

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

PREAMENDED

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

LLS NO. 18-0096.01 Richard Sweetman x4333

HOUSE BILL 18-1077

HOUSE SPONSORSHIP

Liston and Valdez, Becker J., Catlin, Lawrence, McKean, Reyher, Roberts, Sias, Wilson,
Wist

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PENALTY FOR A PERSON WHO COMMITS BURGLARY**
102 **TO ACQUIRE FIREARMS, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

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>.)

In current law, second degree burglary is a class 4 felony, but it is a class 3 felony under 2 circumstances. The bill designates a third type of second degree burglary as a class 3 felony; that is, a burglary, the objective of which is the theft of one or more firearms, firearm parts, firearm accessories, or ammunition. The bill also states that when a

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 is convicted of such a burglary, in addition to any other sentence, the court may require the person to pay a fine of at least \$10,000 but not exceeding \$750,000.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-4-203, **amend**
3 (2)(a) and (2)(b); and **add** (2)(c) as follows:

4 **18-4-203. Second degree burglary.** (2) Second degree burglary
5 is a class 4 felony, but it is a class 3 felony if:

6 (a) It is a burglary of a dwelling; ~~or~~

7 (b) ~~It is a burglary;~~ The objective of ~~which~~ THE BURGLARY is the
8 theft of a controlled substance, as defined in section 18-18-102 (5),
9 lawfully kept within any building or occupied structure; OR

10 (c) THE OBJECTIVE OF THE BURGLARY IS THE THEFT OF ONE OR
11 MORE FIREARMS OR AMMUNITION.

12
13 **SECTION 2.** In Colorado Revised Statutes, 18-1.3-401, **amend**
14 (1)(a)(III)(A); and **add** (1)(a)(III)(F) as follows:

15 **18-1.3-401. Felonies classified - presumptive penalties.**

16 (1) (a) (III) (A) As to any person sentenced for a felony committed on or
17 after July 1, 1985, except as otherwise provided in ~~sub-subparagraph (E)~~
18 ~~of this subparagraph (H)~~ SUBSECTION (1)(a)(III)(E) OR (1)(a)(III)(F) of
19 THIS SECTION, in addition to, or in lieu of, any sentence to imprisonment,
20 probation, community corrections, or work release, a fine within the
21 following presumptive ranges may be imposed for the specified classes
22 of felonies:

23	Class	Minimum Sentence	Maximum Sentence
24	1	No fine	No fine

1	2	Five thousand dollars	One million dollars
2	3	Three thousand dollars	Seven hundred fifty
3			thousand dollars
4	4	Two thousand dollars	Five hundred thousand
5			dollars
6	5	One thousand dollars	One hundred thousand
7			dollars
8	6	One thousand dollars	One hundred thousand
9			dollars

10 (F) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
11 (1)(a)(III)(F), IF A PERSON IS CONVICTED OF SECOND DEGREE BURGLARY
12 AS DESCRIBED IN SECTION 18-4-203 (2)(c), IN ADDITION TO ANY OTHER
13 SENTENCE, THE COURT MAY REQUIRE THE PERSON TO PAY A FINE OF AT
14 LEAST FIVE THOUSAND DOLLARS BUT NOT EXCEEDING SEVEN HUNDRED
15 FIFTY THOUSAND DOLLARS.

16 **SECTION 3.** In Colorado Revised Statutes, **add** 17-18-124 as
17 follows:

18 **17-18-124. Appropriation to comply with section 2-2-703 - HB**
19 **18-1077 - repeal.** (1) PURSUANT TO SECTION 2-2-703, THE FOLLOWING
20 STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO IMPLEMENT HOUSE
21 BILL 18-1077, ENACTED IN 2018:

22 (a) FOR THE 2020-21 STATE FISCAL YEAR, SIXTY-NINE THOUSAND
23 EIGHT HUNDRED FIFTY-SIX DOLLARS IS APPROPRIATED TO THE
24 DEPARTMENT FROM THE GENERAL FUND;

25 (b) FOR THE 2021-22 STATE FISCAL YEAR, FOUR HUNDRED
26 SIXTY-SEVEN THOUSAND ONE HUNDRED FORTY-FOUR DOLLARS IS
27 APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND; AND

1 (c) FOR THE 2022-23 STATE FISCAL YEAR, EIGHT HUNDRED
2 SIXTY-FOUR THOUSAND FOUR HUNDRED THIRTY-TWO DOLLARS IS
3 APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

4 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

5 **SECTION 4. Applicability.** This act applies to offenses
6 committed on or after the effective date of this act.

7 **SECTION 5. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.