

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. R18-1128.01 Michael Dohr x4347

SCR18-002

SENATE SPONSORSHIP

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Landgraf,

Senate Committees
State, Veterans, & Military Affairs

House Committees

SENATE CONCURRENT RESOLUTION 18-002

101 **SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF**
102 **COLORADO AN AMENDMENT TO SECTION 19 OF ARTICLE II OF**
103 **THE CONSTITUTION OF THE STATE OF COLORADO CONCERNING**
104 **DENYING THE RIGHT TO BAIL TO A PERSON WHO IS CHARGED**
105 **WITH A SERIOUS CRIMINAL OFFENSE WHILE IN THE UNITED**
106 **STATES ILLEGALLY.**

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not reflect any amendments that may be subsequently adopted. If this resolution passes third reading in the house of introduction, a resolution summary that applies to the reengrossed version of this resolution will be available at <http://leg.colorado.gov/>.)

The concurrent resolution denies a person the right to bail if the

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.

person has committed a serious felony offense or a serious offense involving driving under the influence of alcohol or drugs, as determined by law, when the proof is evident or presumption is great as to the commission of the offense and the person is in this country illegally.

1 *Be It Resolved by the Senate of the Seventy-first General Assembly
2 of the State of Colorado, the House of Representatives concurring herein:*

3 **SECTION 1.** At the election held on November 6, 2018, the
4 secretary of state shall submit to the registered electors of the state the
5 ballot title set forth in section 2 for the following amendment to the state
6 constitution:

7 In the constitution of the state of Colorado, section 19 of article II,
8 **add (1)(d) and (1)(e)** as follows:

9 **Section 19. Right to bail - exceptions.** (1) All persons shall be
10 bailable by sufficient sureties pending disposition of charges except:

11 (d) FOR SERIOUS FELONY OFFENSES, AS SPECIFIED BY LAW, WHEN
12 PROOF IS EVIDENT OR PRESUMPTION IS GREAT AS TO THE FELONY ALLEGED
13 TO HAVE BEEN COMMITTED AND THE PERSON CHARGED HAS ENTERED OR
14 REMAINED IN THE UNITED STATES ILLEGALLY; OR

15 (e) FOR SERIOUS OFFENSES INVOLVING DRIVING UNDER THE
16 INFLUENCE OF ALCOHOL OR DRUGS, AS SPECIFIED BY LAW, WHEN PROOF IS
17 EVIDENT OR PRESUMPTION IS GREAT AS TO THE OFFENSE ALLEGED TO HAVE
18 BEEN COMMITTED AND THE PERSON CHARGED HAS ENTERED OR REMAINED
19 IN THE UNITED STATES ILLEGALLY.

20 **SECTION 2.** Each elector voting at the election may cast a vote
21 either "Yes/For" or "No/Against" on the following ballot title: "Shall
22 there be an amendment to section 19 of article II of the constitution of the
23 state of Colorado concerning denying the right to bail to a person who is

1 charged with a serious criminal offense while in the United States
2 illegally?"

3 **SECTION 3.** Except as otherwise provided in section 1-40-123,
4 Colorado Revised Statutes, if at least fifty-five percent of the electors
5 voting on the ballot title vote "Yes/For", then the amendment will become
6 part of the state constitution.