

HOUSE COMMITTEE OF REFERENCE REPORT

	April 19, 2018
Chairman of Committee	Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB18-166 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 13-10-113, **amend**
4 (1)(a) as follows:

5 **13-10-113. Fines and penalties.** (1) (a) Except as provided in
6 ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION,
7 any person convicted of violating a municipal ordinance in a municipal
8 court of record may be incarcerated for a period not to exceed ~~one year~~
9 THREE HUNDRED SIXTY-FOUR DAYS or fined an amount not to exceed two
10 thousand six hundred fifty dollars, or both.

11 **SECTION 2.** In Colorado Revised Statutes, 18-1.3-501, **amend**
12 (1)(a) and (1)(d) as follows:

13 **18-1.3-501. Misdemeanors classified - drug misdemeanors and**
14 **drug petty offenses classified - penalties - definitions.** (1) (a) Except
15 as otherwise provided in ~~paragraph (d) of this subsection (1)~~ SUBSECTION
16 (1)(d) OF THIS SECTION, misdemeanors are divided into three classes that
17 are distinguished from one another by the following penalties that are
18 authorized upon conviction except as provided in subsection (1.5) of this
19 section:

20 Class	21 Minimum Sentence	22 Maximum Sentence
23 1	24 Six months imprisonment, or five hundred dollars fine, or both	Eighteen months imprisonment, or five thousand dollars fine, or

1			both
2	2	Three months imprisonment, or two	Twelve months
3		hundred fifty dollars fine, or both	THREE HUNDRED
4			SIXTY-FOUR DAYS
5			imprisonment, or
6			one thousand
7			dollars fine, or
8			both
9	3	Fifty dollars fine	Six months
10			imprisonment, or
11			seven hundred
12			fifty dollars fine,
13			or both

14 (d) For purposes of sentencing a person convicted of a
15 misdemeanor drug offense described in article 18 of this ~~title~~ TITLE 18,
16 committed on or after October 1, 2013, drug misdemeanors are divided
17 into two levels that are distinguished from one another by the following
18 penalties that are authorized upon conviction:

19	Level	Minimum Sentence	Maximum Sentence
20	DM1	Six months imprisonment,	Eighteen months
21		five hundred dollars fine,	imprisonment,
22		or both	five thousand
23			dollars fine, or
24			both
25	DM2	No imprisonment, fifty	Twelve months
26		dollars fine	THREE HUNDRED
27			SIXTY-FOUR DAYS
28			imprisonment,
29			seven hundred
30			fifty dollars fine,
31			or both

32 **SECTION 3.** In Colorado Revised Statutes, 18-1.3-505, **amend**
33 (1) as follows:

34 **18-1.3-505. Penalty for misdemeanor not fixed by statute -**
35 **punishment.** (1) In all cases where an offense is denominated a
36 misdemeanor and no penalty is fixed in the statute therefor, the
37 punishment shall be imprisonment for not more than ~~one year~~ THREE
38 HUNDRED SIXTY-FOUR DAYS in the county jail, or a fine of not more than
39 one thousand dollars, or both ~~such~~ imprisonment and fine.

40 **SECTION 4. Act subject to petition - effective date.** This act
41 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2018 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor."

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