-tampering. (2) Jury-tampering is a class 5 7 felony; except that jury-tampering in any class 1 felony trial is a class 4 8 felony. 9 SECTION 33. In Colorado Revised Statutes, 18-8-706, amend 10 (2) as follows: 11 18-8-706. Retaliation against a witness or victim. 12 (2) Retaliation against a witness or victim is a class 3 felony CLASS 4 13 FELONY. **SECTION 34.** In Colorado Revised Statutes, **add** 18-8-706.3 as 14 15 follows: 16 18-8-706.3. Aggravated retaliation against a witness or victim. 17 (1) A PERSON COMMITS THE CRIME OF AGGRAVATED RETALIATION 18 AGAINST A WITNESS OR VICTIM IF, DURING THE ACT OF RETALIATION, THE 19 PERSON: 20 (a) IS ARMED WITH A DEADLY WEAPON WITH THE INTENT, IF 21 RESISTED, TO KILL, MAIM, OR WOUND THE PERSON BEING RETALIATED 22 AGAINST OR ANY OTHER PERSON; OR 23 (b) KNOWINGLY WOUNDS WITH A DEADLY WEAPON THE PERSON 24 BEING RETALIATED AGAINST OR ANY OTHER PERSON; OR 25 (c) BY THE USE OF FORCE, THREATS, OR INTIMIDATION WITH A 26 DEADLY WEAPON, KNOWINGLY PUTS THE PERSON BEING RETALIATED 27 AGAINST OR ANY OTHER PERSON IN REASONABLE FEAR OF DEATH OR

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1 BODILY INJURY.

2 (2) AGGRAVATED RETALIATION AGAINST A WITNESS OR VICTIM IS 3 A CLASS 3 FELONY. 4 SECTION 35. In Colorado Revised Statutes, 18-9-116.5, repeal 5 (2)(b) as follows: 6 **18-9-116.5.** Vehicular eluding. (2) (b) Notwithstanding section 7 18-1.3-401, the minimum sentence within the presumptive range for a 8 violation of this section shall be increased as follows: 9 (I) For a class 5 felony, the minimum fine shall be two thousand 10 dollars: 11 (II) For a class 4 felony, the minimum fine shall be four thousand 12 dollars; and 13 (III) For a class 3 felony, the minimum fine shall be six thousand 14 dollars. 15 SECTION 36. In Colorado Revised Statutes, 18-9-119, amend 16 (5) and (7) as follows: 17 18-9-119. Failure or refusal to leave premises or property 18 upon request of a peace officer - penalties - payment of costs. (5) Any 19 person who violates subsection (2) of this section and who, in the same 20 criminal episode, knowingly holds another person hostage or who 21 confines or detains such other person through the possession, use, or 22 threatened use of a deadly weapon, without the other person's consent, 23 and without proper legal authority commits a class 4 felony CLASS 3 24 FELONY. 25 (7) Any person who violates subsection (2) of this section and 26 who, in the same criminal episode, knowingly holds another person

27 hostage or confines or detains such other person by knowingly causing

such other person to reasonably believe that he THE PERSON possesses a
 deadly weapon commits a class 5 felony CLASS 4 FELONY.

3 SECTION 37. In Colorado Revised Statutes, 18-9-202, amend
4 (2)(c) as follows:

5 **18-9-202.** Cruelty to animals - aggravated cruelty to animals 6 - service animals - short title. (2) (c) Aggravated cruelty to animals is 7 a class 6 felony; except that a second or subsequent conviction for the 8 offense of aggravated cruelty to animals is a class 5 felony. A plea of nolo 9 contendere accepted by the court shall be considered a conviction for 10 purposes of this section CLASS 4 FELONY.

SECTION 38. In Colorado Revised Statutes, 18-9-204, amend
 (2) as follows:

13 18-9-204. Animal fighting - penalty. (2) (a) Except as described
in paragraph (b) of this subsection (2), A person who violates the
provisions of this section commits a class 5 felony and, in addition to the
punishment provided in section 18-1.3-401, the court shall impose upon
the person a mandatory fine of at least one thousand dollars.

(b) A person who commits a second or subsequent violation of
 this section commits a class 4 felony and, in addition to the punishment
 provided in section 18-1.3-401, the court shall impose upon the person a
 mandatory fine of at least five thousand dollars.

SECTION 39. In Colorado Revised Statutes, amend 18-9-302 as
follows:

18-9-302. Wiretapping and eavesdropping devices prohibited
- penalty. Any person who manufactures, buys, sells, or knowingly has
in the person's possession any instrument, device, contrivance, machine,
or apparatus designed or commonly used for wiretapping or

eavesdropping, as prohibited in sections 18-9-303 and 18-9-304, with the
intent to unlawfully use or employ or allow the same to be so used or
employed, or who knowingly aids, authorizes, agrees with, employs,
permits, or conspires with any OTHER person to unlawfully manufacture,
buy, sell, or have the same in the person's possession is guilty of a petty
offense. Upon commission of a second or subsequent offense, any person
committing the same commits a class 5 felony.

8 SECTION 40. In Colorado Revised Statutes, 18-9-303, amend
9 (2) as follows:

10 18-9-303. Wiretapping prohibited - penalty. (2) Wiretapping
 is a class 6 felony; except that, if the wiretapping involves a cordless
 telephone, it is a class 2 misdemeanor.

SECTION 41. In Colorado Revised Statutes, 18-9-309, amend
(4)(a) introductory portion and (4)(b); and repeal (2.5) as follows:

15 **18-9-309.** Telecommunications crime. (2.5) A person commits 16 a class 6 felony if, within five years after a previous violation of 17 subsection (2) of this section, the person commits a second or subsequent 18 violation of subsection (2) of this section; except that a second or 19 subsequent violation of subsection (2) of this section involving knowingly 20 using cloning equipment to create a cloned cellular phone, as described 21 in paragraph (b) of subsection (2) of this section, is a class 4 felony.

(4) (a) A person commits a class 4 felony CLASS 2 MISDEMEANOR
 if he or she THE PERSON knowingly uses cloning equipment to:

(b) A person commits a class 4 felony CLASS 2 MISDEMEANOR if
he or she THE PERSON aids, abets, advises, or encourages one or more
persons who engage in the activities described in paragraph (a) of this
subsection (4) SUBSECTION (4)(a) OF THIS SECTION.

SECTION 42. In Colorado Revised Statutes, 18-10-103, amend
 (2) as follows:

18-10-103. Gambling - professional gambling - offenses. (2) A
person who engages in professional gambling commits a class 2
misdemeanor. If the offender is a repeating gambling offender, it is a
class 5 felony.

7 SECTION 43. In Colorado Revised Statutes, 18-10-105, amend
8 (2) as follows:

9 18-10-105. Possession of a gambling device or record.
10 (2) Possession of a gambling device or record or violation of subsection
11 (1.5) of this section is a class 2 misdemeanor. If the offender is a
12 repeating gambling offender, it is a class 6 felony.

13 SECTION 44. In Colorado Revised Statutes, 18-10-106, amend
14 (1) as follows:

15 18-10-106. Gambling information. (1) Whoever knowingly
16 transmits or receives gambling information by telephone, telegraph, radio,
17 semaphore, or other means or knowingly installs or maintains equipment
18 for the transmission or receipt of gambling information commits a class
19 2 misdemeanor. If the offender is a repeating gambling offender, it is a
20 class 6 felony.

21 SECTION 45. In Colorado Revised Statutes, 18-12-102, amend
22 (1), (2), and (3) as follows:

18-12-102. Possessing a dangerous or illegal weapon affirmative defense - definition. (1) As used in this section, the term
"dangerous weapon" means a firearm silencer, machine gun, short
shotgun, OR short rifle. or ballistic knife.

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(2) As used in this section, the term "illegal weapon" means a

1 blackjack, a gas gun, BALLISTIC KNIFE, or metallic knuckles.

2 (3) A person who knowingly possesses a dangerous weapon
3 commits a class 5 felony. Each subsequent violation of this subsection (3)
4 by the same person shall be a class 4 felony.

5 SECTION 46. In Colorado Revised Statutes, 18-12-105.5,
6 amend (1) as follows:

7 18-12-105.5. Unlawfully carrying a weapon - unlawful 8 possession of weapons - school, college, or university grounds. 9 (1) (a) A person commits a class 6 felony if such person SHALL NOT 10 knowingly and unlawfully and without legal authority carries, brings, or 11 has in such CARRY, BRING, OR HAVE IN THE person's possession a deadly 12 weapon as defined in section 18-1-901 (3)(e) in or on the real estate and 13 all improvements erected thereon of any public or private elementary, 14 middle, junior high, high, or vocational school or any public or private 15 college, university, or seminary, except for the purpose of presenting an 16 authorized public demonstration or exhibition pursuant to instruction in 17 conjunction with an organized school or class, for the purpose of carrying 18 out the necessary duties and functions of an employee of an educational 19 institution that require the use of a deadly weapon, or for the purpose of 20 participation in an authorized extracurricular activity or on an athletic 21 team.

(b) (I) A PERSON WHO VIOLATES SUBSECTION (1)(a) OF THIS
section commits a class 6 felony if the weapon involved is a
deadly weapon other than a firearm, as defined in section
18-1-901.

26 (II) A PERSON WHO VIOLATES SUBSECTION (1)(a) OF THIS SECTION
 27 COMMITS A CLASS 5 FELONY IF THE WEAPON INVOLVED IS A FIREARM, AS

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1 DEFINED IN SECTION 18-1-901.

2 SECTION 47. In Colorado Revised Statutes, 18-12-108, amend 3 (7) introductory portion and (7)(bbb); and **repeal** (7)(eee) as follows: 4 18-12-108. Possession of weapons by previous offenders. (7) In 5 addition to a conviction for felony crime as defined in section 24-4.1-302 6 (1), a felony conviction or adjudication for one of the following felonies 7 prohibits a person from possessing, using, or carrying upon his or her THE 8 person a firearm as defined in section 18-1-901 (3)(h) or any other 9 weapon that is subject to this article 12 pursuant to subsection (1) or (3) 10 of this section: 11 (bbb) Dueling in violation of section 18-13-104 IF COMMITTED ON 12 OR BEFORE OCTOBER 1, 2023; 13 (eee) Smuggling of a human in violation of section 18-13-128; 14 SECTION 48. In Colorado Revised Statutes, 18-12-109, amend 15 (2), (2.5), (5), (5.5), (6), and (6.5) as follows: 16 18-12-109. Possession, use, or removal of explosives or 17 incendiary devices - possession of components thereof - chemical, 18 biological, and nuclear weapons - persons exempt - hoaxes. 19 (2) (a) Any person who knowingly possesses OR controls manufactures, 20 gives, mails, sends, or causes to be sent an explosive or incendiary device 21 commits a class 4 felony CLASS 5 FELONY. 22 (b) ANY PERSON WHO KNOWINGLY MANUFACTURERS, GIVES, 23 MAILS, SENDS, OR CAUSES TO BE SENT AN EXPLOSIVE OR INCENDIARY 24 DEVICE COMMITS A CLASS 4 FELONY. 25 (2.5) (a) Any person who knowingly possesses OR controls 26 manufacturers, gives, mails, sends, or causes to be sent a chemical, 27 biological, or radiological weapon commits a class 3 felony CLASS 4

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1 FELONY.

2 (b) ANY PERSON WHO KNOWINGLY MANUFACTURERS, GIVES,
3 MAILS, SENDS, OR CAUSES TO BE SENT A CHEMICAL, BIOLOGICAL, OR
4 NUCLEAR WEAPON COMMITS A CLASS 3 FELONY.

5 (5) Any person who removes or causes to be removed or carries 6 away any explosive or incendiary device from the premises where said 7 THE explosive or incendiary device is kept by the lawful user, vendor, 8 transporter, or manufacturer thereof, without the consent or direction of 9 the lawful possessor, commits a class 4 felony. A person convicted of this 10 offense shall be subjected to a mandatory minimum sentence of two years 11 in the department of corrections.

12 (5.5) Any person who removes or causes to be removed or carries 13 away any chemical, biological, or radiological weapon from the premises 14 where said THE chemical, biological, or radiological weapon is kept by 15 the lawful user, vendor, transporter, or manufacturer thereof, without the 16 consent or direction of the lawful possessor, commits a class 3 felony. A 17 person convicted of this offense shall be subject to a mandatory minimum 18 sentence of four years in the department of corrections.

(6) Any person who possesses any explosive or incendiary parts
commits a class 4 felony CLASS 5 FELONY.

21 (6.5) Any person who possesses any chemical weapon, biological
22 weapon, or radiological NUCLEAR weapon parts commits a class 3 felony
23 CLASS 4 FELONY.

24 SECTION 49. In Colorado Revised Statutes, 18-13-104, amend
25 (2) as follows:

18-13-104. Fighting by agreement - dueling. (2) Persons who
by agreement engage in a fight with deadly weapons, whether in a public

or private place, commit dueling. which DUELING is a class 4 felony
 CLASS 1 MISDEMEANOR.

3 SECTION 50. In Colorado Revised Statutes, 18-13-112, amend
4 (3) as follows:

5 18-13-112. Hazardous waste violations. (3) (a) Any A person
6 who violates any provision of this section BY INTENTIONALLY SPILLING
7 HAZARDOUS WASTE commits a class 4 felony.

8 (b) A PERSON WHO VIOLATES THIS SECTION BY ABANDONING A
9 VEHICLE CONTAINING HAZARDOUS WASTE COMMITS A CLASS 5 FELONY.

SECTION 51. In Colorado Revised Statutes, 18-13-114, amend
(6)(a) as follows:

12 18-13-114. Sale of secondhand property - record - inspection
- crime - definitions. (6) (a) Any secondhand dealer who violates any of
the provisions of subsection (1) or (2) of this section commits a petty
offense. Upon a second or subsequent conviction for a violation of
subsection (1) or (2) of this section within three years of the date of a
prior conviction, a secondhand dealer commits a class 5 felony.

18 SECTION 52. In Colorado Revised Statutes, 18-13-123, amend
19 (5) as follows:

20 18-13-123. Unlawful administration of gamma 21 hydroxybutyrate (GHB) or ketamine. (5) Violation of the provisions 22 of subsection (3) of this section is a class 3 felony. except that such 23 violation is a class 2 felony if the violation is subsequent to a prior 24 conviction for a violation of subsection (3) of this section or section 25 18-18-405 where the controlled substance was gamma hydroxybutyrate 26 (GHB) or ketamine or the immediate chemical precursors or chemical 27 analogs for either of such substances.

SECTION 53. In Colorado Revised Statutes, **repeal** 18-13-128 1 2 as follows:

3 18-13-128. Smuggling of humans. (1) A person commits 4 smuggling of humans if, for the purpose of assisting another person to 5 enter, remain in, or travel through the United States or the state of 6 Colorado in violation of immigration laws, he or she provides or agrees 7 to provide transportation to that person in exchange for money or any 8 other thing of value.

9

(2) Smuggling of humans is a class 3 felony.

10 (3) A person commits a separate offense for each person to whom 11 he or she provides or agrees to provide transportation in violation of 12 subsection (1) of this section.

13 (4) Notwithstanding the provisions of section 18-1-202, 14 smuggling of humans offenses may be tried in any county in the state 15 where a person who is illegally present in the United States who is a 16 subject of the action is found.

17 SECTION 54. In Colorado Revised Statutes, 18-17-103, amend 18 (5)(b) introductory portion and (5)(b)(II) as follows:

19 18-17-103. Definitions. As used in this article 17, unless the context otherwise requires: 20

21 "Racketeering activity" means to commit, to attempt to (5)22 commit, to conspire to commit, or to solicit, coerce, or intimidate another 23 person to commit:

24 (b) Any violation of the following provisions of the Colorado 25 statutes or any criminal act committed in any jurisdiction of the United 26 States which THAT, if committed in this state, would be a crime under the 27 following provisions of the Colorado statutes:

1	(II) Offenses against property, as defined in sections 18-4-102
2	(first degree arson), 18-4-103 (second degree arson), 18-4-104 (third
3	degree arson), 18-4-105 (fourth degree arson), 18-4-202 (first degree
4	burglary), 18-4-203 (second degree burglary), 18-4-301 (robbery),
5	18-4-302 (aggravated robbery), 18-4-303 (aggravated robbery of
6	controlled substances), 18-4-401 (theft), 18-4-409 (aggravated motor
7	vehicle theft), and 18-4-501 (criminal mischief);
8	SECTION 55. In Colorado Revised Statutes, 18-20-103, repeal
9	(1)(d) as follows:
10	18-20-103. Violations of taxation provisions - penalties.
11	(1) Any person who:
12	(d) Violates section 44-30-603 (1)(b) or (1)(c) two or more times
13	in any twelve-month period commits a class 5 felony;
14	SECTION 56. In Colorado Revised Statutes, 18-20-108, amend
15	(2) as follows:
16	18-20-108. Use of device for calculating probabilities. (2) Any
17	person issued a license pursuant to article 30 of title 44 violating any
18	provision of this section commits a class 6 felony and any other person
19	violating any provision of this section commits a class 2 misdemeanor. H
20	the person is a repeating gambling offender, the person commits a class
21	5 felony.
22	SECTION 57. In Colorado Revised Statutes, 18-20-109, amend
23	(8) as follows:
24	18-20-109. Use of counterfeit or unapproved chips or tokens
25	or unlawful coins or devices - possession of certain unlawful devices,
	-
26	equipment, products, or materials. (8) Any A person violating any

person is a repeating gambling offender, the person commits a class 5
 felony.

3 SECTION 58. In Colorado Revised Statutes, 18-20-111, amend
4 (4) as follows:

5 **18-20-111. Unlawful manufacture, sale, distribution, marking,** 6 **altering, or modification of equipment and devices related to limited** 7 **gaming - unlawful instruction.** (4) Any person issued a license pursuant 8 to article 30 of title 44 violating any provision of this section commits a 9 class 6 felony, and any other person violating any provision of this section 10 commits a class 2 misdemeanor. If the person is a repeating gambling 11 offender, the person commits a class 5 felony.

SECTION 59. In Colorado Revised Statutes, amend 18-20-112
as follows:

14 18-20-112. Unlawful entry by excluded and ejected persons.
15 (1) (a) It is unlawful for any person whose name is on the list
16 promulgated by the Colorado limited gaming control commission
17 pursuant to section 44-30-1703 (3) or (4) to enter the licensed premises
18 of a limited gaming licensee.

19 (b) A PERSON WHO VIOLATES SUBSECTION (1)(a) OF THIS SECTION
20 COMMITS A CLASS 6 FELONY.

(2) (a) It is unlawful for any person whose name is on the list
promulgated by the Colorado limited gaming control commission
pursuant to section 44-30-1703 (3) or (4) to have any personal pecuniary
interest, direct or indirect, in any limited gaming licensee, licensed
premises, establishment, or business involved in or with limited gaming
or in the shares in any corporation, association, or firm licensed pursuant
to article 30 of title 44.

1	(b) A person who violates subsection $(2)(a)$ of this section
2	COMMITS A CLASS 5 FELONY.
3	(3) Any person violating the provisions of this section commits a
4	class 5 felony.
5	SECTION 60. In Colorado Revised Statutes, 19-5-213.5, amend
6	(4) as follows:
7	19-5-213.5. Unauthorized advertising for adoption purposes
8	- exceptions - penalty - definitions. (4) Unauthorized advertising of a
9	child, as described in subsection (2) of this section, is a class 6 felony
10	CLASS 2 MISDEMEANOR.
11	SECTION 61. In Colorado Revised Statutes, 24-4.1-302, amend
12	(1)(v) as follows:
13	24-4.1-302. Definitions. As used in this part 3, and for no other
14	purpose, including the expansion of the rights of any defendant:
15	(1) "Crime" means any of the following offenses, acts, and
16	violations as defined by the statutes of the state of Colorado, whether
17	committed by an adult or a juvenile:
18	(v) Aggravated robbery of controlled substances, in violation of
19	section 18-4-303, C.R.S. AS IT EXISTED PRIOR TO OCTOBER 1, 2023;
20	SECTION 62. In Colorado Revised Statutes, amend 24-22-110
21	as follows:
22	24-22-110. Personal profit on state money unlawful - penalty.
23	Any A person holding the office of state treasurer or any A person
24	employed in the department of the treasury who, directly or indirectly,
25	accepts or receives from any OTHER person, for himself or herself or
26	otherwise than on behalf of the state, any fee, reward, or compensation,
27	either in money or other property or thing of value, in consideration of the

deposit or investment of state moneys MONEY with any such OTHER
 person or in consideration of any agreement or arrangement touching
 upon the use of state moneys MONEY commits a class 6 felony CLASS 5
 FELONY and shall be punished as provided in section 18-1.3-401. C.R.S.
 SECTION 63. In Colorado Revised Statutes, 24-30-1406, amend

6 (1) as follows:

7 24-30-1406. Criminal liability. (1) Any person, other than a 8 bona fide employee working solely for a person providing professional 9 services, who offers, agrees, or contracts to solicit or secure for any other 10 person contracts for professional services with a state agency or state 11 institution of higher education and who, in so doing, receives any fee, 12 commission, gift, or other consideration contingent upon or resulting 13 from the making of the contract commits a class 3 felony CLASS 4 FELONY 14 and shall be punished as provided in section 18-1.3-401. C.R.S.

15 SECTION 64. In Colorado Revised Statutes, amend 31-31-1203
16 as follows:

17 **31-31-1203.** False statement - felony. If, for the purpose of 18 obtaining any order, benefit, award, compensation, or payment under the 19 provisions of PURSUANT TO articles 30, 30.5, and 31 of this title TITLE 31, 20 either for self-gain or for the benefit of any other person, anyone A 21 PERSON willfully makes a false statement or representation material to the 22 claim, such THE person commits a class 5 felony CLASS 6 FELONY and, 23 UPON CONVICTION THEREOF, shall be punished as provided in section 24 18-1.3-401, C.R.S., and shall forfeit THE PERSON FORFEITS all right to 25 compensation under said articles upon conviction of such offense 26 PURSUANT TO ARTICLES 30 AND 30.5 OF THIS TITLE 31 AND THIS ARTICLE 27 31.

SECTION 65. In Colorado Revised Statutes, amend 35-44-108
 as follows:

3 **35-44-108.** Who may take up estrays. It is unlawful for any A 4 person other than an authorized inspector of the state board of stock 5 inspection commissioners to take into custody or retain possession of any 6 AN estray, except as provided in section 35-44-107. Any A person who 7 takes into custody and retains possession of any AN estray without 8 notifying the state board of stock inspection commissioners within the 9 time as provided in this article ARTICLE 44 is guilty of a class 6 felony 10 CLASS 2 MISDEMEANOR and, upon conviction thereof, shall be punished 11 as provided in section 18-1.3-401, C.R.S. SECTION 18-1.3-501.

SECTION 66. In Colorado Revised Statutes, 39-21-118, amend
(1) as follows:

14 **39-21-118.** Criminal penalties - repeal. (1) Any A person who 15 willfully attempts in any manner to evade or defeat any A tax 16 administered by the department or the payment thereof, in addition to 17 other penalties provided by law, is guilty of a class 5 felony CLASS 6 18 FELONY and, upon conviction thereof, shall be punished as provided in 19 section 18-1.3-401 C.R.S., or shall be punished by a fine of not more than 20 one hundred thousand dollars, or five hundred thousand dollars in the 21 case of a corporation, or by both such fine and imprisonment, together 22 with the costs of prosecution.

23 SECTION 67. In Colorado Revised Statutes, 39-26-120, amend
24 (2) as follows:

39-26-120. False or fraudulent return, statement - penalty.
(2) Any A person willfully violating any of the provisions of this section
is guilty of a CLASS 5 felony Any AND SHALL BE PUNISHED AS PROVIDED

IN SECTION 18-1.3-401. A corporation willfully making a false return or
 a return willfully containing a false statement is guilty of a CLASS 5 felony
 Any AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401. A
 court of competent jurisdiction of the county in which the offender
 resides, or, if a corporation, then the county of its principal place of
 business, shall have HAS jurisdiction to enforce this section.

7 SECTION 68. In Colorado Revised Statutes, 44-20-123, amend
8 (1)(b) as follows:

9 44-20-123. Sales activity following license denial, suspension,
10 or revocation - unlawful act - penalty. (1) (b) A violation of subsection
11 (1)(a) of this section shall be IS punishable in accordance with section
12 44-20-128. except that a second or subsequent violation of subsection
13 (1)(a) of this section shall be a class 6 felony.

SECTION 69. In Colorado Revised Statutes, 44-20-422, amend
(1)(b) as follows:

44-20-422. Sales activity following license denial, suspension,
or revocation - unlawful act - penalty. (1) (b) A violation of subsection
(1)(a) of this section shall be IS punishable in accordance with section
44-20-429. except that a second or subsequent violation of subsection
(1)(a) of this section shall be a class 6 felony.

21 SECTION 70. In Colorado Revised Statutes, 44-30-821, amend
22 (3) as follows:

44-30-821. Cheating - definition. (3) Any person issued a
license pursuant to this article 30 violating any provision of this section
commits a class 6 felony and shall be punished as provided in section
18-1.3-401, and any other person violating any provision of this section
commits a class 2 misdemeanor and shall be punished as provided in

section 18-1.3-501. If the person is a repeating gambling offender, the
 person commits a class 5 felony and shall be punished as provided in
 section 18-1.3-401.

4 SECTION 71. In Colorado Revised Statutes, 44-30-824, amend
5 (8) as follows:

44-30-824. Use of counterfeit or unapproved chips or tokens
or unlawful coins or devices - possession of certain unlawful devices,
equipment, products, or materials. (8) Any A person violating any
provision of this section commits a class 6 felony and shall be punished
as provided in section 18-1.3-401. except that, if the person is a repeating
gambling offender, the person commits a class 5 felony and shall be
punished as provided in section 18-1.3-401.

13 SECTION 72. In Colorado Revised Statutes, 44-30-825, amend
14 (2) as follows:

44-30-825. Cheating game and devices. (2) Any A person
violating any provision of this section commits a class 6 felony and shall
be punished as provided in section 18-1.3-401. except that, if the person
is a repeating gambling offender, the person commits a class 5 felony and
shall be punished as provided in section 18-1.3-401.

20 SECTION 73. In Colorado Revised Statutes, repeal 44-30-827
21 as follows:

44-30-827. Unlawful entry by excluded and ejected persons.
(1) It is unlawful for any person whose name is on the list promulgated
by the commission pursuant to section 44-30-1703 (3) or (4) to enter the
licensed premises of a limited gaming licensee.

26 (2) It is unlawful for any person whose name is on the list
 27 promulgated by the commission pursuant to section 44-30-1703 (3) or (4)

to have any personal pecuniary interest, direct or indirect, in any limited
 gaming licensee, licensed premises, establishment, or business involved
 in or with limited gaming or in the shares in any corporation, association,
 or firm licensed pursuant to this article 30.

5 (3) Any person violating the provisions of this section commits a
6 class 5 felony and shall be punished as provided in section 18-1.3-401.

7 SECTION 74. In Colorado Revised Statutes, 44-30-1512, amend
8 (3) as follows:

9 44-30-1512. Penalties. (3) A person purporting to issue, suspend,
10 revoke, or renew licenses pursuant to this part 15 or to procure or
11 influence the issuance, suspension, revocation, or renewal of a license for
12 any personal pecuniary gain or any thing of value, as defined in section
13 18-1-901 (3)(r), or a person violating section 44-30-1502 commits a class
14 3 felony CLASS 4 FELONY and shall be punished as provided in section
15 18-1.3-401.

SECTION 75. In Colorado Revised Statutes, 44-40-117, amend
(3) as follows:

44-40-117. Penalties. (3) Any A person issuing, suspending,
revoking, or renewing contracts pursuant to section 44-40-106 or licenses
pursuant to section 44-40-107 for any personal pecuniary gain or any A
thing of value as defined in section 18-1-901 (3)(r), or any A person
violating any of the provisions of section 44-40-110, commits a class 3
felony CLASS 4 FELONY and shall be punished as provided in section
18-1.3-401.

25 **SECTION 76. Appropriation.** (1) For the 2023-24 state fiscal 26 year, \$32,170 is appropriated to the judicial department. This 27 appropriation is from the general fund. To implement this act, the

1	department may use this appropriation as follows:
2	(a) \$24,970 for use by probation and related services for probation
3	programs, which amount is based on an assumption that the division will
4	require an additional 0.4 FTE; and
5	(b) \$7,200 for use by courts administration for capital outlay.
6	SECTION 77. Effective date - applicability. This act takes
7	effect October 1, 2023, and applies to offenses committed on or after said
8	date.
9	SECTION 78. 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, or safety.