

CHAPTER 293

COURTS

HOUSE BILL 02-1054

BY REPRESENTATIVE(S) Grossman, Cloer, Hefley, Jahn, and Romanoff;
also SENATOR(S) Gordon and Hanna.

AN ACT

CONCERNING A PROHIBITION AGAINST ALLOWING A COURT TO GRANT A NAME CHANGE TO ANY PERSON CONVICTED OF A FELONY, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 13-15-101, Colorado Revised Statutes, is amended to read:

13-15-101. Petition - proceedings. (1) (a) Every person desiring to change his OR HER name may present a petition to that effect, verified by affidavit, to the district or county court in the county of the petitioner's residence. The petition shall ~~set forth~~ INCLUDE the petitioner's full name, the new name desired, AND, FOR PERSONS FOURTEEN YEARS OF AGE OR OLDER, THE RESULTS OF A CERTIFIED, FINGERPRINT-BASED CRIMINAL HISTORY CHECK, and a concise statement of the reason for ~~such~~ THE desired NAME change.

(b) THE FINGERPRINT-BASED CRIMINAL HISTORY CHECK SHALL INCLUDE ARRESTS, CONVICTION RECORDS, ANY CRIMINAL DISPOSITIONS REFLECTED IN THE COLORADO BUREAU OF INVESTIGATION AND FEDERAL BUREAU OF INVESTIGATION RECORDS, AND FINGERPRINT PROCESSING BY THE FEDERAL BUREAU OF INVESTIGATION AND THE COLORADO BUREAU OF INVESTIGATION. THE PETITIONER SHALL BE RESPONSIBLE FOR PROVIDING CERTIFIED COPIES OF ANY CRIMINAL DISPOSITIONS THAT ARE NOT REFLECTED IN THE COLORADO BUREAU OF INVESTIGATION OR FEDERAL BUREAU OF INVESTIGATION RECORDS AND ANY OTHER DISPOSITIONS WHICH ARE UNKNOWN.

(c) THE PETITIONER SHALL BE RESPONSIBLE FOR SUPPLYING FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION AND FOR OBTAINING THE FINGERPRINT-BASED CRIMINAL HISTORY CHECK. THE PETITIONER SHALL ALSO BE RESPONSIBLE FOR THE COST OF THE FINGERPRINT-BASED CRIMINAL HISTORY CHECK.

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

(2) The court shall order ~~such~~ THE NAME change to be made and spread upon the records of the court in proper form if the court is satisfied that the desired change would be proper and not detrimental to the interests of any other person; EXCEPT THAT THE COURT SHALL NOT GRANT A PETITION FOR A NAME CHANGE IF THE COURT FINDS THE PETITIONER WAS PREVIOUSLY CONVICTED OF A FELONY OR ADJUDICATED A JUVENILE DELINQUENT FOR AN OFFENSE THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT IN THIS STATE OR ANY OTHER STATE OR UNDER FEDERAL LAW. IF THE CERTIFIED, FINGERPRINT-BASED CRIMINAL HISTORY CHECK FILED WITH THE PETITION REFLECTS A CRIMINAL CHARGE FOR WHICH THERE IS NO DISPOSITION SHOWN, THE COURT MAY GRANT THE NAME CHANGE AFTER AFFIRMATION IN OPEN COURT BY THE PETITIONER, OR SUBMISSION OF A SIGNED AFFIDAVIT BY THE PETITIONER, STATING HE OR SHE HAS NOT BEEN CONVICTED OF A FELONY IN THIS STATE OR ANY OTHER STATE OR UNDER FEDERAL LAW.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated to the department of public safety, Colorado bureau of investigation, for the fiscal year beginning July 1, 2002, the sum of one hundred twenty-six thousand six hundred thirty-three dollars (\$126,633) and 0.3 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, thirty-four thousand two hundred thirty-three dollars (\$34,233) shall be from cash funds, and ninety-two thousand four hundred dollars (\$92,400) shall be from cash funds exempt. These amounts shall be from fingerprint and name check fees collected by the department.

SECTION 3. 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