

SENTENCING REFORM TASK FORCE
FINAL RECOMMENDATION PREPARED FOR THE
COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
January 28, 2022

FY22-SR #06. Revise Penalties for Unauthorized Practice of Certain Professions or Occupations
[Statutory]

Recommendation FY22-SR #06

Amend §12-20, C.R.S., to include a new statutory section with additional professions, the practice of which without a license, should be a felony due to a public safety risk.

These professions include:

- The profession of an electrician, as regulated under article 115 of this title 12;
- Professional engineering, as regulated under article 120 of this title 12;
- Architecture, as regulated under article 120 of this title 12;
- Audiology, as regulated under article 210 of this title 12;
- Dentistry, as regulated under article 220 of this title 12; *[dental hygienist removed]*
- Direct-entry midwifery, as regulated under article 225 of this title 12;
- Medicine, practice as a physician assistant, or practice as an anesthesiologist assistant, as regulated under article 240 of this title 12;
- Practical or professional nursing, as regulated under article 255 of this title 12; *[practical removed]*
- Nursing home administration, as regulated under article 265 of this title 12;
- Optometry, as regulated under article 275 of this title 12;
- Pharmacy, as regulated under article 280 of this title 12;
- Respiratory therapy, as regulated under article 300 of this title 12;

Proposed Statutory Language

No proposed statutory language; these crimes will be a Class 6 Felony.

DISCUSSION

Prior to Senate Bill 2021-271, professional licensure offenses were primarily misdemeanor offenses with an increase to a felony level for 2nd and subsequent offenses. In S.B. 21-271, increased penalties for second and subsequent offenses were eliminated. Upon further review, it was determined that certain professional licensure violations be classified as felonies applicable for the first offense due to public safety risk concerns.