

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0253.01 Michael Dohr x4347

HOUSE BILL 16-1344

HOUSE SPONSORSHIP

Foote,

SENATE SPONSORSHIP

Cooke,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CREATING A DRUG SPECIAL OFFENDER OFFENSE WHEN
102 THE USE OF THE DRUG RESULTS IN DEATH.

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://www.leg.state.co.us/billsummaries>.)

Under current law there are certain circumstances that if present in a drug crime elevate the crime to special offender offense which carries a drug level felony 1 penalty. The bill adds the circumstance of a person dying as a result of the use of a distributed controlled substance to the list of special offender circumstances.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-18-407, **add** (1)
3 (h) as follows:

4 **18-18-407. Special offender - definitions.** (1) A person who
5 commits a felony offense under this part 4 under any one or more of the
6 following aggravating circumstances commits a level 1 drug felony and
7 is a special offender:

8 (h) THE DEFENDANT COMMITTED A VIOLATION OF SECTION
9 18-18-405, EXCEPT SECTION 18-18-405 (2) (d) (II), AND A PERSON DIED AS
10 A RESULT OF USING THE DISTRIBUTED, MANUFACTURED, DISPENSED, OR
11 SOLD CONTROLLED SUBSTANCE.

12 **SECTION 2. Potential appropriation.** Pursuant to section
13 2-2-703, C.R.S., any bill that results in a net increase in periods of
14 imprisonment in state correctional facilities must include an appropriation
15 of money that is sufficient to cover any increased capital construction and
16 operational costs for the first five fiscal years in which there is a fiscal
17 impact. Because this act may increase periods of imprisonment, this act
18 may require a five-year appropriation.

19 **SECTION 3. Effective date - applicability.** This act takes effect
20 July 1, 2016, and applies to offenses committed on or after said date.

21 **SECTION 4. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.