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

## REREVISED

This Version Includes All Amendments Adopted in the Second House SENATE BILL 18-166

LLS NO. 18-0554.01 Michael Dohr x4347

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# A BILL FOR AN ACT

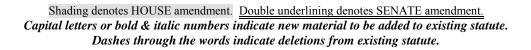
#### 101 **CONCERNING CHANGING THE MAXIMUM JAIL SENTENCE FOR CERTAIN**

102 CRIMES FROM ONE YEAR TO THREE HUNDRED SIXTY-FOUR DAYS.

#### **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 <u>http://leg.colorado.gov</u>.)

Under current law, the maximum jail sentence for a class 2 misdemeanor, misdemeanors without a fixed statutory penalty, and municipal ordinance violations is one year. The bill changes the maximum jail sentence to 364 days.



HOUSE 3rd Reading Unamended April 26, 2018

HOUSE Amended 2nd Reading April 24, 2018



Amended 2nd Reading April 10, 2018

SENATE

1 Be it enacted by the General Assembly of the State of Colorado: 2 SECTION 1. In Colorado Revised Statutes, 13-10-113, amend 3 (1)(a) as follows: 4 13-10-113. Fines and penalties. (1) (a) Except as provided in 5 paragraph (b) of this subsection (1) SUBSECTION (1)(b) OF THIS SECTION, 6 any person convicted of violating a municipal ordinance in a municipal 7 court of record may be incarcerated for a period not to exceed one year 8 THREE HUNDRED SIXTY-FOUR DAYS or fined an amount not to exceed two 9 thousand six hundred fifty dollars, or both. 10 SECTION 2. In Colorado Revised Statutes, 18-1.3-501, amend 11 (1)(a) and (1)(d) as follows: 12 18-1.3-501. Misdemeanors classified - drug misdemeanors and 13 drug petty offenses classified - penalties - definitions. (1) (a) Except 14 as otherwise provided in paragraph (d) of this subsection (1) SUBSECTION 15 (1)(d) OF THIS SECTION, misdemeanors are divided into three classes that 16 are distinguished from one another by the following penalties that are authorized upon conviction except as provided in subsection (1.5) of this 17 18 section: 19 Class **Minimum Sentence Maximum Sentence** 20 1 Six months imprisonment, or five Eighteen months 21 hundred dollars fine, or both imprisonment, 22 or five thousand 23 dollars fine, or 24 both 2 25 Three months imprisonment, or two Twelve months 26 hundred fifty dollars fine, or both THREE HUNDRED 27 SIXTY-FOUR DAYS

1			imprisonment, or
2			one thousand
3			dollars fine, or
4			both
5	3	Fifty dollars fine	Six months
6			imprisonment, or
7			seven hundred
8			fifty dollars fine,
9			or both
10	(d)	For purposes of sentencing a person	convicted of a
11	misdemeano	r drug offense described in article 18 of t	his <del>title</del> TITLE 18,
12	committed on or after October 1, 2013, drug misdemeanors are divided		
13	into two leve	els that are distinguished from one another	r by the following
14	penalties tha	t are authorized upon conviction:	
	*	1	
15	Level		ximum Sentence
15 16			ximum Sentence Eighteen months
	Level	Minimum Sentence Ma	
16	Level	Minimum SentenceMaSix months imprisonment,	Eighteen months
16 17	Level	Minimum SentenceMaSix months imprisonment,five hundred dollars fine,	Eighteen months imprisonment,
16 17 18	Level	Minimum SentenceMaSix months imprisonment,five hundred dollars fine,	Eighteen months imprisonment, five thousand
16 17 18 19	Level	Minimum SentenceMaSix months imprisonment,five hundred dollars fine,	Eighteen months imprisonment, five thousand dollars fine, or
16 17 18 19 20	Level DM1	Minimum SentenceMaSix months imprisonment,five hundred dollars fine,or both	Eighteen months imprisonment, five thousand dollars fine, or both
16 17 18 19 20 21	Level DM1	Minimum SentenceMaSix months imprisonment,five hundred dollars fine,or bothNo imprisonment, fifty	Eighteen months imprisonment, five thousand dollars fine, or both Twelve months
16 17 18 19 20 21 22	Level DM1	Minimum SentenceMaSix months imprisonment,five hundred dollars fine,or bothNo imprisonment, fifty	Eighteen months imprisonment, five thousand dollars fine, or both <del>Twelve months</del> THREE HUNDRED
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> </ol>	Level DM1	Minimum SentenceMaSix months imprisonment,five hundred dollars fine,or bothNo imprisonment, fifty	Eighteen months imprisonment, five thousand dollars fine, or both <del>Twelve months</del> THREE HUNDRED SIXTY-FOUR DAYS
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> </ol>	Level DM1	Minimum SentenceMaSix months imprisonment,five hundred dollars fine,or bothNo imprisonment, fifty	Eighteen months imprisonment, five thousand dollars fine, or both Twelve months THREE HUNDRED SIXTY-FOUR DAYS imprisonment,

SECTION 3. In Colorado Revised Statutes, 18-1.3-505, amend

2 (1) as follows:

1

**18-1.3-505.** Penalty for misdemeanor not fixed by statute -**punishment.** (1) In all cases where an offense is denominated a
misdemeanor and no penalty is fixed in the statute therefor, the
punishment shall be imprisonment for not more than one year THREE
HUNDRED SIXTY-FOUR DAYS in the county jail, or a fine of not more than
one thousand dollars, or both such imprisonment and fine.

9 SECTION 4. Act subject to petition - effective date. This act 10 takes effect at 12:01 a.m. on the day following the expiration of the 11 ninety-day period after final adjournment of the general assembly (August 12 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a 13 referendum petition is filed pursuant to section 1 (3) of article V of the 14 state constitution against this act or an item, section, or part of this act 15 within such period, then the act, item, section, or part will not take effect 16 unless approved by the people at the general election to be held in 17 November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor. 18