

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0805.01 Michael Dohr x4347

HOUSE BILL 14-1197

HOUSE SPONSORSHIP

Szabo,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING LIMITING THE GOVERNOR'S AUTHORITY TO GRANT A
102 REPRIEVE IN A CAPITAL CASE.

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://www.leg.state.co.us/billsummaries>.)

The bill outlines the governor's authority related to granting a reprieve in a capital case. The governor may issue a reprieve only for 90 days if administrative difficulties arise in carrying out the execution. An additional reprieve may be issued only if the administrative difficulties are not resolved during the 90 days. If the governor grants a reprieve, he

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

or she shall provide notice of the reprieve to the director of the department of corrections within 24 hours. The notice must include the basis for granting the reprieve.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 16-17-101 as
3 follows:

4 **16-17-101. Governor may commute sentence - grant pardon**
5 **- grant reprieve.** (1) The governor is hereby fully authorized, when he
6 OR SHE deems it proper and advisable and consistent with the public
7 interests and the rights and interests of the condemned, to commute the
8 sentence in any case by reducing the penalty in a capital case to
9 imprisonment for life or for a term of not less than twenty years at hard
10 labor.

11 (2) (a) THE GOVERNOR MAY GRANT A REPRIEVE IN A CAPITAL CASE
12 ONLY FOR A SPECIFIC PERIOD OF TIME NOT TO EXCEED NINETY DAYS WHEN
13 THE GOVERNOR FINDS THERE IS CAUSE. AFTER THE GOVERNOR GRANTS A
14 REPRIEVE, THE GOVERNOR SHALL NOT GRANT AN ADDITIONAL REPRIEVE
15 UNLESS THE CIRCUMSTANCES CONSTITUTING CAUSE ARE NOT RESOLVED
16 WITHIN THE INITIAL NINETY DAYS.

17 (b) IF THE GOVERNOR GRANTS A REPRIEVE, THE GOVERNOR SHALL
18 PROVIDE NOTICE OF THE REPRIEVE, INCLUDING THE CAUSE BASIS FOR THE
19 REPRIEVE, TO THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS
20 WITHIN TWENTY-FOUR HOURS OF GRANTING THE REPRIEVE.

21 (c) FOR PURPOSES OF THIS SECTION AND SECTION 18-1.3-1202,
22 C.R.S., "CAUSE" IS LIMITED TO CIRCUMSTANCES RELATED TO
23 ADMINISTRATIVE DIFFICULTIES IN CARRYING OUT THE EXECUTION.

24 **SECTION 2.** In Colorado Revised Statutes, **amend** 18-1.3-1202

1 as follows:

2 **18-1.3-1202. Death penalty inflicted by lethal injection.** The
3 manner of inflicting the punishment of death shall be by the
4 administration of a lethal injection within the time prescribed in this part
5 12, unless for ~~good~~ cause the court or governor, PURSUANT TO SECTION
6 16-17-101 (2), C.R.S., may prolong the time. For the purposes of this part
7 12, "lethal injection" means a continuous intravenous injection of a lethal
8 quantity of sodium thiopental or other equally or more effective substance
9 sufficient to cause death. The manner of inflicting the punishment of
10 death shall, in all circumstances, be by the administration of a lethal
11 injection regardless of the date of the commission of the offense or
12 offenses for which the death penalty is imposed.

13 **SECTION 3. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.