



Legislative Council Staff

Research Note

Version: Final

Date: 3/17/2017

Bill Number

Senate Bill 17-094

Sponsors

**Senator Kagan
(None)**

Short Title

**Make Felony Murder A Class 2
Felony**

Research Analyst

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Status

This research note reflects the introduced version of the bill, which was postponed indefinitely by the Senate Judiciary Committee on March 8, 2017.

Background

Felony murder occurs when any person is killed during the commission or attempted commission of arson, robbery, burglary, kidnapping, certain sexual assaults, or escape. A death caused during the immediate flight from such an offense is also felony murder. Colorado law provides a defense to felony murder when a number of conditions are met. Under existing law, felony murder is a class 1 felony.

Felony offenses are categorized as follows: class 1, class 2, class 3, class 4, class 5, class 6, and unclassified felonies. The penalty for the commission of a certain felony offense depends on its classification. A class 1 felony carries a minimum sentence of life imprisonment and a maximum sentence of death, with no mandatory period for parole. A class 2 felony may be sentenced to 8-24 years imprisonment, with a five-year mandatory parole period, a fine of \$5,000.00 to \$1 million, or both imprisonment and fine.

An individual who is convicted of a crime of violence pursuant to Section 18-1.3-406, C.R.S., must be sentenced to at least the midpoint in, but no more than twice the maximum of, the presumptive range as modified for an extraordinary risk crime. There are no class 1 felony crimes of violence. Class 2 felony crimes of violence are subject to 16-48 years imprisonment, with a five year mandatory parole period, a fine, or both imprisonment and fine.

Senate Action

Senate Judiciary Committee (March 8, 2017). At the request of the bill sponsor, the bill was postponed indefinitely by the committee.

Relevant Research

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