



# Legislative Council Staff

## Research Note

Version: Final

Date: 6/16/2016

### Bill Number

**Senate Bill 16-051**

### Sponsors

***Senators Johnston and  
Lundberg  
Representative Melton***

### Short Title

***Judge's Discretion Regarding  
Consecutive Sentences***

### Research Analyst

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### Status

This research note reflects the final version of the bill, which was signed by the Governor on April 14, 2016, and becomes effective July 1, 2016.

### Summary

This bill removes the requirement that a person convicted of two or more separate, specified crimes of violence arising out of the same incident be sentenced to serve prison terms consecutively rather than concurrently when one of the crimes is aggravated robbery, assault in the second degree, or escape.

### Background

A crime of violence is any crime committed, conspired to be committed, or attempted to be committed by a person who used or possessed and threatened to use a deadly weapon or caused serious bodily injury or death to another person not participating in the crime. Crimes of violence are subject to enhanced criminal penalties. With certain exceptions, these penalties are generally sentenced at the midpoint and up to twice the maximum of the presumptive range for the felony class. The following crimes are classified as crimes of violence:

- any crime against an at-risk adult or at-risk juvenile;
- murder;
- first or second degree assault;
- kidnapping;
- specified sexual offenses;

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- first degree arson;
- first degree burglary;
- escape;
- criminal extortion; or
- first or second degree unlawful termination of pregnancy.

## Senate Action

**Senate Judiciary Committee (February 8, 2016).** At the hearing, the committee received testimony in support of the bill from representatives of the ACLU and the Colorado Criminal Defense Bar. A representative from the Colorado District Attorneys' Council testified in opposition to the bill. The committee adopted amendments L.001 and L.004, and referred the bill, as amended to the Senate Committee of the Whole.

The introduced version of the bill removed the consecutive sentencing requirement when a person has been convicted of any two or more crimes of violence. Amendment L.004 removed the consecutive sentencing requirement only when one of the crimes committed is aggravated robbery, second degree assault, or escape. Amendment L.001 removed the petition clause, and added a safety clause and an effective date of July 1, 2016, making the bill apply to offenses committed on or after the effective date.

**Senate second reading (February 16, 2016).** The Senate Committee of the Whole adopted the Senate Judiciary Committee report and adopted Amendment L.005, which made a technical correction to the bill. The Senate passed the bill, as amended, on second reading.

**Senate third reading (February 17, 2016).** The Senate adopted the bill, unamended, on third reading.

## House Action

**House Judiciary Committee (March 15, 2016).** At the hearing, the committee received testimony in support of the bill from a representative of the Colorado Criminal Defense Bar and two private citizens. Representatives from the Colorado District Attorneys' Council and the Colorado Attorney General's Office testified in opposition to the bill. The committee referred the bill, unamended, to the House Committee of the Whole.

**House second reading (March 21, 2016).** The House Committee of the Whole passed the bill on second reading.

**House third reading (March 22, 2016).** The House adopted the bill on third reading.

## Relevant Research

Legislative Council Staff, *Crime Classification Guide*, May 2014: <http://tinyurl.com/h86ovzd>.

Legislative Council Staff, *Special Sentencing for Felony and Misdemeanor Offenses*, Interested Persons Memorandum, October 9, 2012: <http://tinyurl.com/j8wsm44> (pdf).