

## CHAPTER 158

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**CRIMINAL LAW AND PROCEDURE**


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**HOUSE BILL 11-1200**

BY REPRESENTATIVE(S) Barker, Beezley, Labuda, Kerr J., Pace, Ramirez, Summers, Todd;  
also SENATOR(S) Roberts, Aguilar, Boyd, Giron, Guzman, Heath, Jahn, Newell, Steadman, Williams S.

**AN ACT**

**CONCERNING CONDUCTING A SUBSTANCE ABUSE ASSESSMENT AT PROBATION INTAKE WHEN THE  
PRESENTENCE REPORT IS WAIVED.**

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

**SECTION 1.** 18-1.3-209 (1), Colorado Revised Statutes, is amended to read:

**18-1.3-209. Substance abuse assessment required.** (1) Each person convicted of a felony committed on or after July 1, 1992, and each person convicted of a misdemeanor or petty offense on or after July 1, 2008, who is to be considered for probation or a deferred judgment and sentence that includes supervision by the probation department, shall be required ~~as a part of the presentence or probation investigation required pursuant to section 16-11-102, C.R.S.,~~ to submit to an assessment for the use of controlled substances or alcohol developed pursuant to section 16-11.5-102 (1) (a), C.R.S., AS PART OF THE PRESENTENCE OR PROBATION INVESTIGATION REQUIRED PURSUANT TO SECTION 16-11-102, C.R.S., OR, IF THE INVESTIGATION IS WAIVED PURSUANT TO SECTION 16-11-102 (4), C.R.S., AND THE PERSON IS SENTENCED TO PROBATION OR SUPERVISED BY A PROBATION OFFICER, THEN AS A PART OF INTAKE.

**SECTION 2. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect

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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.*

unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 5, 2011