

HB22-1326

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Benavidez

1 Amend printed bill, page 11, line 18, strike "(7);" and substitute "(7),
2 (10)(a)(III), and (10)(a)(IV);".

3 Page 11, line 18, before "as" insert "and (10)(a)(V)".

4 Page 12, before line 12, insert:

5 "(10) (a) Except for a level 1 drug felony, the presence of one or
6 more of the following aggravating circumstances at the time of the
7 commission of a drug felony offense requires the court, if it sentences the
8 defendant to incarceration, to sentence the defendant to a term of at least
9 the midpoint in the presumptive range but not more than the maximum
10 term of the aggravated range:

11 (III) The defendant was under confinement, in prison, or in any
12 correctional institution as a convicted felon, or an escapee from any
13 correctional institution for another felony; ~~or~~

14 (IV) The defendant was on probation for or on bond while
15 awaiting sentencing following revocation of probation for a delinquent
16 act that would have constituted a felony if committed by an adult; OR

17 (V) THE DEFENDANT COMMITTED A VIOLATION OF SECTION 18-18-
18 405 (2)(a)(III)(A), AND THE UNLAWFUL DISTRIBUTION, MANUFACTURING,
19 DISPENSING, OR SALE OF THE MATERIAL, COMPOUND, MIXTURE, OR
20 PREPARATION WEIGHED MORE THAN FIFTY GRAMS AND CONTAINED
21 FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN
22 SECTION 18-18-204 (2)(g).".

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