

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0096.01 Richard Sweetman x4333

HOUSE BILL 18-1077

HOUSE SPONSORSHIP

Liston and Valdez, Becker J., Catlin, Lawrence, McKean, Reyher, Roberts, Sias, Wilson,
Wist

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE PENALTY FOR A PERSON WHO COMMITS BURGLARY
102 TO ACQUIRE FIREARMS.

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>.)

In current law, second degree burglary is a class 4 felony, but it is a class 3 felony under 2 circumstances. The bill designates a third type of second degree burglary as a class 3 felony; that is, a burglary, the objective of which is the theft of one or more firearms, firearm parts, firearm accessories, or ammunition. The bill also states that when a person is convicted of such a burglary, in addition to any other sentence,

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

the court may require the person to pay a fine of at least \$10,000 but not exceeding \$750,000.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-4-203, **amend**
3 (2)(a) and (2)(b); and **add** (2)(c) as follows:

4 **18-4-203. Second degree burglary.** (2) Second degree burglary
5 is a class 4 felony, but it is a class 3 felony if:

6 (a) It is a burglary of a dwelling; ~~or~~

7 (b) ~~It is a burglary,~~ The objective of ~~which~~ THE BURGLARY is the
8 theft of a controlled substance, as defined in section 18-18-102 (5),
9 lawfully kept within any building or occupied structure; OR

10 (c) THE OBJECTIVE OF THE BURGLARY IS THE THEFT OF ONE OR
11 MORE FIREARMS, FIREARM PARTS, FIREARM ACCESSORIES, OR
12 AMMUNITION.

13 **SECTION 2.** In Colorado Revised Statutes, 18-1-901, **add**
14 (3)(h.3) and (3)(h.5) as follows:

15 **18-1-901. Definitions.** (3) (h.3) "FIREARM ACCESSORY" MEANS
16 AN ITEM THAT IS INTENDED TO FACILITATE THE USE, TRANSPORT, OR
17 STORAGE OF A FIREARM, INCLUDING BUT NOT LIMITED TO A FIREARM
18 SCOPE, A FIREARM TRIPOD, AND A FIREARM BAG OR CASE.

19 (h.5) "FIREARM PART" MEANS AN ITEM THAT FUNCTIONS AS A
20 COMPONENT OF A FIREARM.

21 **SECTION 3.** In Colorado Revised Statutes, 18-1.3-401, **amend**
22 (1)(a)(III)(A); and **add** (1)(a)(III)(F) as follows:

23 **18-1.3-401. Felonies classified - presumptive penalties.**

24 (1) (a) (III) (A) As to any person sentenced for a felony committed on or
25 after July 1, 1985, except as otherwise provided in ~~sub-subparagraph (E)~~

1 of this subparagraph (HH) SUBSECTION (1)(a)(III)(E) OR (1)(a)(III)(F) of
 2 THIS SECTION, in addition to, or in lieu of, any sentence to imprisonment,
 3 probation, community corrections, or work release, a fine within the
 4 following presumptive ranges may be imposed for the specified classes
 5 of felonies:

| 6 | Class | Minimum Sentence | Maximum Sentence |
|----|--------------|-------------------------|--|
| 7 | 1 | No fine | No fine |
| 8 | 2 | Five thousand dollars | One million dollars |
| 9 | 3 | Three thousand dollars | Seven hundred fifty 10 thousand dollars |
| 11 | 4 | Two thousand dollars | Five hundred thousand 12 dollars |
| 13 | 5 | One thousand dollars | One hundred thousand 14 dollars |
| 15 | 6 | One thousand dollars | One hundred thousand 16 dollars |

17 (F) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
 18 (1)(a)(III)(F), IF A PERSON IS CONVICTED OF SECOND DEGREE BURGLARY
 19 AS DESCRIBED IN SECTION 18-4-203 (2)(c), IN ADDITION TO ANY OTHER
 20 SENTENCE, THE COURT MAY REQUIRE THE PERSON TO PAY A FINE OF AT
 21 LEAST TEN THOUSAND DOLLARS BUT NOT EXCEEDING SEVEN HUNDRED
 22 FIFTY THOUSAND DOLLARS.

23 **SECTION 4. Potential appropriation.** Pursuant to section
 24 2-2-703, C.R.S., any bill that results in a net increase in periods of
 25 imprisonment in state correctional facilities must include an appropriation
 26 of money that is sufficient to cover any increased capital construction, any
 27 operational costs, and increased parole costs that are the result of the bill

1 for the department of corrections in each of the first five years following
2 the effective date of the bill. Because this act may increase periods of
3 imprisonment, this act may require a five-year appropriation.

4 **SECTION 5. Applicability.** This act applies to offenses
5 committed on or after the effective date of this act.

6 **SECTION 6. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.