

**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. 18-0554.01 Michael Dohr x4347

SENATE BILL 18-166

SENATE SPONSORSHIP

Coram,

HOUSE SPONSORSHIP

Herod,

Senate Committees
Judiciary

House Committees
Judiciary

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.**

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.

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.

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 Class	Minimum Sentence	Maximum Sentence
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
28 2	29 Three months imprisonment, or two 30 hundred fifty dollars fine, or both	31 Twelve months 32 THREE HUNDRED 33 SIXTY-FOUR DAYS

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

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.