

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 14, 2018
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB18-1029 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 2, line 3, strike "(1)(a)(V)(A); and **add**
2 (1)(a)(V.5)" and substitute "(1)(a)(V); and **add** (1)(a)(V)(A.1)".

3 Page 2, line 24, strike "(V.5)" and substitute "(A.1)".

4 Page 3, after line 27 insert:

5 "(B) Any person who is paroled pursuant to section 17-22.5-403,
6 ~~Č.R.S.~~, or any person who is not paroled and is discharged pursuant to
7 law, shall be subject to the mandatory period of parole established
8 pursuant to ~~sub-subparagraph (A) of this subparagraph (V)~~ SUBSECTION
9 (1)(a)(V)(A) OR SUBSECTION (1)(a)(V)(A.1) OF THIS SECTION. Such
10 mandatory period of parole may not be waived by the offender or waived
11 or suspended by the court and shall be subject to the provisions of section
12 17-22.5-403 (6), ~~Č.R.S.~~, which permits the state board of parole to
13 discharge the offender at any time during the term of parole upon a
14 determination that the offender has been sufficiently rehabilitated and
15 reintegrated into society and can no longer benefit from parole
16 supervision.

17 (C) Notwithstanding ~~sub-subparagraph (A) of this subparagraph~~
18 ~~(V)~~ SUBSECTION (1)(a)(V)(A) OR SUBSECTION (1)(a)(V)(A.1) OF THIS
19 SECTION, the mandatory period of parole for a person convicted of a
20 felony offense committed prior to July 1, 1996, pursuant to part 4 of
21 article 3 of this ~~title~~ TITLE 18, or part 3 of article 6 of this ~~title~~ TITLE 18,
22 shall be five years. Notwithstanding ~~sub-subparagraph (A) of this~~

1 ~~subparagraph (V)~~ SUBSECTION (1)(a)(V)(A) OR SUBSECTION
2 (1)(a)(V)(A.1) OF THIS SECTION, and except as otherwise provided in
3 ~~sub-subparagraph (C.5) of this subparagraph (V)~~ SUBSECTION
4 (1)(a)(V)(C.5), the period of parole for a person convicted of a felony
5 offense committed on or after July 1, 1996, but prior to July 1, 2002,
6 pursuant to part 4 of article 3 of this title, or part 3 of article 6 of this title,
7 shall be set by the state board of parole pursuant to section 17-2-201
8 (5)(a.5), ~~C.R.S.~~, but in no event shall the term of parole exceed the
9 maximum sentence imposed upon the inmate by the court.

10 (C.5) Notwithstanding the provisions of ~~sub-subparagraph (A) of~~
11 ~~this subparagraph (V)~~ SUBSECTION (1)(a)(V)(A) OR SUBSECTION
12 (1)(a)(V)(A.1) OF THIS SECTION, any person sentenced for a sex offense,
13 as defined in section 18-1.3-1003 (5), committed on or after November
14 1, 1998, shall be sentenced pursuant to the provisions of part 10 of this
15 ~~article~~ ARTICLE 1.3.

16 (C.7) Any person sentenced for a felony committed on or after
17 July 1, 2002, involving unlawful sexual behavior, as defined in section
18 16-22-102 (9), ~~C.R.S.~~, or for a felony, committed on or after July 1,
19 2002, the underlying factual basis of which involved unlawful sexual
20 behavior, and who is not subject to the provisions of part 10 of this
21 ~~article~~ ARTICLE 1.3, shall be subject to the mandatory period of parole
22 specified in ~~sub-subparagraph (A) of this subparagraph (V)~~ SUBSECTION
23 (1)(a)(V)(A) OR SUBSECTION (1)(a)(V)(A.1) OF THIS SECTION.

24 (D) The mandatory period of parole imposed pursuant to
25 ~~sub-subparagraph (A) of this subparagraph (V)~~ SUBSECTION (1)(a)(V)(A)
26 OR SUBSECTION (1)(a)(V)(A.1) OF THIS SECTION shall commence
27 immediately upon the discharge of an offender from imprisonment in the
28 custody of the department of corrections. If the offender has been granted
29 release to parole supervision by the state board of parole, the offender
30 shall be deemed to have discharged the offender's sentence to
31 imprisonment provided for in ~~sub-subparagraph (A) of this subparagraph~~
32 ~~(V)~~ SUBSECTION (1)(a)(V)(A) OR SUBSECTION (1)(a)(V)(A.1) OF THIS
33 SECTION in the same manner as if such sentence were discharged
34 pursuant to law; except that the sentence to imprisonment for any person
35 sentenced as a sex offender pursuant to part 10 of this ~~article~~ ARTICLE 1.3
36 shall not be deemed discharged on release of said person on parole.
37 When an offender is released by the state board of parole or released
38 because the offender's sentence was discharged pursuant to law, the
39 mandatory period of parole shall be served by such offender. An offender
40 sentenced for nonviolent felony offenses, as defined in section
41 17-22.5-405 (5), ~~C.R.S.~~, may receive earned time pursuant to section

1 17-22.5-405, ~~C.R.S.~~, while serving a mandatory parole period in
2 accordance with this section, but not while such offender is
3 reincarcerated after a revocation of the mandatory period of parole. An
4 offender who is sentenced for a felony committed on or after July 1,
5 1993, and paroled on or after January 1, 2009, shall be eligible to receive
6 any earned time while on parole or after reparole following a parole
7 revocation. The offender shall not be eligible for earned time while the
8 offender is reincarcerated after revocation of the mandatory period of
9 parole pursuant to this ~~subparagraph (V)~~ SUBSECTION (1)(a)(V).

10 (E) If an offender is sentenced consecutively for the commission
11 of two or more felony offenses pursuant to ~~sub-subparagraph (A) of this~~
12 ~~subparagraph (V)~~ SUBSECTION (1)(a)(V)(A) OR SUBSECTION
13 (1)(a)(V)(A.1) OF THIS SECTION, the mandatory period of parole for such
14 offender shall be the mandatory period of parole established for the
15 highest class felony of which such offender has been convicted.

16 **SECTION 2.** In Colorado Revised Statutes, 17-2-201, **amend**
17 (5)(a.3)(I) and (5)(a.6) as follows:

18 **17-2-201. State board of parole - duties - definitions.**

19 (5) (a.3) (I) Any person sentenced as a habitual criminal pursuant to
20 section 18-1.3-801 (1.5) or (2) ~~C.R.S.~~, for an offense committed on or
21 after July 1, 2003, shall be subject to the mandatory parole set forth in
22 section 18-1.3-401 (1)(a)(V)(A), **18-1.3-401 (1)(a)(V)(A.1)**, or
23 18-1.3-401.5 ~~C.R.S.~~, for the class or level of felony of which the person
24 is convicted.

25 (a.6) As to any person who is sentenced for conviction of an
26 offense committed on or after July 1, 2002, involving unlawful sexual
27 behavior, as defined in section 16-22-102 (9), ~~C.R.S.~~, or for conviction
28 of an offense committed on or after July 1, 2002, the underlying factual
29 basis of which involved unlawful sexual behavior, and who is not subject
30 to the provisions of part 10 of article 1.3 of title 18, ~~C.R.S.~~, such person
31 shall be subject to the mandatory period of parole set forth in section
32 18-1.3-401 (1)(a)(V)(A) OR **18-1.3-401 (1)(a)(V)(A.1)**, ~~C.R.S.~~

33 **SECTION 3.** In Colorado Revised Statutes, 18-1.3-406, **amend**
34 (1)(b) as follows:

35 **18-1.3-406. Mandatory sentences for violent crimes -**

36 **definitions.** (1) (b) Notwithstanding the provisions of ~~paragraph (a) of~~
37 ~~this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION, any person
38 convicted of a sex offense, as defined in section 18-1.3-1003 (5),
39 committed on or after November 1, 1998, that constitutes a crime of
40 violence shall be sentenced to the department of corrections for an
41 indeterminate term of incarceration of at least the midpoint in the

1 presumptive range specified in section 18-1.3-401 (1)(a)(V)(A) OR **18-**
2 **1.3-401 (1)(a)(V)(A.1)** up to a maximum of the person's natural life, as
3 provided in section 18-1.3-1004 (1).".

4 Renumber succeeding section accordingly.

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