

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

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 18-0554.01 Michael Dohr x4347

**SENATE BILL 18-166**

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**SENATE SPONSORSHIP**

**Coram,**

**HOUSE SPONSORSHIP**

**Herod,**

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**Senate Committees**  
Judiciary

**House Committees**  
Judiciary

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**A BILL FOR AN ACT**

101 **CONCERNING CHANGING THE MAXIMUM JAIL SENTENCE FOR CERTAIN**  
102 **CRIMES FROM ONE YEAR TO THREE HUNDRED SIXTY-FOUR DAYS.**

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**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.

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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.*

HOUSE  
Amended 2nd Reading  
April 24, 2018

SENATE  
3rd Reading Unamended  
April 11, 2018

SENATE  
Amended 2nd Reading  
April 10, 2018

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-10-113, **amend**  
3 (1)(a) as follows:

4 **13-10-113. Fines and penalties.** (1) (a) Except as provided in  
5 ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION,  
6 any person convicted of violating a municipal ordinance in a municipal  
7 court of record may be incarcerated for a period not to exceed ~~one year~~  
8 ~~THREE HUNDRED SIXTY-FOUR DAYS~~ or fined an amount not to exceed two  
9 thousand six hundred fifty dollars, or both.

10 **SECTION 2.** In Colorado Revised Statutes, 18-1.3-501, **amend**  
11 (1)(a) and (1)(d) as follows:

12 **18-1.3-501. Misdemeanors classified - drug misdemeanors and**  
13 **drug petty offenses classified - penalties - definitions.** (1) (a) Except  
14 as otherwise provided in ~~paragraph (d) of this subsection (1)~~ SUBSECTION  
15 (1)(d) OF THIS SECTION, misdemeanors are divided into three classes that  
16 are distinguished from one another by the following penalties that are  
17 authorized upon conviction except as provided in subsection (1.5) of this  
18 section:

19	<b>Class</b>	<b>Minimum Sentence</b>	<b>Maximum Sentence</b>
20	1	21 Six months imprisonment, or five 22 hundred dollars fine, or both	23 Eighteen months 24 imprisonment, 25 or five thousand 26 dollars fine, or 27 both
25	2	26 Three months imprisonment, or two 27 hundred fifty dollars fine, or both	<del>Twelve months</del> <del>THREE HUNDRED</del> <del>SIXTY-FOUR DAYS</del>

1 imprisonment, or  
 2 one thousand  
 3 dollars fine, or  
 4 both  
 5 **3** Fifty dollars fine Six months  
 6 imprisonment, or  
 7 seven hundred  
 8 fifty dollars fine,  
 9 or both

10 (d) For purposes of sentencing a person convicted of a  
 11 misdemeanor drug offense described in article 18 of this ~~title~~ TITLE 18,  
 12 committed on or after October 1, 2013, drug misdemeanors are divided  
 13 into two levels that are distinguished from one another by the following  
 14 penalties that are authorized upon conviction:

15	<b>Level</b>	<b>Minimum Sentence</b>	<b>Maximum Sentence</b>
16	<b>DM1</b>	Six months imprisonment, 17 five hundred dollars fine, 18 or both	Eighteen months 19 imprisonment, 20 five thousand 21 dollars fine, or 22 both
23	<b>DM2</b>	No imprisonment, fifty 24 dollars fine	<del>Twelve months</del> 25 THREE HUNDRED 26 SIXTY-FOUR DAYS 27 imprisonment, seven hundred fifty dollars fine, or both

1           **SECTION 3.** In Colorado Revised Statutes, 18-1.3-505, **amend**  
2           (1) as follows:

3           **18-1.3-505. Penalty for misdemeanor not fixed by statute -**  
4           **punishment.** (1) In all cases where an offense is denominated a  
5           misdemeanor and no penalty is fixed in the statute therefor, the  
6           punishment shall be imprisonment for not more than ~~one year~~ THREE  
7           HUNDRED SIXTY-FOUR DAYS in the county jail, or a fine of not more than  
8           one thousand dollars, or both ~~such~~ imprisonment and fine.

9           **SECTION 4. Act subject to petition - effective date.** This act  
10          takes effect at 12:01 a.m. on the day following the expiration of the  
11          ninety-day period after final adjournment of the general assembly (August  
12          8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
13          referendum petition is filed pursuant to section 1 (3) of article V of the  
14          state constitution against this act or an item, section, or part of this act  
15          within such period, then the act, item, section, or part will not take effect  
16          unless approved by the people at the general election to be held in  
17          November 2018 and, in such case, will take effect on the date of the  
18          official declaration of the vote thereon by the governor.