

SENATE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

March 26, 2025  
Date

Committee on Judiciary.

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

SB25-189 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, line 3, strike "(5)(b), and (6)" and substitute  
2 "and (5)(b); and **repeal (6)**".
  
- 3 Page 2, line 8, strike "sentencing hearing" and substitute "**sentencing**  
4 **hearing** HABITUAL PROCEEDING".
  
- 5 Page 2, line 9, strike "convictions." and substitute "convictions,".
  
- 6 Page 2, strike lines 14 through 20 and substitute:  
7 "~~16-6-201, C.R.S.~~ WHETHER THE CONVICTIONS WERE SEPARATELY  
8 BROUGHT AND TRIED, AND WHETHER THE CONVICTIONS AROSE OUT OF  
9 SEPARATE AND DISTINCT CRIMINAL EPISODES. THE HABITUAL PROCEEDING  
10 MUST BE CONDUCTED BEFORE THE SAME JURY IMPANELED TO TRY THE  
11 SUBSTANTIVE OFFENSE; EXCEPT THAT, WHEN NECESSARY AND AS  
12 CONSTITUTIONALLY PERMISSIBLE, A NEW JURY MAY BE IMPANELED. IF A  
13 NEW JURY IS IMPANELED THE COURT SHALL HOLD THE HABITUAL  
14 PROCEEDING AS SOON AS PRACTICABLE."
  
- 15 Page 2, line 24, strike "hearing" and substitute "**hearing** HABITUAL  
16 PROCEEDING".
  
- 17 Page 2, line 25, strike "alleged." and substitute "alleged, WHETHER THE  
18 CONVICTIONS WERE SEPARATELY BROUGHT AND TRIED, AND WHETHER THE  
19 CONVICTIONS AROSE OUT OF SEPARATE AND DISTINCT CRIMINAL  
20 EPISODES."
  
- 21 Page 3, line 9, strike "alleged." and substitute "alleged, THE CONVICTIONS  
22 WERE SEPARATELY BROUGHT AND TRIED, AND THE CONVICTIONS AROSE

1 OUT OF SEPARATE AND DISTINCT CRIMINAL EPISODES."

2 Page 3, strike lines 26 and 27 and substitute "CONVICTED AS ALLEGED,  
3 THE CONVICTIONS WERE SEPARATELY BROUGHT AND TRIED, AND THE  
4 CONVICTIONS AROSE OUT OF SEPARATE AND DISTINCT CRIMINAL EPISODES.  
5 IF, DURING THE TRIAL ON THE SUBSTANTIVE OFFENSE, THE JURY HAS  
6 HEARD THE DEFENDANT ADMIT A PREVIOUS CONVICTION,".

7 Page 4, strike lines 1 and 2.

8 Page 4, line 3, strike "PREVIOUSLY CONVICTED,".

9 Page 4, strike lines 8 through 23 and substitute:

10 ~~"(6) If the prosecuting attorney does not have any information~~  
11 ~~indicating that the defendant has been previously convicted of a felony~~  
12 ~~prior to the time a verdict of guilty is rendered on a felony charge and if~~  
13 ~~thereafter the prosecuting attorney learns of the felony conviction prior~~  
14 ~~to the time that sentence is pronounced by the court, he or she may file a~~  
15 ~~new information in which it shall be alleged in separate counts that the~~  
16 ~~defendant has been convicted of the particular offense upon which~~  
17 ~~judgment has not been entered and that prior thereto at a specified date~~  
18 ~~and place the defendant has been convicted of a felony warranting~~  
19 ~~application of increased penalties authorized in this section and sections~~  
20 ~~18-1.3-801 and 18-1.3-802. The defendant shall be arraigned upon the~~  
21 ~~new information, and, if the defendant denies the previous conviction, the~~  
22 ~~trial judge, or a replacement judge as provided in subsection (1) of this~~  
23 ~~section, shall try the issue prior to imposition of sentence."~~

24 Page 4, lines 24 and 25, strike "sentencing hearings" and substitute  
25 "habitual proceedings".

\*\* \*\* \*\* \*\* \*\*