

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0591.01 Michael Dohr x4347

SENATE BILL 16-064

SENATE SPONSORSHIP

Lundberg, Cooke, Marble, Holbert, Woods, Grantham

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES RELATED TO DEATH PENALTY CASES.

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>.)

Under current law, a jury can only impose the death penalty based on a unanimous agreement. The bill changes the requirement to 9 out of 12 members of the jury.

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

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.

1 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-1201, **amend**
2 (2) (b), (2) (c), and (2) (d) as follows:

3 **18-1.3-1201. Imposition of sentence in class 1 felonies -**
4 **appellate review.** (2) (b) (I) In the event that ~~no aggravating factors are~~
5 ~~found to exist~~ THERE ARE FEWER THAN NINE JURORS WHO AGREE THAT AT
6 LEAST ONE AGGRAVATING FACTOR as enumerated in subsection (5) of this
7 section EXISTS, the jury shall render a verdict of life imprisonment, and
8 the court shall sentence the defendant to life imprisonment.

9 (II) The jury shall not render a verdict of death unless, BY THE
10 AGREEMENT OF AT LEAST NINE JURORS, it ~~unanimously~~ finds and specifies
11 in writing that:

12 (A) At least one aggravating factor has been proved; and

13 (B) There are insufficient mitigating factors to outweigh the
14 aggravating factor or factors that were proved.

15 (c) In the event that the jury's verdict is to sentence to death, such
16 verdict shall be ~~unanimous~~ BY THE AGREEMENT OF AT LEAST NINE JURORS
17 and shall be binding upon the court unless the court determines, and sets
18 forth in writing the basis and reasons for such determination, that the
19 verdict of the jury is clearly erroneous as contrary to the weight of the
20 evidence, in which case the court shall sentence the defendant to life
21 imprisonment.

22 (d) ~~If the jury's verdict is not unanimous~~ IN THE EVENT THAT
23 THERE ARE FEWER THAN NINE JURORS WHO CAN AGREE ON A SENTENCE,
24 the jury shall be discharged, and the court shall sentence the defendant to
25 life imprisonment.

26 **SECTION 2. Act subject to petition - effective date -**
27 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

1 the expiration of the ninety-day period after final adjournment of the
2 general assembly (August 10, 2016, if adjournment sine die is on May 11,
3 2016); except that, if a referendum petition is filed pursuant to section 1
4 (3) of article V of the state constitution against this act or an item, section,
5 or part of this act within such period, then the act, item, section, or part
6 will not take effect unless approved by the people at the general election
7 to be held in November 2016 and, in such case, will take effect on the
8 date of the official declaration of the vote thereon by the governor.

9 (2) This act applies to offenses committed on or after the
10 applicable effective date of this act.