

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 17-1162.01 Richard Sweetman x4333

**HOUSE BILL 17-1330**

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**HOUSE SPONSORSHIP**

**Lee and Wist**, Pabon

**SENATE SPONSORSHIP**

**Fields and Cooke**, Gardner, Kagan, Lundberg, Marble, Todd, Williams A., Zenzinger

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**House Committees**  
Judiciary

**Senate Committees**  
Judiciary

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**A BILL FOR AN ACT**

101      **CONCERNING DISALLOWING THE USE OF CERTAIN CONVICTIONS FOR**  
102              **THE PURPOSE OF ADJUDICATING A PERSON AN HABITUAL**  
103              **CRIMINAL.**

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**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>.)*

Current law states that a conviction for escape or for attempt to escape may not be used for the purpose of adjudicating a person an habitual criminal unless the conviction is based on the offender's escape or attempt to escape from a correctional facility. The bill clarifies that this prohibition applies to both current and prior convictions for escape and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

SENATE  
2nd Reading Unamended  
May 3, 2017

HOUSE  
3rd Reading Unamended  
April 24, 2017

HOUSE  
Amended 2nd Reading  
April 21, 2017

attempt to escape. The bill also states that for the purposes of this prohibition, "correctional facility" does not include a community corrections facility.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-801, **amend**  
3 (5) as follows:

4 **18-1.3-801. Punishment for habitual criminals.** (5) A CURRENT  
5 OR PRIOR conviction for escape, as described in section 18-8-208 (1), (2),  
6 or (3), or attempt to escape, as described in section 18-8-208.1 (1), (1.5),  
7 or (2), ~~shall~~ MAY not be used for the purpose of adjudicating a person an  
8 habitual criminal as described in subsection (1.5) or subsection (2) of this  
9 section unless the conviction is based on the offender's escape or attempt  
10 to escape from a correctional facility, as defined in section 17-1-102,  
11 ~~C.R.S.~~, or from physical custody within a county jail; EXCEPT THAT, FOR  
12 THE PURPOSES OF THIS SECTION, "CORRECTIONAL FACILITY" DOES NOT  
13 INCLUDE A COMMUNITY CORRECTIONS FACILITY, AS DEFINED IN SECTION  
14 17-27-102 (2.5), OR A HALFWAY HOUSE, AS DEFINED IN SECTION 19-1-103  
15 (62).

16 **SECTION 2.** In Colorado Revised Statutes, 17-27-102, **amend**  
17 the introductory portion; and **add** (2.5) as follows:

18 **17-27-102. Definitions.** As used in this ~~article~~ ARTICLE 27:  
19 (2.5) "COMMUNITY CORRECTIONS FACILITY" MEANS A FACILITY  
20 USED BY A COMMUNITY CORRECTIONS PROGRAM.

21 **SECTION 3. Act subject to petition - effective date.** This act  
22 takes effect at 12:01 a.m. on the day following the expiration of the  
23 ninety-day period after final adjournment of the general assembly (August  
24 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the  
2 state constitution against this act or an item, section, or part of this act  
3 within such period, then the act, item, section, or part will not take effect  
4 unless approved by the people at the general election to be held in  
5 November 2018 and, in such case, will take effect on the date of the  
6 official declaration of the vote thereon by the governor.