

CHAPTER 17

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 11-1051

BY REPRESENTATIVE(S) Swerdfeger, Waller, Barker, Coram, Court, Duran, Fields, Gardner B., Kerr J., Labuda, Looper, Massey, Nikkel, Pace, Priola, Scott, Stephens, Vigil;
also SENATOR(S) King S., Bacon, Boyd, Giron, Guzman, Jahn, Morse, Newell, Steadman, Williams S.

AN ACT

CONCERNING CLARIFICATION THAT A DNA SAMPLE EXPUNGEMENT IS NEVER AVAILABLE FOR A FELONY CONVICTION.

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

SECTION 1. 16-23-105 (1) (a), Colorado Revised Statutes, is amended to read:

16-23-105. Expungement. (1) Except as provided in subsection (7) of this section, a person whose biological substance sample is collected pursuant to section 16-23-103 qualifies for expungement if:

(a) In the case of a sample collected based upon the filing of a charge or based upon a final court order, each felony charge stemming from the charges has, by final court order, been dismissed, resulted in an acquittal, or resulted in a conviction for an offense other than a felony offense; ~~described in title 18, C.R.S.;~~

SECTION 2. Effective date - applicability. This act shall take effect upon passage and shall apply to the biological substance sample of an individual who was charged with a felony offense on or after October 1, 2010, and who was convicted on or after the effective date of this act.

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: March 11, 2011

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