

CHAPTER 215

CRIMINAL LAW AND PROCEDURE

SENATE BILL 93-48

BY SENATORS Ruddick, R. Powers, Bishop, Blickensderfer, Casey, Cassidy, Gallagher, Groff, Hopper, Johnson, Lacy, Martinez, Meiklejohn, Mendez, Norton, Peterson, Schroeder, Traylor, Trujillo, Wattenberg, Weissmann, Wells, and Wham;
also REPRESENTATIVES Greenwood, Allen, Armstrong, Coffman, Epps, Hagedorn, Adkins, Agler, DeGette, Friednash, Jerke, Knox, Lawrence, Pierson, and Snyder.

AN ACT

**CONCERNING THE PREVENTION OF CRIMINAL ACTIVITY, AND, IN CONNECTION THEREWITH,
ENACTING MEASURES TO PREVENT JUVENILE AND GANG-RELATED CRIMES.**

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

SECTION 1. Article 12 of title 18, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

18-12-107.5. Illegal discharge of a firearm - penalty. (1) ANY PERSON WHO KNOWINGLY OR RECKLESSLY DISCHARGES A FIREARM INTO ANY DWELLING OR ANY OTHER BUILDING OR OCCUPIED STRUCTURE, OR INTO ANY MOTOR VEHICLE OCCUPIED BY ANY PERSON, COMMITS THE OFFENSE OF ILLEGAL DISCHARGE OF A FIREARM.

(2) IT SHALL NOT BE AN OFFENSE UNDER THIS SECTION IF THE PERSON WHO DISCHARGES A FIREARM IN VIOLATION OF SUBSECTION (1) OF THIS SECTION IS A PEACE OFFICER AS DEFINED IN SECTION 18-1-901 (3) (1) ACTING WITHIN THE SCOPE OF SUCH OFFICER'S AUTHORITY AND IN THE PERFORMANCE OF SUCH OFFICER'S DUTIES.

(3) ILLEGAL DISCHARGE OF A FIREARM IS A CLASS 5 FELONY.

SECTION 2. 18-12-104, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

18-12-104. Defacing a firearm. A person commits a ~~class 6 felony~~ CLASS 1 MISDEMEANOR if ~~he~~ SUCH PERSON knowingly removes, defaces, covers, alters, or

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

destroys the manufacturer's serial number or any other distinguishing number or identification mark of a firearm.

SECTION 3. 18-17-103 (5) (b) (X), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

18-17-103. Definitions. (5) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

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

(X) Offenses relating to firearms and weapons, as defined in sections 18-12-102 (possessing an illegal weapon or a dangerous weapon), 18-12-107.5 (ILLEGAL DISCHARGE OF A FIREARM), and 18-12-109 (possession, use, or removal of explosives or incendiary devices or the possession of components thereof);

SECTION 4. 16-13-301 (2.2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

16-13-301. Definitions. (2.2) "Drive-by crime" means a first degree assault as defined in section 18-3-202, C.R.S., second degree assault as defined in section 18-3-203, C.R.S., attempted first degree or second degree assault, or felony menacing as defined in section 18-3-206, C.R.S., OR ILLEGAL DISCHARGE OF A FIREARM AS DEFINED IN SECTION 18-12-107.5, C.R.S., any of which is committed while utilizing a vehicle for means of concealment or transportation.

SECTION 5. 19-1-119 (1) (a) (VII), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-1-119. Confidentiality of juvenile records - delinquency. (1) (a) Except as provided in paragraph (b.5) of this subsection (1), court records in juvenile delinquency proceedings or proceedings concerning a juvenile charged with the violation of any municipal ordinance except a traffic ordinance shall be open to inspection to the following persons without court order:

(VII) Any local law enforcement agency OR POLICE DEPARTMENT IN THE STATE OF COLORADO.

SECTION 6. 42-2-122 (1) (n), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-2-122. Mandatory revocation of license. (1) The department shall forthwith revoke the license of any driver, minor driver, or provisional driver upon receiving a record showing that such driver has:

(n) Been convicted of violating section 12-46-112 (1) (c) or (1) (d), C.R.S., or section 12-47-128 (1) (b) or (1) (c), C.R.S., OR ANY COUNTERPART MUNICIPAL

CHARTER OR ORDINANCE OFFENSE TO SUCH SECTIONS.

SECTION 7. No appropriation. The general assembly hereby finds that the general fund moneys saved resulting from the implementation of section 2 of this act offset the general funds moneys required to be expended to implement sections 1, 3, and 4 of this act and, therefore, the general assembly has determined that this act can be implemented within existing appropriations and no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 8. Effective date - applicability. This act shall take effect July 1, 1993, and shall apply to offenses committed on or after said date.

SECTION 9. 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 2, 1993