

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0656.01 Conrad Imel x2313

HOUSE BILL 20-1152

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HOUSE SPONSORSHIP

Liston,

SENATE SPONSORSHIP

(None),

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING REQUIRING A SENTENCE TO THE DEPARTMENT OF  
102 CORRECTIONS FOR OFFENSES RELATED TO WEAPONS  
103 POSSESSION.

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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>.)*

The bill requires a court to sentence an adult or a juvenile who is convicted as an adult who commits the felony offenses of possession of a weapon by a previous offender or unlawfully carrying a weapon on school grounds to the department of corrections for a term of incarceration. The bill clarifies that a sentence for a second or subsequent

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.

offense for possession of a weapon by a previous offender, when the weapon involved is a dangerous weapon or when the prior conviction or adjudication was for burglary, arson, or any felony involving the use of force or the use of a deadly weapon, runs consecutively with any prior sentences being served by the offender.

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

2           **SECTION 1.** In Colorado Revised Statutes, 18-12-108, **amend**  
3 (5) and (6)(c)(II); and **add** (5.5) as follows:

4           **18-12-108. Possession of weapons by previous offenders -**  
5 **definition.** (5) (a) A second or subsequent offense ~~under paragraphs (b)~~  
6 ~~and (c) of subsection (2) and paragraphs (b) and (c) of subsection (4)~~  
7 PURSUANT TO SUBSECTIONS (2)(b), (2)(c), (4)(b), AND (4)(c) of this  
8 section is a class 4 felony.

9           (b) ANY SENTENCE IMPOSED PURSUANT TO THIS SUBSECTION (5)  
10 RUNS CONSECUTIVELY WITH ANY PRIOR SENTENCES BEING SERVED BY THE  
11 OFFENDER.

12           (5.5) (a) THE COURT SHALL SENTENCE AN ADULT CONVICTED OF  
13 AN OFFENSE PURSUANT TO THIS SECTION TO THE DEPARTMENT OF  
14 CORRECTIONS FOR A TERM OF INCARCERATION.

15           (b) FOR THE PURPOSES OF THIS SUBSECTION (5.5), "ADULT" MEANS  
16 A PERSON WHO IS EIGHTEEN YEARS OF AGE OR OLDER AT THE TIME OF THE  
17 COMMISSION OF THE OFFENSE OR A PERSON UNDER EIGHTEEN YEARS OF  
18 AGE AT THE TIME OF THE COMMISSION OF THE OFFENSE WHO IS CONVICTED  
19 AS AN ADULT FOLLOWING DIRECT FILING OF AN INFORMATION OR  
20 INDICTMENT IN THE DISTRICT COURT PURSUANT TO SECTION 19-2-517 OR  
21 TRANSFER OF PROCEEDINGS TO THE DISTRICT COURT PURSUANT TO  
22 SECTION 19-2-518.

23           (6) (c) The written statement shall provide that:

1 (II) A CONVICTION FOR A violation of this section ~~may~~ WILL result  
2 in a sentence of imprisonment ~~or fine, or both~~ AND MAY ALSO RESULT IN  
3 A FINE.

4 **SECTION 2.** In Colorado Revised Statutes, 18-12-105.5, **add**  
5 (1.5) as follows:

6 **18-12-105.5. Unlawfully carrying a weapon - unlawful**  
7 **possession of weapons - school, college, or university grounds -**  
8 **definition.** (1.5) (a) THE COURT SHALL SENTENCE AN ADULT CONVICTED  
9 OF AN OFFENSE PURSUANT TO THIS SECTION TO THE DEPARTMENT OF  
10 CORRECTIONS FOR A TERM OF INCARCERATION.

11 (b) FOR THE PURPOSES OF THIS SUBSECTION (1.5), "ADULT" MEANS  
12 A PERSON WHO IS EIGHTEEN YEARS OF AGE OR OLDER AT THE TIME OF THE  
13 COMMISSION OF THE OFFENSE OR A PERSON UNDER EIGHTEEN YEARS OF  
14 AGE AT THE TIME OF THE COMMISSION OF THE OFFENSE WHO IS CONVICTED  
15 AS AN ADULT FOLLOWING DIRECT FILING OF AN INFORMATION OR  
16 INDICTMENT IN THE DISTRICT COURT PURSUANT TO SECTION 19-2-517 OR  
17 TRANSFER OF PROCEEDINGS TO THE DISTRICT COURT PURSUANT TO  
18 SECTION 19-2-518.

19 **SECTION 3. Potential appropriation.** Pursuant to section  
20 2-2-703, C.R.S., any bill that results in a net increase in periods of  
21 imprisonment in state correctional facilities must include an appropriation  
22 of money that is sufficient to cover any increased capital construction, any  
23 operational costs, and increased parole costs that are the result of the bill  
24 for the department of corrections in each of the first five years following  
25 the effective date of the bill. Because this act may increase periods of  
26 imprisonment, this act may require a five-year appropriation.

27 **SECTION 4. Act subject to petition - effective date -**

1     **applicability.** (1) This act takes effect September 1, 2020; except that,  
2     if a referendum petition is filed pursuant to section 1 (3) of article V of  
3     the state constitution against this act or an item, section, or part of this act  
4     within the ninety-day period after final adjournment of the general  
5     assembly, then the act, item, section, or part will not take effect unless  
6     approved by the people at the general election to be held in November  
7     2020 and, in such case, will take effect on the date of the official  
8     declaration of the vote thereon by the governor.

9             (2) This act applies to offenses committed on or after the  
10     applicable effective date of this act.