

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

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 20-0009.01 Michael Dohr x4347

**SENATE BILL 20-100**

---

**SENATE SPONSORSHIP**

**Gonzales and Tate**, Williams A., Garcia, Bridges, Hill, Priola, Rodriguez, Donovan, Fenberg, Hansen, Lee, Moreno

**HOUSE SPONSORSHIP**

**Arndt and Benavidez**,

---

**Senate Committees**  
Judiciary

**House Committees**

---

**A BILL FOR AN ACT**

101     **CONCERNING THE REPEAL OF THE DEATH PENALTY BY THE GENERAL**  
102             **ASSEMBLY IN ALL CIRCUMSTANCES CHARGED ON OR AFTER**  
103             **JULY 1, 2020.**

---

**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>.)*

The bill repeals the death penalty in Colorado for offenses charged on or after July 1, 2020, and makes conforming amendments.

---

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  
3rd Reading Unamended  
January 31, 2020

SENATE  
Amended 2nd Reading  
January 30, 2020

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 9 to article  
3 11 of title 16 as follows:

4 PART 9

5 REPEAL OF THE DEATH PENALTY

6 **16-11-901. Death penalty repeal - applicability - current**  
7 **sentences.** FOR OFFENSES CHARGED ON OR AFTER JULY 1, 2020, THE  
8 DEATH PENALTY IS NOT A SENTENCING OPTION FOR A DEFENDANT  
9 CONVICTED OF A CLASS 1 FELONY IN THE STATE OF COLORADO. NOTHING  
10 IN THIS SECTION COMMUTES OR ALTERS THE SENTENCE OF A DEFENDANT  
11 CONVICTED OF AN OFFENSE CHARGED PRIOR TO JULY 1, 2020. THIS  
12 SECTION DOES NOT APPLY TO A PERSON CURRENTLY SERVING A DEATH  
13 SENTENCE. ANY DEATH SENTENCE IN EFFECT ON JULY 1, 2020 IS VALID.

14 **SECTION 2.** In Colorado Revised Statutes, 13-4-102, **amend**  
15 (1)(h) as follows:

16 **13-4-102. Jurisdiction.** (1) Any provision of law to the contrary  
17 notwithstanding, the court of appeals shall have initial jurisdiction over  
18 appeals from final judgments of, and interlocutory appeals of certified  
19 questions of law in civil cases pursuant to section 13-4-102.1 from, the  
20 district courts, the probate court of the city and county of Denver, and the  
21 juvenile court of the city and county of Denver, except in:

22 (h) Cases appealed from the district court granting or denying  
23 postconviction relief in a case in which a sentence of death has been  
24 imposed FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020.

25 **SECTION 3.** In Colorado Revised Statutes, 16-8-103.6, **amend**  
26 (1)(a) and (2)(a) as follows:

27 **16-8-103.6. Waiver of privilege.** (1) (a) A defendant who places

1 his or her mental condition at issue by pleading not guilty by reason of  
2 insanity pursuant to section 16-8-103, OR asserting the affirmative  
3 defense of impaired mental condition pursuant to section 16-8-103.5, or  
4 disclosing witnesses who may provide evidence concerning the  
5 defendant's mental condition during a sentencing hearing held pursuant  
6 to ~~section 18-1.3-1201 or 18-1.3-1302, C.R.S.~~ SECTION 18-1.3-1201 FOR  
7 AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION  
8 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, waives  
9 any claim of confidentiality or privilege as to communications made by  
10 the defendant to a physician or psychologist in the course of an  
11 examination or treatment for ~~such~~ THE mental condition for the purpose  
12 of any trial OR hearing on the issue of ~~such~~ THE mental condition, or  
13 sentencing hearing conducted pursuant to ~~section 18-1.3-1201 or~~  
14 ~~18-1.3-1302, C.R.S.~~ SECTION 18-1.3-1201 FOR AN OFFENSE CHARGED  
15 PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION 18-1.3-1302 FOR AN  
16 OFFENSE CHARGED PRIOR TO JULY 1, 2020. The court shall order both the  
17 prosecutor and the defendant to exchange the names, addresses, reports,  
18 and statements of any physician or psychologist who has examined or  
19 treated the defendant for ~~such~~ THE mental condition.

20 (2) (a) A defendant who places his or her mental condition at issue  
21 by pleading not guilty by reason of insanity pursuant to section 16-8-103  
22 or disclosing witnesses who may provide evidence concerning the  
23 defendant's mental condition during a sentencing hearing held pursuant  
24 to ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201 FOR  
25 AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION  
26 18-1.4-102; or, for offenses committed on or after July 1, 1999, by  
27 seeking to introduce evidence concerning his or her mental condition

1 pursuant to section 16-8-107 (3) waives any claim of confidentiality or  
2 privilege as to communications made by the defendant to a physician or  
3 psychologist in the course of an examination or treatment for ~~such~~ THE  
4 mental condition for the purpose of any trial OR hearing on the issue of  
5 ~~such~~ THE mental condition, or sentencing hearing conducted pursuant to  
6 ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201 FOR AN  
7 OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION  
8 18-1.4-102. The court shall order both the prosecutor and the defendant  
9 to exchange the names, addresses, reports, and statements of any  
10 physician or psychologist who has examined or treated the defendant for  
11 ~~such~~ THE mental condition.

12           **SECTION 4.** In Colorado Revised Statutes, 16-8-106, **amend**  
13 (2)(c), (3)(b), (6) introductory portion, (6)(b), (7) introductory portion,  
14 and (7)(b) as follows:

15           **16-8-106. Examinations and report.** (2) (c) The defendant shall  
16 cooperate with psychiatrists, forensic psychologists, and other personnel  
17 conducting any examination ordered by the court pursuant to this section.  
18 Statements made by the defendant in the course of ~~such~~ THE examination  
19 shall be protected as provided in section 16-8-107. If the defendant does  
20 not cooperate with psychiatrists, forensic psychologists, and other  
21 personnel conducting the examination, the court shall not allow the  
22 defendant to call any psychiatrist, forensic psychologist, or other expert  
23 witness to provide evidence at the defendant's trial concerning the  
24 defendant's mental condition including, but not limited to, providing  
25 evidence on the issue of insanity or at any sentencing hearing held  
26 pursuant to ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION  
27 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR

1 PURSUANT TO SECTION 18-1.4-102. In addition, the fact of the defendant's  
2 noncooperation with psychiatrists, forensic psychologists, and other  
3 personnel conducting the examination may be admissible in the  
4 defendant's trial to rebut any evidence introduced by the defendant with  
5 regard to the defendant's mental condition including, but not limited to,  
6 the issue of insanity and in any sentencing hearing held pursuant to  
7 ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201 FOR AN  
8 OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION  
9 18-1.4-102. This ~~paragraph (c) shall apply~~ SUBSECTION (2)(c) APPLIES to  
10 offenses committed on or after July 1, 1999.

11 (3) (b) To aid in forming an opinion as to the mental condition of  
12 the defendant, it is permissible in the course of an examination under this  
13 section to use confessions and admissions of the defendant and any other  
14 evidence of the circumstances surrounding the commission of the offense,  
15 as well as the medical and social history of the defendant, in questioning  
16 the defendant. When the defendant is noncooperative with psychiatrists,  
17 forensic psychologists, and other personnel conducting the examination,  
18 an opinion of the mental condition of the defendant may be rendered by  
19 such psychiatrists, forensic psychologists, or other personnel based upon  
20 such confessions, admissions, and any other evidence of the  
21 circumstances surrounding the commission of the offense, as well as the  
22 known medical and social history of the defendant, and such opinion may  
23 be admissible into evidence at trial and in any sentencing hearing held  
24 pursuant to ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION  
25 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR  
26 PURSUANT TO SECTION 18-1.4-102. It shall also be permissible to conduct  
27 a narcoanalytic interview of the defendant with such drugs as are

1 medically appropriate and to subject the defendant to polygraph  
2 examination. In any trial or hearing on the issue of the defendant's sanity  
3 or eligibility for release, and in any sentencing hearing held pursuant to  
4 ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201 FOR AN  
5 OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION  
6 18-1.4-102, the physicians and other personnel conducting the  
7 examination may testify to the results of any such procedures and the  
8 statements and reactions of the defendant insofar as the same entered into  
9 the formation of their opinions as to the mental condition of the defendant  
10 both at the time of the commission of the alleged offense and at the  
11 present time. This ~~paragraph (b) shall apply~~ SUBSECTION (3)(b) APPLIES  
12 to offenses committed on or after July 1, 1995.

13 (6) With respect to offenses committed on or after July 1, 1995,  
14 the report of examination shall include, but is not limited to, the items  
15 described in ~~paragraphs (a) to (c) of subsection (5)~~ SUBSECTIONS (5)(a),  
16 (5)(b), AND (5)(c) of this section, and:

17 (b) Separate opinions as to whether the defendant was insane or  
18 is ineligible for release, as those terms are defined in this ~~article~~ ARTICLE  
19 8, and, in any class 1 felony case FOR AN OFFENSE CHARGED PRIOR TO  
20 JULY 1, 2020, an opinion as to how the mental disease or defect or the  
21 condition of mind caused by mental disease or defect affects any  
22 mitigating factor. The nature of the opinions required depends upon the  
23 type of examination ordered by the court.

24 (7) With respect to offenses committed on or after July 1, 1999,  
25 when a defendant has undergone an examination pursuant to the  
26 provisions of this section because the defendant has given notice pursuant  
27 to section 16-8-107 (3) that he or she intends to introduce expert opinion

1 evidence concerning his or her mental condition, the report of  
2 examination shall include, but is not limited to, the items described in  
3 ~~paragraphs (a) to (c) of subsection (5)~~ SUBSECTIONS (5)(a), (5)(b), AND  
4 (5)(c) of this section, and:

5 (b) Separate opinions as to the defendant's mental condition  
6 including, but not limited to, whether the defendant was insane or is  
7 ineligible for release, as those terms are defined in this ~~article~~ ARTICLE 8,  
8 and, in any class 1 felony case FOR AN OFFENSE CHARGED PRIOR TO JULY  
9 1, 2020, an opinion as to how the mental disease or defect or the  
10 condition of mind caused by mental disease or defect affects any  
11 mitigating factor. The nature of the opinions required depends upon the  
12 type of examination ordered by the court.

13 **SECTION 5.** In Colorado Revised Statutes, 16-8-107, **amend**  
14 (1)(b), (1)(c), and (1.5)(b) as follows:

15 **16-8-107. Evidence.** (1) (b) Evidence acquired directly or  
16 indirectly for the first time from a communication derived from the  
17 defendant's mental processes during the course of a court-ordered  
18 examination under section 16-8-108 or acquired pursuant to section  
19 16-8-103.6 is admissible at any sentencing hearing held pursuant to  
20 ~~section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102, C.R.S.~~ SECTION  
21 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR  
22 PURSUANT TO SECTION 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR TO  
23 JULY 1, 2020, OR PURSUANT TO SECTION 18-1.4-102 only to prove the  
24 existence or absence of any mitigating factor.

25 (c) If the defendant testifies in his or her own behalf upon the trial  
26 of the issues raised by the plea of not guilty, or at a sentencing hearing  
27 held pursuant to ~~section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102, C.R.S.~~

1 SECTION 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020,  
2 OR PURSUANT TO SECTION 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR  
3 TO JULY 1, 2020, OR PURSUANT TO SECTION 18-1.4-102, the provisions of  
4 this section shall not bar any evidence used to impeach or rebut the  
5 defendant's testimony.

6 (1.5) (b) Evidence acquired directly or indirectly for the first time  
7 from a communication derived from the defendant's mental processes  
8 during the course of a court-ordered examination under section 16-8-106  
9 or acquired pursuant to section 16-8-103.6 is admissible at any sentencing  
10 hearing held pursuant to ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~  
11 SECTION 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020,  
12 OR PURSUANT TO SECTION 18-1.4-102 only to prove the existence or  
13 absence of any mitigating factor.

14 **SECTION 6.** In Colorado Revised Statutes, 16-8.5-103, **amend**  
15 (8) as follows:

16 **16-8.5-103. Determination of competency to proceed.** (8) If the  
17 question of the defendant's incompetency to proceed is raised after a jury  
18 is impaneled to try the issues raised by a plea of not guilty and the court  
19 determines that the defendant is incompetent to proceed or orders a  
20 court-ordered competency evaluation, the court may declare a mistrial.  
21 Declaration of a mistrial under these circumstances does not constitute  
22 jeopardy, nor does it prohibit the trial OR sentencing ~~or execution~~ of the  
23 defendant for the same offense after he or she has been found restored to  
24 competency.

25 **SECTION 7.** In Colorado Revised Statutes, 16-8.5-108, **amend**  
26 (1)(b) and (1)(c) as follows:

27 **16-8.5-108. Evidence.** (1) (b) Evidence acquired directly or

1 indirectly for the first time from a communication derived from the  
2 defendant's mental processes during the course of a competency  
3 evaluation or involuntary medication proceeding is admissible at any  
4 sentencing hearing held pursuant to ~~section 18-1.3-1201, 18-1.3-1302, or~~  
5 ~~18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR  
6 TO JULY 1, 2020, OR PURSUANT TO SECTION 18-1.3-1302 FOR AN OFFENSE  
7 CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION 18-1.4-102  
8 only to prove the existence or absence of any mitigating factor.

9 (c) If the defendant testifies on his or her own behalf upon the trial  
10 of the issues raised by the plea of not guilty or, for offenses that occurred  
11 before July 1, 1995, a plea of not guilty by reason of impaired mental  
12 condition, or at a sentencing hearing held pursuant to ~~section~~  
13 ~~18-1.3-1201, 18-1.3-1302, or 18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201  
14 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO  
15 SECTION 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020,  
16 OR PURSUANT TO SECTION 18-1.4-102, the provisions of this section shall  
17 not bar any evidence used to impeach or rebut the defendant's testimony.

18 **SECTION 8.** In Colorado Revised Statutes, 18-1-409, **amend** (1)  
19 as follows:

20 **18-1-409. Appellate review of sentence for a felony.** (1) When  
21 A sentence is imposed upon any person following a conviction of any  
22 felony, other than a class 1 felony in which a death sentence is  
23 automatically reviewed pursuant to section 18-1.3-1201 (6) FOR AN  
24 OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION  
25 18-1.3-1302 (6) FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, or  
26 PURSUANT TO SECTION 18-1.4-102 (6), the person convicted shall have the  
27 right to one appellate review of the propriety of the sentence, having

1 regard to the nature of the offense, the character of the offender, and the  
2 public interest, and the manner in which the sentence was imposed,  
3 including the sufficiency and accuracy of the information on which it was  
4 based; except that, if the sentence is within a range agreed upon by the  
5 parties pursuant to a plea agreement, the defendant shall not have the  
6 right of appellate review of the propriety of the sentence. The procedures  
7 ~~to be~~ employed in the review shall be ~~as~~ provided by supreme court rule.

8 **SECTION 9.** In Colorado Revised Statutes, 18-1.3-104, **amend**  
9 (1) introductory portion and (1)(c) as follows:

10 **18-1.3-104. Alternatives in imposition of sentence.** (1) Within  
11 the limitations of the applicable statute pertaining to sentencing and  
12 subject to the provisions of this ~~title~~ TITLE 18, the trial court has the  
13 following alternatives in entering judgment imposing a sentence:

14 (c) The defendant shall be sentenced to death in those cases in  
15 which a death sentence is required ~~under~~ PURSUANT TO section  
16 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR  
17 PURSUANT TO SECTION 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR TO  
18 JULY 1, 2020, or PURSUANT TO SECTION 18-1.4-102.

19 **SECTION 10.** In Colorado Revised Statutes, 18-1.3-401, **amend**  
20 (1)(a)(V)(A.1) and (4)(a); and **add** (1)(a)(V)(F) and (1)(a)(V.5) as  
21 follows:

22 **18-1.3-401. Felonies classified - presumptive penalties.**  
23 (1) (a) (V) (A.1) SUBJECT TO THE PROVISIONS OF SUBSECTION  
24 (1)(a)(V)(F) OF THIS SECTION, as to any person sentenced for a felony  
25 committed on or after July 1, 2018, AND PRIOR TO JULY 1, 2020, felonies  
26 are divided into six classes that are distinguished from one another by the  
27 following presumptive ranges of penalties that are authorized upon

1 conviction:

2	<b>Class</b>	<b>Minimum</b>	<b>Maximum</b>	<b>Mandatory Period</b>
3		<b>Sentence</b>	<b>Sentence</b>	<b>of Parole</b>
4	1	Life imprisonment	Death	None
5	2	Eight years	Twenty-four years	Five years if the offense
6		imprisonment	imprisonment	is a crime of violence
7				as described in section
8				18-1.3-406 (2)
9				Three years if the offense
10				is not a crime of
11				violence as described
12				in section 18-1.3-406
13				(2)
14	3	Four years	Twelve years	Three years
15		imprisonment	imprisonment	
16	4	Two years	Six years	Three years
17		imprisonment	imprisonment	
18	5	One year	Three years	Two years
19		imprisonment	imprisonment	
20	6	One year	Eighteen months	One year
21		imprisonment	imprisonment	

22 (F) NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY,  
23 THE MAXIMUM SENTENCE FOR A CLASS 1 FELONY THAT IS CHARGED AFTER  
24 JULY 1, 2020, IS LIFE IMPRISONMENT.

25 (V.5) (A) AS TO ANY PERSON SENTENCED FOR A FELONY FOR AN  
26 OFFENSE COMMITTED ON OR AFTER JULY 1, 2020, FELONIES ARE DIVIDED  
27 INTO SIX CLASSES THAT ARE DISTINGUISHED FROM ONE ANOTHER BY THE

1 FOLLOWING PRESUMPTIVE RANGES OF PENALTIES THAT ARE AUTHORIZED  
 2 UPON CONVICTION:

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

IMPRISONMENT                      IMPRISONMENT

(B) ANY PERSON WHO IS PAROLED PURSUANT TO SECTION 17-22.5-403, OR ANY PERSON WHO IS NOT PAROLED AND IS DISCHARGED PURSUANT TO LAW, SHALL BE SUBJECT TO THE MANDATORY PERIOD OF PAROLE ESTABLISHED PURSUANT TO SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION. SUCH MANDATORY PERIOD OF PAROLE MAY NOT BE WAIVED BY THE OFFENDER OR WAIVED OR SUSPENDED BY THE COURT AND SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 17-22.5-403 (8), WHICH PERMITS THE STATE BOARD OF PAROLE TO DISCHARGE THE OFFENDER AT ANY TIME DURING THE TERM OF PAROLE UPON A DETERMINATION THAT THE OFFENDER HAS BEEN SUFFICIENTLY REHABILITATED AND REINTEGRATED INTO SOCIETY AND CAN NO LONGER BENEFIT FROM PAROLE SUPERVISION.

(C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION, ANY PERSON SENTENCED FOR A SEX OFFENSE, AS DEFINED IN SECTION 18-1.3-1003 (5), COMMITTED ON OR AFTER JULY 1, 2020, SHALL BE SENTENCED PURSUANT TO THE PROVISIONS OF PART 10 OF THIS ARTICLE 1.3.

(D) ANY PERSON SENTENCED FOR A FELONY CONVICTION ENTERED ON OR AFTER JULY 1, 2020, INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9), OR FOR A FELONY COMMITTED ON OR AFTER JULY 1, 2020, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR, AND WHO IS NOT SUBJECT TO THE PROVISIONS OF PART 10 OF THIS ARTICLE 1.3, SHALL BE SUBJECT TO THE MANDATORY PERIOD OF PAROLE SPECIFIED IN SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION.

(E) THE MANDATORY PERIOD OF PAROLE IMPOSED PURSUANT TO SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION SHALL COMMENCE

1 IMMEDIATELY UPON THE DISCHARGE OF AN OFFENDER FROM  
2 IMPRISONMENT IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS.  
3 IF THE OFFENDER HAS BEEN GRANTED RELEASE TO PAROLE SUPERVISION  
4 BY THE STATE BOARD OF PAROLE, THE OFFENDER SHALL BE DEEMED TO  
5 HAVE DISCHARGED THE OFFENDER'S SENTENCE TO IMPRISONMENT  
6 PROVIDED FOR IN SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION IN THE  
7 SAME MANNER AS IF SUCH SENTENCE WERE DISCHARGED PURSUANT TO  
8 LAW; EXCEPT THAT THE SENTENCE TO IMPRISONMENT FOR ANY PERSON  
9 SENTENCED AS A SEX OFFENDER PURSUANT TO PART 10 OF THIS ARTICLE  
10 1.3 SHALL NOT BE DEEMED DISCHARGED ON RELEASE OF SAID PERSON ON  
11 PAROLE. WHEN AN OFFENDER IS RELEASED BY THE STATE BOARD OF  
12 PAROLE OR RELEASED BECAUSE THE OFFENDER'S SENTENCE WAS  
13 DISCHARGED PURSUANT TO LAW, THE MANDATORY PERIOD OF PAROLE  
14 SHALL BE SERVED BY SUCH OFFENDER. AN OFFENDER SENTENCED FOR A  
15 NONVIOLENT FELONY OFFENSE, AS DEFINED IN SECTION 17-22.5-405 (5),  
16 MAY RECEIVE EARNED TIME PURSUANT TO SECTION 17-22.5-405 WHILE  
17 SERVING A MANDATORY PAROLE PERIOD IN ACCORDANCE WITH THIS  
18 SECTION, BUT NOT WHILE SUCH OFFENDER IS REINCARCERATED AFTER A  
19 REVOCATION OF THE MANDATORY PERIOD OF PAROLE. AN OFFENDER  
20 SHALL BE ELIGIBLE TO RECEIVE EARNED TIME WHILE ON PAROLE OR AFTER  
21 REPAROLE FOLLOWING A PAROLE REVOCATION. THE OFFENDER SHALL NOT  
22 BE ELIGIBLE FOR EARNED TIME WHILE THE OFFENDER IS REINCARCERATED  
23 AFTER REVOCATION OF THE MANDATORY PERIOD OF PAROLE PURSUANT TO  
24 THIS SUBSECTION (1)(a)(V.5).

25 (F) IF AN OFFENDER IS SENTENCED CONSECUTIVELY FOR THE  
26 COMMISSION OF TWO OR MORE FELONY OFFENSES PURSUANT TO  
27 SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION, THE MANDATORY PERIOD OF

1 PAROLE FOR SUCH OFFENDER SHALL BE THE MANDATORY PERIOD OF  
2 PAROLE ESTABLISHED FOR THE HIGHEST CLASS FELONY OF WHICH SUCH  
3 OFFENDER HAS BEEN CONVICTED.

4 (4) (a) (I) A person who has been convicted of a class 1 felony  
5 shall be punished by life imprisonment in the department of corrections  
6 unless THE OFFENSE WAS CHARGED PRIOR TO JULY 1, 2020, AND a  
7 proceeding held to determine sentence according to the procedure set  
8 forth in section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102 results in a  
9 verdict that requires imposition of the death penalty, in which event such  
10 person shall be sentenced to death.

11 (II) A PERSON WHO HAS BEEN CONVICTED OF A CLASS 1 FELONY  
12 SHALL BE PUNISHED BY LIFE IMPRISONMENT IN THE DEPARTMENT OF  
13 CORRECTIONS IF THE OFFENSE WAS COMMITTED DURING A PERIOD OF TIME  
14 WHEN COLORADO'S DEATH PENALTY WAS UNCONSTITUTIONAL.

15 (III) As to any person sentenced for a class 1 felony, for an act  
16 committed on or after July 1, 1985, and before July 1, 1990, life  
17 imprisonment shall mean imprisonment without the possibility of parole  
18 for forty calendar years. As to any person sentenced for a class 1 felony,  
19 for an act committed on or after July 1, 1990, life imprisonment shall  
20 mean imprisonment without the possibility of parole.

21 **SECTION 11.** In Colorado Revised Statutes, 18-1.3-801, **amend**  
22 (1)(e) as follows:

23 **18-1.3-801. Punishment for habitual criminals.** (1) (e) Nothing  
24 in this subsection (1) is to be construed to prohibit a person convicted of  
25 a class 1 felony from being sentenced pursuant to section 18-1.3-1201  
26 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO  
27 SECTION 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020,

1 or PURSUANT TO SECTION 18-1.4-102.

2 **SECTION 12.** In Colorado Revised Statutes, 18-1.3-1201, **add**  
3 (9) as follows:

4 **18-1.3-1201. Imposition of sentence in class 1 felonies -**  
5 **appellate review - applicability.** (9) THIS SECTION APPLIES ONLY TO  
6 OFFENSES CHARGED PRIOR TO JULY 1, 2020.

7 **SECTION 13.** In Colorado Revised Statutes, 18-1.3-1302, **add**  
8 (8) as follows:

9 **18-1.3-1302. Imposition of sentences in class 1 felonies for**  
10 **crimes committed on or after July 1, 1988, and prior to September**  
11 **20, 1991 - appellate review - applicability.** (8) THIS SECTION APPLIES  
12 ONLY TO OFFENSES CHARGED PRIOR TO JULY 1, 2020.

13 **SECTION 14.** In Colorado Revised Statutes, 18-3-107, **amend**  
14 (3) as follows:

15 **18-3-107. First degree murder of a peace officer, firefighter,**  
16 **or emergency medical service provider - legislative declaration.** (3) A  
17 person convicted of first degree murder of a peace officer, firefighter, or  
18 emergency medical service provider shall be punished by life  
19 imprisonment without the possibility of parole for the rest of his or her  
20 natural life, unless THE OFFENSE WAS CHARGED PRIOR TO JULY 1, 2020,  
21 AND a proceeding held to determine sentence according to the procedure  
22 set forth in section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102 results in a  
23 verdict that requires imposition of the death penalty, in which event the  
24 person shall be sentenced to death. Nothing in this subsection (3) is  
25 construed as limiting the power of the governor to grant reprieves,  
26 commutations, and pardons pursuant to section 7 of article IV of the  
27 Colorado constitution.

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