

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
10.13.17

BILL 5

LLS NO. 18-0301.01 Jerry Barry x4341

INTERIM COMMITTEE BILL

Sentencing in the Criminal Justice System Interim Study Committee

BILL TOPIC: "Range For Extraordinary Aggravating Circumstances"

A BILL FOR AN ACT

101 **CONCERNING LOWERING THE RANGE FOR EXTRAORDINARY**
102 **AGGRAVATING CIRCUMSTANCES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sentencing in the Criminal Justice System Interim Study Committee. Under current law, certain specified extraordinary aggravating circumstances require that, if a judge sentences a defendant to a term of incarceration, the term must be between the midpoint of the presumptive range and twice the maximum of the presumptive range. The bill lowers the bottom of the range to the minimum of the presumptive

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

range.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-401, **amend**
3 (8)(a) introductory portion as follows:

4 **18-1.3-401. Felonies classified - presumptive penalties.**

5 (8) (a) The presence of any one or more of the following extraordinary
6 aggravating circumstances shall require the court, if it sentences the
7 defendant to incarceration, to sentence the defendant to a term of at least
8 the ~~midpoint~~ MINIMUM TERM in the presumptive range but not more than
9 twice the maximum term authorized in the presumptive range for the
10 punishment of a felony:

11 **SECTION 2. Effective date - applicability.** This act takes effect
12 July 1, 2018, and applies to offenses committed on or after said date.

13 **SECTION 3. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.