

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

HB22-1326 be amended as follows:

1 Amend printed bill, page 11, line 18, after "(2.5)" insert "and (14)".

2 Page 12, after line 11 insert:

3        "(14) (a) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION,  
4 FOR THE PURPOSE OF SENTENCING A PERSON CONVICTED OF A LEVEL 4  
5 DRUG FELONY COMMITTED ON OR AFTER JULY 1, 2022, IN VIOLATION OF  
6 SECTION 18-18-403.5 (2.5), A COURT SHALL EITHER SENTENCE AN  
7 OFFENDER TO PROBATION FOR UP TO TWO YEARS, WITH THE POSSIBILITY OF  
8 A TOTAL OF ONE HUNDRED EIGHTY DAYS IN COUNTY JAIL, OR FOR A THIRD  
9 OR SUBSEQUENT OFFENSE, A TOTAL OF UP TO THREE HUNDRED SIXTY-FOUR  
10 DAYS IN COUNTY JAIL, WHICH MAY BE IMPOSED IN WHOLE OR IN PART  
11 DURING THE TIME PERIOD OF PROBATION AS A CONDITION OF PROBATION  
12 OR AS A SANCTION FOR A VIOLATION OF PROBATION; OR SENTENCE AN  
13 OFFENDER TO UP TO ONE HUNDRED EIGHTY DAYS IN THE COUNTY JAIL;  
14 EXCEPT THAT FOR A THIRD OR SUBSEQUENT OFFENSE, THE COURT MAY  
15 SENTENCE AN OFFENDER TO UP TO THREE HUNDRED SIXTY-FOUR DAYS IN  
16 THE COUNTY JAIL IF THE COURT SENTENCES THE OFFENDER TO JAIL. IN  
17 ADDITION TO THE SENTENCE TO PROBATION OR TO THE COUNTY JAIL, THE  
18 COURT MAY IMPOSE A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS.

19        (b) A COURT MAY SENTENCE A PERSON CONVICTED OF A LEVEL 4  
20 DRUG FELONY COMMITTED ON OR AFTER JULY 1, 2022, IN VIOLATION OF  
21 SECTION 18-18-403.5 (2.5), TO A COUNTY JAIL SENTENCING ALTERNATIVE  
22 PROVIDED PURSUANT TO SECTION 18-1.3-106 OR PLACEMENT IN A  
23 COMMUNITY CORRECTIONS PROGRAM AS A CONDITION OF PROBATION  
24 PROVIDED PURSUANT TO SECTION 18-1.3-301 (4) AS A SENTENCING  
25 ALTERNATIVE.

26        (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE  
27 CONTRARY, AN OFFENDER CONVICTED OF A LEVEL 4 DRUG FELONY  
28 COMMITTED ON OR AFTER JULY 1, 2022, IN VIOLATION OF SECTION  
29 18-18-403.5 (2.5), IS NOT SUBJECT TO THE JURISDICTION OF THE  
30 DEPARTMENT OF CORRECTIONS OR A MANDATORY PERIOD OF PAROLE.".

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