

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 18-0308.01 Michael Dohr x4347

HOUSE BILL 18-1029

HOUSE SPONSORSHIP

Weissman,

SENATE SPONSORSHIP

Lundberg,

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING LOWERING THE PERIOD OF MANDATORY PAROLE FROM**
102 **FIVE YEARS TO THREE YEARS FOR CERTAIN FELONY OFFENSES.**

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/>.)

Sentencing in the Criminal Justice System Interim Study Committee. Under current law, the length of a mandatory parole sentence for a class 2 and 3 felony is 5 years. The bill lowers the length of mandatory parole for a class 2 and 3 felony to 3 years.

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.

SENATE
Amended 2nd Reading
April 2, 2018

HOUSE
3rd Reading Unamended
February 27, 2018

HOUSE
Amended 2nd Reading
February 26, 2018

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

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

4 **18-1.3-401. Felonies classified - presumptive penalties.**

5 (1) (a) (V) (A) Except as otherwise provided in section 18-1.3-401.5 for
6 offenses contained in article 18 of this ~~title~~ TITLE 18 committed on or after
7 October 1, 2013, as to any person sentenced for a felony committed on or
8 after July 1, 1993, AND BEFORE JULY 1, 2018, felonies are divided into six
9 classes that are distinguished from one another by the following
10 presumptive ranges of penalties that are authorized upon conviction:

11	Class	Minimum	Maximum	Mandatory
12		Sentence	Sentence	Period of Parole
13	1	Life imprisonment	Death	None
14	2	Eight years imprisonment	Twenty-four years imprisonment	Five Years
15				
16	3	Four years imprisonment	Twelve years imprisonment	Five years
17				
18	4	Two years imprisonment	Six years imprisonment	Three years
19				
20	5	One year imprisonment	Three years imprisonment	Two years
21				
22	6	One year imprisonment	Eighteen months imprisonment	One year
23				

24 (A.1) AS TO ANY PERSON SENTENCED FOR A FELONY COMMITTED
25 ON OR AFTER JULY 1, 2018, FELONIES ARE DIVIDED INTO SIX CLASSES THAT
26 ARE DISTINGUISHED FROM ONE ANOTHER BY THE FOLLOWING
27 PRESUMPTIVE RANGES OF PENALTIES THAT ARE AUTHORIZED UPON

1 CONVICTION:

2	CLASS	MINIMUM	MAXIMUM	MANDATORY
3		SENTENCE	SENTENCE	PERIOD OF
4				PAROLE
5	1	LIFE IMPRISONMENT	DEATH	NONE
6	2	EIGHT YEARS	TWENTY-FOUR YEARS	FIVE YEARS IF
7		IMPRISONMENT	IMPRISONMENT	THE OFFENSE IS A
8				CRIME OF
9				VIOLENCE AS
10				DESCRIBED IN
11				SECTION
12				18-1.3-406 (2)
13				THREE YEARS IF
14				THE OFFENSE IS
15				NOT A CRIME OF
16				VIOLENCE AS
17				DESCRIBED IN
18				SECTION
19				18-1.3-406 (2)
20	3	FOUR YEARS	TWELVE YEARS	THREE YEARS
21		IMPRISONMENT	IMPRISONMENT	
22	4	TWO YEARS	SIX YEARS	THREE YEARS
23		IMPRISONMENT	IMPRISONMENT	
24	5	ONE YEAR	THREE YEARS	TWO YEARS
25		IMPRISONMENT	IMPRISONMENT	
26	6	ONE YEAR	EIGHTEEN MONTHS	ONE YEAR
27		IMPRISONMENT	IMPRISONMENT	

1 (B) Any person who is paroled pursuant to section 17-22.5-403,
2 C.R.S., or any person who is not paroled and is discharged pursuant to
3 law, shall be subject to the mandatory period of parole established
4 pursuant to sub-subparagraph (A) of this subparagraph (V) SUBSECTION
5 (1)(a)(V)(A) OR SUBSECTION (1)(a)(V)(A.1) OF THIS SECTION. Such
6 mandatory period of parole may not be waived by the offender or waived
7 or suspended by the court and shall be subject to the provisions of section
8 17-22.5-403 (6), C.R.S., which permits the state board of parole to
9 discharge the offender at any time during the term of parole upon a
10 determination that the offender has been sufficiently rehabilitated and
11 reintegrated into society and can no longer benefit from parole
12 supervision.

13 (C) Notwithstanding sub-subparagraph (A) of this subparagraph
14 (V) SUBSECTION (1)(a)(V)(A) OR SUBSECTION (1)(a)(V)(A.1) OF THIS
15 SECTION, the mandatory period of parole for a person convicted of a
16 felony offense committed prior to July 1, 1996, pursuant to part 4 of
17 article 3 of this title TITLE 18, or part 3 of article 6 of this title TITLE 18,
18 shall be five years. Notwithstanding sub-subparagraph (A) of this
19 subparagraph (V) SUBSECTION (1)(a)(V)(A) OR SUBSECTION
20 (1)(a)(V)(A.1) OF THIS SECTION, and except as otherwise provided in
21 sub-subparagraph (C.5) of this subparagraph (V) SUBSECTION
22 (1)(a)(V)(C.5), the period of parole for a person convicted of a felony
23 offense committed on or after July 1, 1996, but prior to July 1, 2002,
24 pursuant to part 4 of article 3 of this title, or part 3 of article 6 of this title,
25 shall be set by the state board of parole pursuant to section 17-2-201
26 (5)(a.5), C.R.S., but in no event shall the term of parole exceed the
27 maximum sentence imposed upon the inmate by the court.

1 (C.5) Notwithstanding the provisions of sub-subparagraph (A) of
2 this subparagraph (V) SUBSECTION (1)(a)(V)(A) OR SUBSECTION
3 (1)(a)(V)(A.1) OF THIS SECTION, any person sentenced for a sex offense,
4 as defined in section 18-1.3-1003 (5), committed on or after November
5 1, 1998, shall be sentenced pursuant to the provisions of part 10 of this
6 article ARTICLE 1.3.

7 (C.7) Any person sentenced for a felony committed on or after
8 July 1, 2002, involving unlawful sexual behavior, as defined in section
9 16-22-102 (9), C.R.S., or for a felony, committed on or after July 1, 2002,
10 the underlying factual basis of which involved unlawful sexual behavior,
11 and who is not subject to the provisions of part 10 of this article ARTICLE
12 1.3, shall be subject to the mandatory period of parole specified in
13 sub-subparagraph (A) of this subparagraph (V) SUBSECTION (1)(a)(V)(A)
14 OR SUBSECTION (1)(a)(V)(A.1) OF THIS SECTION.

15 (D) The mandatory period of parole imposed pursuant to
16 sub-subparagraph (A) of this subparagraph (V) SUBSECTION (1)(a)(V)(A)
17 OR SUBSECTION (1)(a)(V)(A.1) OF THIS SECTION shall commence
18 immediately upon the discharge of an offender from imprisonment in the
19 custody of the department of corrections. If the offender has been granted
20 release to parole supervision by the state board of parole, the offender
21 shall be deemed to have discharged the offender's sentence to
22 imprisonment provided for in sub-subparagraph (A) of this subparagraph
23 (V) SUBSECTION (1)(a)(V)(A) OR SUBSECTION (1)(a)(V)(A.1) OF THIS
24 SECTION in the same manner as if such sentence were discharged pursuant
25 to law; except that the sentence to imprisonment for any person sentenced
26 as a sex offender pursuant to part 10 of this article ARTICLE 1.3 shall not
27 be deemed discharged on release of said person on parole. When an

1 offender is released by the state board of parole or released because the
2 offender's sentence was discharged pursuant to law, the mandatory period
3 of parole shall be served by such offender. An offender sentenced for
4 nonviolent felony offenses, as defined in section 17-22.5-405 (5), C.R.S.,
5 may receive earned time pursuant to section 17-22.5-405, C.R.S., while
6 servng a mandatory parole period in accordance with this section, but not
7 while such offender is reincarcerated after a revocation of the mandatory
8 period of parole. An offender who is sentenced for a felony committed on
9 or after July 1, 1993, and paroled on or after January 1, 2009, shall be
10 eligible to receive any earned time while on parole or after reparole
11 following a parole revocation. The offender shall not be eligible for
12 earned time while the offender is reincarcerated after revocation of the
13 mandatory period of parole pursuant to this ~~subparagraph (V)~~
14 SUBSECTION (1)(a)(V).

15 (E) If an offender is sentenced consecutively for the commission
16 of two or more felony offenses pursuant to ~~sub-subparagraph (A) of this~~
17 ~~subparagraph (V)~~ SUBSECTION (1)(a)(V)(A) OR SUBSECTION
18 (1)(a)(V)(A.1) OF THIS SECTION, the mandatory period of parole for such
19 offender shall be the mandatory period of parole established for the
20 highest class felony of which such offender has been convicted.

21 **SECTION 2.** In Colorado Revised Statutes, 17-2-201, **amend**
22 (5)(a.3)(I) and (5)(a.6) as follows:

23 **17-2-201. State board of parole - duties - definitions.**
24 (5) (a.3) (I) Any person sentenced as a habitual criminal pursuant to
25 section 18-1.3-801 (1.5) or (2) C.R.S., for an offense committed on or
26 after July 1, 2003, shall be subject to the mandatory parole set forth in
27 section 18-1.3-401 (1)(a)(V)(A), **18-1.3-401 (1)(a)(V)(A.1),** or

1 18-1.3-401.5 C.R.S., for the class or level of felony of which the person
2 is convicted.

3 (a.6) As to any person who is sentenced for conviction of an
4 offense committed on or after July 1, 2002, involving unlawful sexual
5 behavior, as defined in section 16-22-102 (9), C.R.S., or for conviction
6 of an offense committed on or after July 1, 2002, the underlying factual
7 basis of which involved unlawful sexual behavior, and who is not subject
8 to the provisions of part 10 of article 1.3 of title 18, C.R.S., such person
9 shall be subject to the mandatory period of parole set forth in section
10 18-1.3-401 (1)(a)(V)(A) OR 18-1.3-401 (1)(a)(V)(A.1)., C.R.S.

11 **SECTION 3.** In Colorado Revised Statutes, 18-1.3-406, **amend**
12 **(1)(b) as follows:**

13 **18-1.3-406. Mandatory sentences for violent crimes -**
14 **definitions.** (1) (b) Notwithstanding the provisions of ~~paragraph (a) of~~
15 ~~this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION, any person
16 convicted of a sex offense, as defined in section 18-1.3-1003 (5),
17 committed on or after November 1, 1998, that constitutes a crime of
18 violence shall be sentenced to the department of corrections for an
19 indeterminate term of incarceration of at least the midpoint in the
20 presumptive range specified in section 18-1.3-401 (1)(a)(V)(A) OR
21 18-1.3-401 (1)(a)(V)(A.1) up to a maximum of the person's natural life,
22 as provided in section 18-1.3-1004 (1).

23 **SECTION 4. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.