A BILL FOR AN ACT

Concerning changing the maximum jail sentence for certain crimes from one year to three hundred sixty-four days.

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.)

Under current law, the maximum jail sentence for a class 2 misdemeanor, misdemeanors without a fixed statutory penalty, and municipal ordinance violations is one year. The bill changes the maximum jail sentence to 364 days.
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add part 20 to article 2 of title 2 as follows:

PART 20

MISDEMEANOR SENTENCING STUDY

2-2-2001. Legislative interim committee on misdemeanor sentencing - creation. (1) Notwithstanding the provisions of section 2-3-303.3, there is hereby created the Legislative interim committee on misdemeanor sentencing, referred to in this part 20 as the "interim committee", to study the issues described in section 2-2-2002. The interim committee will meet during the 2018 legislative interim. The interim committee consists of:

(a) Three members of the Senate, two of whom the President of the Senate shall appoint and one of whom the minority leader of the Senate shall appoint; and

(b) Three members of the House of Representatives, two of whom the Speaker of the House of Representatives shall appoint and one of whom the minority leader of the House of Representatives shall appoint.

(2) (a) The appointing authorities shall appoint the members of the interim committee as soon as possible after the effective date of this part 20 but no later than June 15, 2018. The appointing authorities shall, to the extent practicable, ensure that the members of the interim committee represent judicial districts in all areas of the state, including urban, suburban, and rural districts. If a vacancy arises on the interim committee, the appropriate appointing authority shall appoint an
APPROPRIATE PERSON TO FILL THE VACANCY AS SOON AS POSSIBLE.


(3) THE CHAIR OF THE INTERIM COMMITTEE SHALL SCHEDULE THE FIRST MEETING OF THE INTERIM COMMITTEE TO BE HELD NO LATER THAN JULY 1, 2018. THE INTERIM COMMITTEE MAY MEET UP TO FIVE TIMES DURING THE INTERIM.

(4) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL PROVIDE STAFF ASSISTANCE TO THE INTERIM COMMITTEE.


(6) ALL EXPENDITURES THAT THE INTERIM COMMITTEE INCURS ARE SUBJECT TO APPROVAL BY THE CHAIR OF THE INTERIM COMMITTEE AND, IF APPROVED, SHALL BE PAID BY VOUCHERS AND WARRANTS DRAWN AS PROVIDED BY LAW FROM APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY FOR THE PURPOSES OF THIS PART 20.

2-2-2002. Misdemeanor sentencing study - issues. (1) THE
INTERIM COMMITTEE SHALL, AT A MINIMUM, STUDY THE FOLLOWING ISSUES:

(a) THE COLLATERAL CONSEQUENCES OF A CRIME WITH A SENTENCING RANGE OF A YEAR OR GREATER;

(b) THE FISCAL IMPACT OF MISDEMEANOR SENTENCES ON STATE AND LOCAL AUTHORITIES; AND

(c) THE APPROPRIATE PENALTY LEVEL FOR OFFENSES THAT ARE DEEMED MISDEMEANORS.

(2) BASED ON THE STUDY OF ISSUES DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE INTERIM COMMITTEE SHALL MAKE LEGISLATIVE RECOMMENDATIONS TO THE GENERAL ASSEMBLY.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.