

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-1162.01 Richard Sweetman x4333

HOUSE BILL 17-1330

HOUSE SPONSORSHIP

Lee and Wist, Pabon

SENATE SPONSORSHIP

Fields and Cooke, Gardner, Kagan, Lundberg, Marble, Todd, Williams A., Zenzinger

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING DISALLOWING THE USE OF CERTAIN CONVICTIONS FOR**
102 **THE PURPOSE OF ADJUDICATING A PERSON AN HABITUAL**
103 **CRIMINAL.**

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://leg.colorado.gov>.)

Current law states that a conviction for escape or for attempt to escape may not be used for the purpose of adjudicating a person an habitual criminal unless the conviction is based on the offender's escape or attempt to escape from a correctional facility. The bill clarifies that this prohibition applies to both current and prior convictions for escape and

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.

attempt to escape. The bill also states that for the purposes of this prohibition, "correctional facility" does not include a community corrections facility.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-801, **amend**
3 (5) as follows:

4 **18-1.3-801. Punishment for habitual criminals.** (5) A CURRENT
5 OR PRIOR conviction for escape, as described in section 18-8-208 (1), (2),
6 or (3), or attempt to escape, as described in section 18-8-208.1 (1), (1.5),
7 or (2), ~~shall~~ MAY not be used for the purpose of adjudicating a person an
8 habitual criminal as described in subsection (1.5) or subsection (2) of this
9 section unless the conviction is based on the offender's escape or attempt
10 to escape from a correctional facility, as defined in section 17-1-102,
11 ~~C.R.S.~~, or from physical custody within a county jail; EXCEPT THAT, FOR
12 THE PURPOSES OF THIS SECTION, "CORRECTIONAL FACILITY" DOES NOT
13 INCLUDE A COMMUNITY CORRECTIONS FACILITY, AS DEFINED IN SECTION
14 17-27-102 (2.5), OR A HALFWAY HOUSE, AS DEFINED IN SECTION 19-1-103
15 (62).

16 **SECTION 2.** In Colorado Revised Statutes, 17-27-102, **amend**
17 the introductory portion; and **add** (2.5) as follows:

18 **17-27-102. Definitions.** As used in this ~~article~~ ARTICLE 27:
19 (2.5) "COMMUNITY CORRECTIONS FACILITY" MEANS A FACILITY
20 USED BY A COMMUNITY CORRECTIONS PROGRAM.

21 **SECTION 3. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2018 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.