

**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. 18-0096.01 Richard Sweetman x4333

HOUSE BILL 18-1077

HOUSE SPONSORSHIP

Liston and Valdez, Becker J., Catlin, Lawrence, McKean, Reyher, Roberts, Sias, Wilson,
Wist

SENATE SPONSORSHIP

Scott and Garcia,

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE PENALTY FOR A PERSON WHO COMMITS BURGLARY**
102 **TO ACQUIRE FIREARMS, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

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>.)

In current law, second degree burglary is a class 4 felony, but it is a class 3 felony under 2 circumstances. The bill designates a third type of second degree burglary as a class 3 felony; that is, a burglary, the objective of which is the theft of one or more firearms, firearm parts, firearm accessories, or ammunition. The bill also states that when a

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
2nd Reading Unamended
May 2, 2018

HOUSE
3rd Reading Unamended
April 25, 2018

HOUSE
Amended 2nd Reading
April 24, 2018

person is convicted of such a burglary, in addition to any other sentence, the court may require the person to pay a fine of at least \$10,000 but not exceeding \$750,000.

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

SECTION 1. In Colorado Revised Statutes, 18-4-203, **amend** (2)(a) and (2)(b); and **add** (2)(c) as follows:

18-4-203. Second degree burglary. (2) Second degree burglary is a class 4 felony, but it is a class 3 felony if:

(a) It is a burglary of a dwelling; ~~or~~

(b) ~~It is a burglary;~~ The objective of ~~which~~ THE BURGLARY is the theft of a controlled substance, as defined in section 18-18-102 (5), lawfully kept within any building or occupied structure; OR

(c) THE OBJECTIVE OF THE BURGLARY IS THE THEFT OF ONE OR MORE FIREARMS OR AMMUNITION.

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

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

(1) (a) (III) (A) As to any person sentenced for a felony committed on or after July 1, 1985, except as otherwise provided in ~~sub-subparagraph (E) of this subparagraph (H)~~ SUBSECTION (1)(a)(III)(E) OR (1)(a)(III)(F) of THIS SECTION, in addition to, or in lieu of, any sentence to imprisonment, probation, community corrections, or work release, a fine within the following presumptive ranges may be imposed for the specified classes of felonies:

Class	Minimum Sentence	Maximum Sentence
1	No fine	No fine

1	2	Five thousand dollars	One million dollars
2	3	Three thousand dollars	Seven hundred fifty
3			thousand dollars
4	4	Two thousand dollars	Five hundred thousand
5			dollars
6	5	One thousand dollars	One hundred thousand
7			dollars
8	6	One thousand dollars	One hundred thousand
9			dollars

10 (F) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
11 (1)(a)(III)(F), IF A PERSON IS CONVICTED OF SECOND DEGREE BURGLARY
12 AS DESCRIBED IN SECTION 18-4-203 (2)(c), IN ADDITION TO ANY OTHER
13 SENTENCE, THE COURT MAY REQUIRE THE PERSON TO PAY A FINE OF AT
14 LEAST FIVE THOUSAND DOLLARS BUT NOT EXCEEDING SEVEN HUNDRED
15 FIFTY THOUSAND DOLLARS.

16 **SECTION 3.** In Colorado Revised Statutes, **add** 17-18-124 as
17 follows:

18 **17-18-124. Appropriation to comply with section 2-2-703 - HB**
19 **18-1077 - repeal.** (1) PURSUANT TO SECTION 2-2-703, THE FOLLOWING
20 STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO IMPLEMENT HOUSE
21 BILL 18-1077, ENACTED IN 2018:

22 (a) FOR THE 2020-21 STATE FISCAL YEAR, SIXTY-NINE THOUSAND
23 EIGHT HUNDRED FIFTY-SIX DOLLARS IS APPROPRIATED TO THE
24 DEPARTMENT FROM THE GENERAL FUND;

25 (b) FOR THE 2021-22 STATE FISCAL YEAR, FOUR HUNDRED
26 SIXTY-SEVEN THOUSAND ONE HUNDRED FORTY-FOUR DOLLARS IS
27 APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND; AND

1 (c) FOR THE 2022-23 STATE FISCAL YEAR, EIGHT HUNDRED
2 SIXTY-FOUR THOUSAND FOUR HUNDRED THIRTY-TWO DOLLARS IS
3 APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

4 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

5 **SECTION 4. Applicability.** This act applies to offenses
6 committed on or after the effective date of this act.

7 **SECTION 5. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.