

## CHAPTER 296

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**CRIMINAL LAW AND PROCEDURE**

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**SENATE BILL 02-019**

BY SENATOR(S) Lamborn, Arnold, Cairns, Chlouber, Dyer, Epps, Evans, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Isgar, May, McElhany, Musgrave, Nichol, Pascoe, Phillips, Taylor, Tupa, and Windels;  
also REPRESENTATIVE(S) Grossman, Borodkin, Boyd, Coleman, Fairbank, Garcia, Groff, Hefley, Hoppe, Jahn, Lawrence, Mace, Madden, Marshall, Miller, Ragsdale, Romanoff, Sanchez, Scott, Spence, Stafford, Swenson, Tochtrop, Veiga, Vigil, Weddig, and Williams S.

**AN ACT****CONCERNING DNA TESTING OF ALL FELONS.**

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

**SECTION 1.** 16-11-102.3, Colorado Revised Statutes, is amended to read:

**16-11-102.3. Genetic testing of convicted offenders.** (1) As used in this section, unless the context otherwise requires, "convicted offender" means a person who is not required to submit to a chemical testing of the person's ~~blood~~ BIOLOGICAL SUBSTANCE SAMPLE to determine the genetic markers thereof pursuant to any other provision and who is convicted of, or pleads guilty to any of the following offenses:

- (a) An offense involving, or for which the factual basis involved, unlawful sexual behavior as defined in section 18-3-412.5 (1) (b), C.R.S.;
- (b) A crime of violence, as listed in section 16-11-309 (2);
- (c) Second degree murder, in violation of section 18-3-103 (1), C.R.S.;
- (d) First degree assault, in violation of section 18-3-202 (1), C.R.S.;
- (e) Second degree assault, in violation of section 18-3-203 (1) (b), (1) (c), (1) (d), (1) (g), or (2) (b.5), C.R.S.;
- (f) Second degree kidnapping, in violation of section 18-3-302 (4), C.R.S.;

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

- (g) First degree arson, in violation of section 18-4-102 (3), C.R.S.;
- (h) Burglary in the first degree, in violation of section 18-4-202, C.R.S.;
- (i) Aggravated robbery, in violation of section 18-4-302 (4), C.R.S.; or
- (j) Any felony when the person was previously convicted of, or pled guilty to one or more of the offenses listed in paragraphs (a) to (i) of this subsection (1).

(1.5) Subject to available appropriations, beginning March 31, 2002, every felon who is sentenced to the custody of the executive director of the department of corrections shall submit to and pay for COLLECTION AND a chemical testing of ~~the offender's blood~~ A BIOLOGICAL SUBSTANCE SAMPLE FROM THE OFFENDER to determine the genetic markers thereof prior to the person's discharge or release to parole.

(2) (a) (Deleted by amendment, L. 2001, p. 953, § 1, effective March 31, 2002.)

(b) Every convicted offender who, as of July 1, 2000, is in a county jail or a community corrections facility pursuant to article 27 of title 17, C.R.S., for an offense described in subsection (1) of this section shall submit to and pay for COLLECTION AND a chemical testing of ~~the offender's blood~~ A BIOLOGICAL SUBSTANCE SAMPLE FROM THE OFFENDER to determine the genetic markers thereof.

(c) (Deleted by amendment, L. 2001, p. 953, § 1, effective March 31, 2002.)

(d) Every convicted offender who, as of July 1, 2000, is on probation for an offense described in subsection (1) of this section shall submit to and pay for COLLECTION AND a chemical testing of ~~the offender's blood~~ A BIOLOGICAL SUBSTANCE SAMPLE FROM THE OFFENDER to determine the genetic markers thereof.

(3) Collection of the ~~blood~~ BIOLOGICAL SUBSTANCE samples required by subsection (1.5) of this section and paragraph (b) of subsection (2) of this section shall be collected at least thirty days prior to the person's discharge or release from custody. Collection of the ~~blood~~ BIOLOGICAL SUBSTANCE samples required by paragraph (d) of subsection (2) of this section shall be collected prior to June 30, 2001.

(4) The judicial department, the department of corrections, a sheriff, or a contractor may use reasonable force to obtain ~~blood~~ BIOLOGICAL SUBSTANCE samples in accordance with this section using medically recognized procedures. In addition, a person's refusal to comply with this section may be grounds for revocation or denial of parole or probation.

(5) Any moneys received from offenders pursuant to this section shall be deposited in the offender identification fund created in section 24-33.5-415.6, C.R.S.

(6) The Colorado bureau of investigation is directed to conduct the chemical testing of the ~~blood~~ BIOLOGICAL SUBSTANCE SAMPLES obtained pursuant to this section. The results thereof shall be filed and maintained by the Colorado bureau of investigation and shall be furnished to any law enforcement agency upon request.

**SECTION 2.** 16-11-104, Colorado Revised Statutes, is amended to read:

**16-11-104. Genetic testing.** (1) (a) (I) In the case of any offender who is convicted of or pleads guilty or nolo contendere to an offense involving unlawful sexual behavior or for which the underlying factual basis involves unlawful sexual behavior, if the court sentences the offender directly to incarceration in a county jail or to a community corrections facility pursuant to article 27 of title 17, C.R.S., the court shall also order that the offender submit to and pay for COLLECTION AND a chemical testing of ~~the offender's blood~~ A BIOLOGICAL SUBSTANCE SAMPLE FROM THE OFFENDER to determine the genetic markers thereof.

(II) An offender shall submit to and pay for COLLECTION AND a chemical testing of ~~the offender's blood~~ A BIOLOGICAL SUBSTANCE SAMPLE FROM THE OFFENDER to determine the genetic markers thereof if the offender is sentenced directly to incarceration in a county jail or to a community corrections facility pursuant to article 27 of title 17, C.R.S., for the conviction of or entry of a guilty or nolo contendere plea to any of the following offenses occurring on or after July 1, 2000:

- (A) A crime of violence, as listed in section 16-11-309 (2);
- (B) Murder in the second degree, in violation of section 18-3-103 (1), C.R.S.;
- (C) Assault in the first degree, in violation of section 18-3-202 (1), C.R.S.;
- (D) Assault in the second degree, in violation of section 18-3-203 (1) (b), (1) (c), (1) (d), (1) (g), or (2) (b.5), C.R.S.;
- (E) Second degree kidnapping, in violation of section 18-3-302 (4), C.R.S.;
- (F) First degree arson, in violation of section 18-4-102 (3), C.R.S.;
- (G) First degree burglary, in violation of section 18-4-202, C.R.S.;
- (H) Aggravated robbery, in violation of section 18-4-302 (4), C.R.S.;
- (I) Second degree burglary, in violation of section 18-4-203, C.R.S.; and
- (J) Third degree burglary, in violation of section 18-4-204, C.R.S.

(b) The court shall direct the sheriff of the jurisdiction in which the jail or community corrections facility to which the offender is sentenced is located to collect the ~~blood~~ BIOLOGICAL SUBSTANCE sample for testing pursuant to this section. The results of the testing shall be filed and maintained by the Colorado bureau of investigation. The results of such test shall be furnished to any law enforcement agency upon request.

(2) The sheriff may use reasonable force to obtain ~~blood~~ BIOLOGICAL SUBSTANCE samples in accordance with subsection (1) of this section.

(3) Any moneys received from offenders pursuant to ~~subparagraph (f) of paragraph (a) of subsection (1) of this section shall be deposited in the sex offender identification fund created in section 24-33.5-415.5, C.R.S. Any moneys received from offenders pursuant to subparagraph (H) of paragraph (a) of subsection (1) of this~~

section shall be deposited in the offender identification fund created in section 24-33.5-415.6, C.R.S.

(4) The Colorado bureau of investigation shall conduct the chemical testing of the ~~blood~~ BIOLOGICAL SUBSTANCE SAMPLES obtained pursuant to this section.

(5) As used in this section, "unlawful sexual behavior" shall have the same meaning as provided in section 18-3-412.5 (1) (b), C.R.S.

**SECTION 3.** 16-11-204 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**16-11-204. Conditions of probation.** (2) (e) IF THE DEFENDANT IS CONVICTED OF AN OFFENSE THAT SUBJECTS THE DEFENDANT TO GENETIC TESTING PURSUANT TO SECTION 16-11-204.3, THE COURT SHALL ASSESS TO THE DEFENDANT THE COST OF COLLECTING AND TESTING A BIOLOGICAL SUBSTANCE SAMPLE FROM THE DEFENDANT AS REQUIRED IN SECTION 16-11-204.3.

**SECTION 4.** 16-11-204.3, Colorado Revised Statutes, is amended to read:

**16-11-204.3. Genetic testing as a condition of probation.** (1) (a) A condition of probation or supervision for any offender convicted of or who receives a deferred judgment and sentence for an offense involving unlawful sexual behavior or for which the factual basis involved an offense involving unlawful sexual behavior shall be that the offender submit to and pay for COLLECTION AND a chemical testing of ~~the offender's blood~~ A BIOLOGICAL SUBSTANCE SAMPLE FROM THE OFFENDER to determine the genetic markers thereof.

(b) The offender shall submit to and pay for COLLECTION AND a chemical testing of ~~the offender's blood~~ A BIOLOGICAL SUBSTANCE SAMPLE FROM THE OFFENDER to determine the genetic markers thereof as a condition of probation for the conviction of any of the following offenses occurring on or after July 1, 1999:

- (I) A crime of violence, as defined in 16-11-309 (2);
  - (II) Second degree murder, in violation of section 18-3-103 (1), C.R.S.;
  - (III) First degree assault, in violation of section 18-3-202 (1), C.R.S.;
  - (IV) Second degree assault, in violation of section 18-3-203 (1) (b), (1) (c), (1) (d), (1) (g), or (2) (b.5), C.R.S.;
  - (V) Second degree kidnapping, in violation of section 18-3-302 (4), C.R.S.;
  - (VI) First degree arson, in violation of section 18-4-102 (3), C.R.S.;
  - (VII) Burglary in the first degree, in violation of section 18-4-202, C.R.S.;
  - (VIII) Aggravated robbery, in violation of section 18-4-302 (4), C.R.S.
- (b.5) Any offender convicted of second or third degree burglary, as described in

sections 18-4-203 and 18-4-204, C.R.S., for an offense committed on or after July 1, 2000, shall submit to and pay for, as a condition of probation, COLLECTION AND a chemical testing of ~~the offender's blood~~ A BIOLOGICAL SUBSTANCE SAMPLE FROM THE DEFENDANT to determine the genetic markers thereof.

(c) Collection of the ~~blood~~ BIOLOGICAL SUBSTANCE sample shall occur within ninety days after being placed on probation or under supervision, and the results thereof shall be filed and maintained by the Colorado bureau of investigation. The results of such tests shall be furnished to any law enforcement agency upon request.

(2) The judicial department or its designee or contractor may use reasonable force to obtain ~~blood~~ BIOLOGICAL SUBSTANCE samples in accordance with subsection (1) of this section. In addition, the refusal to comply with said subsection (1) may be grounds for revocation of probation.

(3) Any moneys received from offenders pursuant to ~~paragraph (a) of subsection (1) of this section shall be deposited in the sex offender identification fund created in section 24-33.5-415.5, C.R.S. Any moneys received from offenders pursuant to paragraphs (b) or (b.5) of subsection (1) of this section shall be deposited in the offender identification fund established in section 24-33.5-415.6, C.R.S.~~

(4) The Colorado bureau of investigation is directed to conduct the chemical testing of the ~~blood~~ BIOLOGICAL SUBSTANCE SAMPLES obtained pursuant to this section.

(5) As used in this section, "unlawful sexual behavior" shall have the same meaning as in section 18-3-412.5 (1), C.R.S.

**SECTION 5.** The introductory portion to 16-11-308 (4.5) (a), Colorado Revised Statutes, is amended to read:

**16-11-308. Custody of department of corrections - procedure.** (4.5) (a) While confined in the diagnostic center, EACH OF the following offenders shall submit to a chemical testing of ~~the offender's blood~~ A BIOLOGICAL SUBSTANCE SAMPLE FROM THE OFFENDER to determine the genetic markers:

**SECTION 6.** 16-11-311 (11.5), Colorado Revised Statutes, is amended to read:

**16-11-311. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections - repeal.** (11.5) (a) (I) Any juvenile who is sentenced to the youthful offender system following conviction of an offense involving unlawful sexual behavior, as defined in section 18-3-412.5 (1) (b), C.R.S., or for which the underlying factual basis involved an offense involving unlawful sexual behavior, shall submit to and pay for COLLECTION AND a chemical testing of ~~the juvenile's blood~~ A BIOLOGICAL SUBSTANCE SAMPLE FROM THE JUVENILE to determine the genetic markers thereof.

(II) Collection of the ~~blood~~ BIOLOGICAL SUBSTANCE sample shall occur as soon as possible after being sentenced to the youthful offender system, and the results thereof shall be filed with and maintained by the Colorado bureau of investigation. The

results of such tests shall be furnished to any law enforcement agency upon request.

(b) The department of corrections or its designee or contractor may use reasonable force to obtain ~~blood~~ BIOLOGICAL SUBSTANCE samples in accordance with paragraph (a) of this subsection (11.5).

(c) Any moneys received from juveniles pursuant to paragraph (a) of this subsection (11.5) shall be deposited in the ~~sex~~ offender identification fund created in section ~~24-33.5-415.5~~ 24-33.5-415.6, C.R.S.

(d) The Colorado bureau of investigation is directed to conduct the chemical testing of the ~~blood~~ BIOLOGICAL SUBSTANCE SAMPLES obtained pursuant to this subsection (11.5).

**SECTION 7.** 16-11-401.5, Colorado Revised Statutes, is amended to read:

**16-11-401.5. Genetic testing prior to execution.** Prior to the execution of the death penalty pursuant to this part 4, the judicial department shall obtain the chemical testing of ~~the convicted offender's blood~~ A BIOLOGICAL SUBSTANCE SAMPLE FROM THE CONVICTED OFFENDER to determine the genetic markers thereof.

**SECTION 8.** 17-2-201 (5) (g) (I) and (5) (h) (I), Colorado Revised Statutes, are amended to read:

**17-2-201. State board of parole.** (5) (g) (I) As a condition of parole, the board shall require any offender convicted of or who plead guilty or nolo contendere to an offense for which the factual basis involved a sexual assault as defined in part 4 of article 3 of title 18, C.R.S., to submit to chemical testing of ~~his or her blood~~ A BIOLOGICAL SUBSTANCE SAMPLE FROM THE OFFENDER to determine the genetic markers thereof and to chemical testing of his or her saliva to determine the secretor status thereof. Such testing shall occur prior to the offender's release from incarceration, and the results thereof shall be filed with and maintained by the Colorado bureau of investigation. The results of such tests shall be furnished to any law enforcement agency upon request.

(h) (I) As a condition of parole, the board may require any person found guilty of or who pleads guilty or nolo contendere to a sexual offense under the department's code of penal discipline to submit to a testing of ~~the person's blood~~ A BIOLOGICAL SUBSTANCE SAMPLE FROM THE PERSON to determine the genetic markers thereof. ~~and to chemical testing of his or her saliva to determine the secretor status thereof.~~

**SECTION 9.** 17-22.5-202 (3) (a), (3) (b.5), and (3.5), Colorado Revised Statutes, are amended to read:

**17-22.5-202. Ticket to leave - discharge - clothes, money, transportation.** (3) Prior to the release from a correctional facility by discharge or parole of any person imprisoned for the commission of a child abuse offense which occurred within the state of Colorado, the executive director shall:

(a) Notify the Colorado bureau of investigation of:

- (I) The identity of the offender; and
- (II) The anticipated release date of the offender; and
- (III) The last-known home address of the offender; and
- (IV) The parole address of the offender; and
- (V) The results of a chemical test of a sex offender's ~~blood~~ BIOLOGICAL SUBSTANCE SAMPLE in accordance with paragraph (b.5) of this subsection (3);

(b.5) (I) On and after July 1, 1994, direct appropriate personnel with the department of corrections to require any offender who is released from the custody of the department of corrections having completed serving a sentence for an offense involving unlawful sexual behavior or for which the factual basis involved unlawful sexual behavior as defined in section 18-3-412.5 (1), C.R.S., who is under their jurisdiction to sign a notice that informs the offender of the duty to register with local law enforcement agencies in accordance with section 18-3-412.5, C.R.S. The same persons, after obtaining a signed notice from an offender, shall notify local law enforcement agencies where the offender plans to reside of the offender's address within forty-eight hours after an offender has been placed on parole or probation when such an address is provided in the signed notice. Department of corrections personnel shall provide such notice no later than two days before the offender is to be released from the department of corrections.

(II) In addition, the department shall require any offender convicted of or who pleads guilty or nolo contendere to an offense involving unlawful sexual behavior or for which the factual basis involved unlawful sexual behavior as defined in section 18-3-412.5 (1), C.R.S., to submit to chemical testing of ~~the offender's blood~~ A BIOLOGICAL SUBSTANCE SAMPLE FROM THE OFFENDER to determine the genetic markers thereof. ~~and to chemical testing of the offender's saliva to determine secretor status thereof.~~ Such testing shall occur prior to the offender's release from incarceration, and the results thereof shall be filed with and maintained by the Colorado bureau of investigation. The results of such tests shall be furnished to any law enforcement agency upon request.

(III) The department may use reasonable force to obtain a ~~blood~~ BIOLOGICAL SUBSTANCE sample ~~and saliva sample~~ in accordance with subparagraph (II) of this paragraph (b.5). In addition, any person who refuses to comply with subparagraph (II) of this paragraph (b.5) may be denied parole, or, if such person has been granted parole, such parole may be revoked.

(3.5) Any offender discharged from a correctional facility on or after July 1, 2000, who is not subject to parole or supervision shall submit to a chemical testing of ~~the offender's blood~~ A BIOLOGICAL SUBSTANCE FROM THE OFFENDER to determine the genetic markers thereof. Such testing shall occur at least ninety days prior to the offender's release from incarceration, and the results thereof shall be filed with and maintained by the Colorado bureau of investigation. The results of such tests shall be furnished to any law enforcement agency upon request.

**SECTION 10.** 17-22.5-407, Colorado Revised Statutes, is amended to read:

**17-22.5-407. Genetic testing as condition of parole.** Any offender discharged from a correctional facility on or after July 1, 2000, not subject to parole shall submit to a chemical testing of ~~the offender's blood~~ A BIOLOGICAL SUBSTANCE SAMPLE FROM THE OFFENDER to determine the genetic markers thereof. Such testing shall occur at least ninety days prior to the offender's release from incarceration, and the results thereof shall be filed with and maintained by the Colorado bureau of investigation. The results of such tests shall be furnished to any law enforcement agency upon request.

**SECTION 11.** 19-2-924.5, Colorado Revised Statutes, is amended to read:

**19-2-924.5. Juveniles committed to department of human services - genetic testing.** (1) (a) Any juvenile who is committed to the department of human services following adjudication for an offense involving unlawful sexual behavior, as defined in section 18-3-412.5 (1) (b), C.R.S., or for which the underlying factual basis involved an offense involving unlawful sexual behavior, shall submit to and pay for COLLECTION AND a chemical testing of ~~the juvenile's blood~~ A BIOLOGICAL SUBSTANCE SAMPLE FROM THE JUVENILE to determine the genetic markers thereof.

(b) Collection of the ~~blood~~ BIOLOGICAL SUBSTANCE sample shall occur as soon as possible after being committed to the department of human services, and the results thereof shall be filed with and maintained by the Colorado bureau of investigation. The results of such tests shall be furnished to any law enforcement agency upon request.

(2) The department of human services or its designee or contractor may use reasonable force to obtain ~~blood~~ BIOLOGICAL SUBSTANCE samples in accordance with subsection (1) of this section.

(3) Any moneys received from juveniles pursuant to paragraph (a) of subsection (1) of this section shall be deposited in the ~~sex~~ offender identification fund created in section ~~24-33.5-415.5~~ 24-33.5-415.6, C.R.S.

(4) The Colorado bureau of investigation is directed to conduct the chemical testing of the ~~blood~~ BIOLOGICAL SUBSTANCE SAMPLES obtained pursuant to this section.

**SECTION 12.** 19-2-925.5, Colorado Revised Statutes, is amended to read:

**19-2-925.5. Genetic testing.** (1) (a) As a condition of probation or supervision, any juvenile who is adjudicated or receives a deferred adjudication for an offense involving unlawful sexual behavior, as defined in section 18-3-412.5 (1) (b), C.R.S., or for which the underlying factual basis involved an offense involving unlawful sexual behavior, shall submit to and pay for COLLECTION AND a chemical testing of ~~the juvenile's blood~~ BIOLOGICAL SUBSTANCE SAMPLE FROM THE OFFENDER to determine the genetic markers thereof.

(b) Collection of the ~~blood~~ BIOLOGICAL SUBSTANCE sample shall occur as soon as possible after being placed on probation or under supervision, and the results thereof shall be filed with and maintained by the Colorado bureau of investigation. The results of such tests shall be furnished to any law enforcement agency upon request.



(2) The judicial department or its designee or contractor may use reasonable force to obtain ~~blood~~ BIOLOGICAL SUBSTANCE samples in accordance with subsection (1) of this section. In addition, the refusal to comply with said subsection (1) may be grounds for revocation of probation.

(3) Any moneys received from juveniles pursuant to paragraph (a) of subsection (1) of this section shall be deposited in the ~~sex~~ offender identification fund created in section ~~24-33.5-415.5~~ 24-33.5-415.6, C.R.S.

(4) The Colorado bureau of investigation is directed to conduct the chemical testing of the ~~blood~~ BIOLOGICAL SUBSTANCE SAMPLE obtained pursuant to this section.

**SECTION 13. Repeal.** 24-33.5-415.5, Colorado Revised Statutes, is repealed.

**SECTION 14.** 24-33.5-415.6, Colorado Revised Statutes, is amended to read:

**24-33.5-415.6. Offender identification - fund.** (1) There is hereby created in the state treasury the offender identification fund, referred to in this section as the "fund". Moneys in the fund shall consist of payments for genetic testing received from offenders pursuant to sections 16-11-102.3, 16-11-104, ~~(1) (a) (H), and 16-11-204.3, (1) (b) and (1) (b.5);~~ 16-11-311, 19-2-924.5, and 19-2-925.5, C.R.S. Subject to annual appropriations by the general assembly, the executive director and the state court administrator are authorized to expend moneys in the fund to pay for genetic testing of offenders pursuant to sections 16-11-102.3, 16-11-104, ~~(1) (a) (H), and 16-11-204.3, (1) (b) and (1) (b.5);~~ 16-11-311, 19-2-924.5, and 19-2-925.5, C.R.S. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.

(2) UPON THE EFFECTIVE DATE OF THE REPEAL OF SECTION 24-33.5-415.5, ANY MONEYS REMAINING IN THE SEX OFFENDER IDENTIFICATION FUND SHALL BE CREDITED TO THE OFFENDER IDENTIFICATION FUND.

**SECTION 15.** 24-72-302 (4), Colorado Revised Statutes, is amended to read:

**24-72-302. Definitions.** As used in this part 3, unless the context otherwise requires:

(4) "Criminal justice records" means all books, papers, cards, photographs, tapes, recordings, or other documentary materials, regardless of form or characteristics, that are made, maintained, or kept by any criminal justice agency in the state for use in the exercise of functions required or authorized by law or administrative rule, including but not limited to the results of chemical ~~blood~~ BIOLOGICAL SUBSTANCE testing to determine genetic markers conducted pursuant to sections 16-11-102.3, 16-11-104, 16-11-204.3, 16-11-308 (4.5), 17-2-201 (5) (h), ~~and (5) (i);~~ and 17-22.5-202 (3) (b.5) (II) and (3.5), C.R.S.

**SECTION 16.** 24-72-305 (1.5), Colorado Revised Statutes, is amended to read:

**24-72-305. Allowance or denial of inspection - grounds - procedure - appeal.** (1.5) On the ground that disclosure would be contrary to the public interest, the

custodian of criminal justice records shall deny access to the results of chemical ~~blood~~ BIOLOGICAL SUBSTANCE testing to determine the genetic markers conducted pursuant to sections 16-11-102.3, 16-11-104, 16-11-204.3, 16-11-308 (4.5), 17-2-201 (5) (h), ~~and (5) (i)~~; and 17-22.5-202 (3) (b.5) (II) and (3.5), C.R.S.

**SECTION 17.** 16-11-204 (2.5), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

**16-11-204. Conditions of probation - repeal.** (2.5) The order of priority for any payments required of a defendant pursuant to subparagraph (IV), (V), (VI), or (VI.5) of paragraph (a) of subsection (2) of this section shall be as follows:

(i.2) PAYMENT OF PROBATION SUPERVISION FEES;

(i.4) PAYMENT OF A DRUG OFFENDER SURCHARGE PURSUANT TO ARTICLE 19 OF TITLE 18, C.R.S.;

(i.6) PAYMENT OF A SEX OFFENDER SURCHARGE PURSUANT TO ARTICLE 21 OF TITLE 18, C.R.S.;

(i.8) PAYMENT OF COLLECTION AND CHEMICAL TESTING OF A BIOLOGICAL SUBSTANCE TO DETERMINE THE GENETIC MARKERS THEREOF;

**SECTION 18. Effective date.** This act shall take effect July 1, 2002.

**SECTION 19. 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.

Approved: June 3, 2002