

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

HB22-1326 be amended as follows:

1 Amend Judiciary Committee Report, dated April 13, 2022, page 1, line
2 13, strike "KNEW OR REASONABLY SHOULD HAVE KNOWN" and substitute
3 "HAD REASONABLE CAUSE TO BELIEVE".

4 Page 3 of the report, after line 20 insert:

5 "Page 42, before line 14 insert:

6 **SECTION 33.** In Colorado Revised Statutes, 18-1.3-801, **amend**
7 (2)(a)(I); and **add** (2)(c) as follows:

8 **18-1.3-801. Punishment for habitual criminals.**
9 (2) (a) Except as otherwise provided in ~~paragraph (b) of this~~
10 ~~subsection~~ (2) SUBSECTIONS (2)(b), (2)(c), and ~~in subsection~~ (5) of this
11 section, every person convicted in this state of any felony, who has been
12 three times previously convicted, upon charges separately brought and
13 tried, and arising out of separate and distinct criminal episodes, either in
14 this state or elsewhere, of a felony or, under the laws of any other state,
15 the United States, or any territory subject to the jurisdiction of the United
16 States, of a crime which, if committed within this state, would be a
17 felony, shall be adjudged an habitual criminal and shall be punished:

18 (2) (c) THE PROVISIONS OF SUBSECTION (2)(a) OF THIS SECTION DO
19 NOT APPLY TO A CONVICTION FOR A LEVEL 4 DRUG FELONY COMMITTED ON
20 OR AFTER JULY 1, 2022, PURSUANT TO SECTION 18-18-403.5 (2.5), OR A
21 CONVICTION FOR A LEVEL 4 DRUG FELONY COMMITTED ON OR AFTER JULY
22 1, 2022, FOR ATTEMPT OR CONSPIRACY TO COMMIT UNLAWFUL POSSESSION
23 OF FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF, AS DESCRIBED IN
24 SECTION 18-18-403.5 (2.5), EVEN IF THE PERSON HAS BEEN PREVIOUSLY
25 CONVICTED OF THREE OR MORE QUALIFYING FELONY CONVICTIONS.". ".

26 Page 3 of the report, strike line 22 and substitute:

27 "Page 43, line 5, strike "34, and 35" and substitute "33, 36, and 37".".

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