

CHAPTER 59

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 19-1148

BY REPRESENTATIVE(S) Herod, Arndt, Benavidez, Bird, Buentello, Galindo, Gonzales-Gutierrez, Gray, Hansen, Hooton, Kennedy, Kipp, Melton, Mullica, Roberts, Singer, Sirota, Snyder, Sullivan, Tipper, Titone, Valdez A., Weissman, Becker; also SENATOR(S) Gonzales, Bridges, Court, Donovan, Fenberg, Foote, Ginal, Lee, Moreno, Pettersen, Priola, Rodriguez, Williams A., Zenzinger.

AN ACT

CONCERNING CHANGING THE MAXIMUM JAIL SENTENCE FOR CERTAIN CRIMES FROM ONE YEAR TO THREE HUNDRED SIXTY-FOUR DAYS.

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

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

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

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

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

Class	Minimum Sentence	Maximum Sentence
1	Six months imprisonment, or five hundred dollars fine,	Eighteen months imprisonment, or five thousand dollars fine,

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

	or both	or both
2	Three months imprisonment, or two hundred fifty dollars fine, or both	Twelve months THREE HUNDRED SIXTY-FOUR DAYS imprisonment, or one thou- sand dollars fine, or both
3	Fifty dollars fine	Six months imprisonment, or seven hundred fifty dollars fine, or both

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

Level	Minimum Sentence	Maximum Sentence
DM1	Six months imprisonment, five hundred dollars fine, or both	Eighteen months imprisonment, five thousand dollars fine, or both
DM2	No imprisonment, fifty dollars fine	Twelve months THREE HUNDRED SIXTY-FOUR DAYS imprisonment, seven hundred fifty dollars fine, or both

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

18-1.3-505. Penalty for misdemeanor not fixed by statute - punishment.

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

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 28, 2019