

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

ENGROSSED

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

LLS NO. 20-0009.01 Michael Dohr x4347

SENATE BILL 20-100

SENATE SPONSORSHIP

Gonzales and Tate, Williams A., Garcia, Bridges, Hill, Priola, Rodriguez

HOUSE SPONSORSHIP

Arndt and Benavidez,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF THE DEATH PENALTY BY THE GENERAL**
102 **ASSEMBLY IN ALL CIRCUMSTANCES CHARGED ON OR AFTER**
103 **JULY 1, 2020.**

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>.)

The bill repeals the death penalty in Colorado for offenses charged on or after July 1, 2020, and makes conforming amendments.

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
Amended 2nd Reading
January 30, 2020

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 9 to article
3 11 of title 16 as follows:

4 PART 9

5 REPEAL OF THE DEATH PENALTY

6 **16-11-901. Death penalty repeal - applicability - current**
7 **sentences.** FOR OFFENSES CHARGED ON OR AFTER JULY 1, 2020, THE
8 DEATH PENALTY IS NOT A SENTENCING OPTION FOR A DEFENDANT
9 CONVICTED OF A CLASS 1 FELONY IN THE STATE OF COLORADO. NOTHING
10 IN THIS SECTION COMMUTES OR ALTERS THE SENTENCE OF A DEFENDANT
11 CONVICTED OF AN OFFENSE CHARGED PRIOR TO JULY 1, 2020. THIS
12 SECTION DOES NOT APPLY TO A PERSON CURRENTLY SERVING A DEATH
13 SENTENCE. ANY DEATH SENTENCE IN EFFECT ON JULY 1, 2020 IS VALID.

14 **SECTION 2.** In Colorado Revised Statutes, 13-4-102, **amend**
15 (1)(h) as follows:

16 **13-4-102. Jurisdiction.** (1) Any provision of law to the contrary
17 notwithstanding, the court of appeals shall have initial jurisdiction over
18 appeals from final judgments of, and interlocutory appeals of certified
19 questions of law in civil cases pursuant to section 13-4-102.1 from, the
20 district courts, the probate court of the city and county of Denver, and the
21 juvenile court of the city and county of Denver, except in:

22 (h) Cases appealed from the district court granting or denying
23 postconviction relief in a case in which a sentence of death has been
24 imposed FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020.

25 **SECTION 3.** In Colorado Revised Statutes, 16-8-103.6, **amend**
26 (1)(a) and (2)(a) as follows:

27 **16-8-103.6. Waiver of privilege.** (1) (a) A defendant who places

1 his or her mental condition at issue by pleading not guilty by reason of
2 insanity pursuant to section 16-8-103, OR asserting the affirmative
3 defense of impaired mental condition pursuant to section 16-8-103.5, or
4 disclosing witnesses who may provide evidence concerning the
5 defendant's mental condition during a sentencing hearing held pursuant
6 to ~~section 18-1.3-1201 or 18-1.3-1302, C.R.S.~~ SECTION 18-1.3-1201 FOR
7 AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION
8 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, waives
9 any claim of confidentiality or privilege as to communications made by
10 the defendant to a physician or psychologist in the course of an
11 examination or treatment for ~~such~~ THE mental condition for the purpose
12 of any trial OR hearing on the issue of ~~such~~ THE mental condition, or
13 sentencing hearing conducted pursuant to ~~section 18-1.3-1201 or~~
14 ~~18-1.3-1302, C.R.S.~~ SECTION 18-1.3-1201 FOR AN OFFENSE CHARGED
15 PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION 18-1.3-1302 FOR AN
16 OFFENSE CHARGED PRIOR TO JULY 1, 2020. The court shall order both the
17 prosecutor and the defendant to exchange the names, addresses, reports,
18 and statements of any physician or psychologist who has examined or
19 treated the defendant for ~~such~~ THE mental condition.

20 (2) (a) A defendant who places his or her mental condition at issue
21 by pleading not guilty by reason of insanity pursuant to section 16-8-103
22 or disclosing witnesses who may provide evidence concerning the
23 defendant's mental condition during a sentencing hearing held pursuant
24 to ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201 FOR
25 AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION
26 18-1.4-102; or, for offenses committed on or after July 1, 1999, by
27 seeking to introduce evidence concerning his or her mental condition

1 pursuant to section 16-8-107 (3) waives any claim of confidentiality or
2 privilege as to communications made by the defendant to a physician or
3 psychologist in the course of an examination or treatment for ~~such~~ THE
4 mental condition for the purpose of any trial OR hearing on the issue of
5 ~~such~~ THE mental condition, or sentencing hearing conducted pursuant to
6 ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201 FOR AN
7 OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION
8 18-1.4-102. The court shall order both the prosecutor and the defendant
9 to exchange the names, addresses, reports, and statements of any
10 physician or psychologist who has examined or treated the defendant for
11 ~~such~~ THE mental condition.

12 **SECTION 4.** In Colorado Revised Statutes, 16-8-106, **amend**
13 (2)(c), (3)(b), (6) introductory portion, (6)(b), (7) introductory portion,
14 and (7)(b) as follows:

15 **16-8-106. Examinations and report.** (2) (c) The defendant shall
16 cooperate with psychiatrists, forensic psychologists, and other personnel
17 conducting any examination ordered by the court pursuant to this section.
18 Statements made by the defendant in the course of ~~such~~ THE examination
19 shall be protected as provided in section 16-8-107. If the defendant does
20 not cooperate with psychiatrists, forensic psychologists, and other
21 personnel conducting the examination, the court shall not allow the
22 defendant to call any psychiatrist, forensic psychologist, or other expert
23 witness to provide evidence at the defendant's trial concerning the
24 defendant's mental condition including, but not limited to, providing
25 evidence on the issue of insanity or at any sentencing hearing held
26 pursuant to ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION
27 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR

1 PURSUANT TO SECTION 18-1.4-102. In addition, the fact of the defendant's
2 noncooperation with psychiatrists, forensic psychologists, and other
3 personnel conducting the examination may be admissible in the
4 defendant's trial to rebut any evidence introduced by the defendant with
5 regard to the defendant's mental condition including, but not limited to,
6 the issue of insanity and in any sentencing hearing held pursuant to
7 ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201 FOR AN
8 OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION
9 18-1.4-102. This ~~paragraph (c) shall apply~~ SUBSECTION (2)(c) APPLIES to
10 offenses committed on or after July 1, 1999.

11 (3) (b) To aid in forming an opinion as to the mental condition of
12 the defendant, it is permissible in the course of an examination under this
13 section to use confessions and admissions of the defendant and any other
14 evidence of the circumstances surrounding the commission of the offense,
15 as well as the medical and social history of the defendant, in questioning
16 the defendant. When the defendant is noncooperative with psychiatrists,
17 forensic psychologists, and other personnel conducting the examination,
18 an opinion of the mental condition of the defendant may be rendered by
19 such psychiatrists, forensic psychologists, or other personnel based upon
20 such confessions, admissions, and any other evidence of the
21 circumstances surrounding the commission of the offense, as well as the
22 known medical and social history of the defendant, and such opinion may
23 be admissible into evidence at trial and in any sentencing hearing held
24 pursuant to ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION
25 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR
26 PURSUANT TO SECTION 18-1.4-102. It shall also be permissible to conduct
27 a narcoanalytic interview of the defendant with such drugs as are

1 medically appropriate and to subject the defendant to polygraph
2 examination. In any trial or hearing on the issue of the defendant's sanity
3 or eligibility for release, and in any sentencing hearing held pursuant to
4 ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201 FOR AN
5 OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION
6 18-1.4-102, the physicians and other personnel conducting the
7 examination may testify to the results of any such procedures and the
8 statements and reactions of the defendant insofar as the same entered into
9 the formation of their opinions as to the mental condition of the defendant
10 both at the time of the commission of the alleged offense and at the
11 present time. This ~~paragraph (b) shall apply~~ SUBSECTION (3)(b) APPLIES
12 to offenses committed on or after July 1, 1995.

13 (6) With respect to offenses committed on or after July 1, 1995,
14 the report of examination shall include, but is not limited to, the items
15 described in ~~paragraphs (a) to (c) of subsection (5)~~ SUBSECTIONS (5)(a),
16 (5)(b), AND (5)(c) of this section, and:

17 (b) Separate opinions as to whether the defendant was insane or
18 is ineligible for release, as those terms are defined in this ~~article~~ ARTICLE
19 8, and, in any class 1 felony case FOR AN OFFENSE CHARGED PRIOR TO
20 JULY 1, 2020, an opinion as to how the mental disease or defect or the
21 condition of mind caused by mental disease or defect affects any
22 mitigating factor. The nature of the opinions required depends upon the
23 type of examination ordered by the court.

24 (7) With respect to offenses committed on or after July 1, 1999,
25 when a defendant has undergone an examination pursuant to the
26 provisions of this section because the defendant has given notice pursuant
27 to section 16-8-107 (3) that he or she intends to introduce expert opinion

1 evidence concerning his or her mental condition, the report of
2 examination shall include, but is not limited to, the items described in
3 ~~paragraphs (a) to (c) of subsection (5)~~ SUBSECTIONS (5)(a), (5)(b), AND
4 (5)(c) of this section, and:

5 (b) Separate opinions as to the defendant's mental condition
6 including, but not limited to, whether the defendant was insane or is
7 ineligible for release, as those terms are defined in this ~~article~~ ARTICLE 8,
8 and, in any class 1 felony case FOR AN OFFENSE CHARGED PRIOR TO JULY
9 1, 2020, an opinion as to how the mental disease or defect or the
10 condition of mind caused by mental disease or defect affects any
11 mitigating factor. The nature of the opinions required depends upon the
12 type of examination ordered by the court.

13 **SECTION 5.** In Colorado Revised Statutes, 16-8-107, **amend**
14 (1)(b), (1)(c), and (1.5)(b) as follows:

15 **16-8-107. Evidence.** (1) (b) Evidence acquired directly or
16 indirectly for the first time from a communication derived from the
17 defendant's mental processes during the course of a court-ordered
18 examination under section 16-8-108 or acquired pursuant to section
19 16-8-103.6 is admissible at any sentencing hearing held pursuant to
20 ~~section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102, C.R.S.~~ SECTION
21 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR
22 PURSUANT TO SECTION 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR TO
23 JULY 1, 2020, OR PURSUANT TO SECTION 18-1.4-102 only to prove the
24 existence or absence of any mitigating factor.

25 (c) If the defendant testifies in his or her own behalf upon the trial
26 of the issues raised by the plea of not guilty, or at a sentencing hearing
27 held pursuant to ~~section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102, C.R.S.~~

1 SECTION 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020,
2 OR PURSUANT TO SECTION 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR
3 TO JULY 1, 2020, OR PURSUANT TO SECTION 18-1.4-102, the provisions of
4 this section shall not bar any evidence used to impeach or rebut the
5 defendant's testimony.

6 (1.5) (b) Evidence acquired directly or indirectly for the first time
7 from a communication derived from the defendant's mental processes
8 during the course of a court-ordered examination under section 16-8-106
9 or acquired pursuant to section 16-8-103.6 is admissible at any sentencing
10 hearing held pursuant to ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~
11 SECTION 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020,
12 OR PURSUANT TO SECTION 18-1.4-102 only to prove the existence or
13 absence of any mitigating factor.

14 **SECTION 6.** In Colorado Revised Statutes, 16-8.5-103, **amend**
15 (8) as follows:

16 **16-8.5-103. Determination of competency to proceed.** (8) If the
17 question of the defendant's incompetency to proceed is raised after a jury
18 is impaneled to try the issues raised by a plea of not guilty and the court
19 determines that the defendant is incompetent to proceed or orders a
20 court-ordered competency evaluation, the court may declare a mistrial.
21 Declaration of a mistrial under these circumstances does not constitute
22 jeopardy, nor does it prohibit the trial OR sentencing ~~or execution~~ of the
23 defendant for the same offense after he or she has been found restored to
24 competency.

25 **SECTION 7.** In Colorado Revised Statutes, 16-8.5-108, **amend**
26 (1)(b) and (1)(c) as follows:

27 **16-8.5-108. Evidence.** (1) (b) Evidence acquired directly or

1 indirectly for the first time from a communication derived from the
2 defendant's mental processes during the course of a competency
3 evaluation or involuntary medication proceeding is admissible at any
4 sentencing hearing held pursuant to ~~section 18-1.3-1201, 18-1.3-1302, or~~
5 ~~18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR
6 TO JULY 1, 2020, OR PURSUANT TO SECTION 18-1.3-1302 FOR AN OFFENSE
7 CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION 18-1.4-102
8 only to prove the existence or absence of any mitigating factor.

9 (c) If the defendant testifies on his or her own behalf upon the trial
10 of the issues raised by the plea of not guilty or, for offenses that occurred
11 before July 1, 1995, a plea of not guilty by reason of impaired mental
12 condition, or at a sentencing hearing held pursuant to ~~section~~
13 ~~18-1.3-1201, 18-1.3-1302, or 18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201
14 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO
15 SECTION 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020,
16 OR PURSUANT TO SECTION 18-1.4-102, the provisions of this section shall
17 not bar any evidence used to impeach or rebut the defendant's testimony.

18 **SECTION 8.** In Colorado Revised Statutes, 18-1-409, **amend** (1)
19 as follows:

20 **18-1-409. Appellate review of sentence for a felony.** (1) When
21 A sentence is imposed upon any person following a conviction of any
22 felony, other than a class 1 felony in which a death sentence is
23 automatically reviewed pursuant to section 18-1.3-1201 (6) FOR AN
24 OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION
25 18-1.3-1302 (6) FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, or
26 PURSUANT TO SECTION 18-1.4-102 (6), the person convicted shall have the
27 right to one appellate review of the propriety of the sentence, having

1 regard to the nature of the offense, the character of the offender, and the
2 public interest, and the manner in which the sentence was imposed,
3 including the sufficiency and accuracy of the information on which it was
4 based; except that, if the sentence is within a range agreed upon by the
5 parties pursuant to a plea agreement, the defendant shall not have the
6 right of appellate review of the propriety of the sentence. The procedures
7 ~~to be~~ employed in the review shall be ~~as~~ provided by supreme court rule.

8 **SECTION 9.** In Colorado Revised Statutes, 18-1.3-104, **amend**
9 (1) introductory portion and (1)(c) as follows:

10 **18-1.3-104. Alternatives in imposition of sentence.** (1) Within
11 the limitations of the applicable statute pertaining to sentencing and
12 subject to the provisions of this ~~title~~ TITLE 18, the trial court has the
13 following alternatives in entering judgment imposing a sentence:

14 (c) The defendant shall be sentenced to death in those cases in
15 which a death sentence is required ~~under~~ PURSUANT TO section
16 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR
17 PURSUANT TO SECTION 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR TO
18 JULY 1, 2020, or PURSUANT TO SECTION 18-1.4-102.

19 **SECTION 10.** In Colorado Revised Statutes, 18-1.3-401, **amend**
20 (1)(a)(V)(A.1) and (4)(a); and **add** (1)(a)(V)(F) and (1)(a)(V.5) as
21 follows:

22 **18-1.3-401. Felonies classified - presumptive penalties.**
23 (1) (a) (V) (A.1) SUBJECT TO THE PROVISIONS OF SUBSECTION
24 (1)(a)(V)(F) OF THIS SECTION, as to any person sentenced for a felony
25 committed on or after July 1, 2018, AND PRIOR TO JULY 1, 2020, felonies
26 are divided into six classes that are distinguished from one another by the
27 following presumptive ranges of penalties that are authorized upon

1 conviction:

2	Class	Minimum	Maximum	Mandatory Period
3		Sentence	Sentence	of Parole
4	1	Life imprisonment	Death	None
5	2	Eight years	Twenty-four years	Five years if the offense
6		imprisonment	imprisonment	is a crime of violence
7				as described in section
8				18-1.3-406 (2)
9				Three years if the offense
10				is not a crime of
11				violence as described
12				in section 18-1.3-406
13				(2)
14	3	Four years	Twelve years	Three years
15		imprisonment	imprisonment	
16	4	Two years	Six years	Three years
17		imprisonment	imprisonment	
18	5	One year	Three years	Two years
19		imprisonment	imprisonment	
20	6	One year	Eighteen months	One year
21		imprisonment	imprisonment	

22 (F) NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY,
23 THE MAXIMUM SENTENCE FOR A CLASS 1 FELONY THAT IS CHARGED AFTER
24 JULY 1, 2020, IS LIFE IMPRISONMENT.

25 (V.5) (A) AS TO ANY PERSON SENTENCED FOR A FELONY FOR AN
26 OFFENSE COMMITTED ON OR AFTER JULY 1, 2020, FELONIES ARE DIVIDED
27 INTO SIX CLASSES THAT ARE DISTINGUISHED FROM ONE ANOTHER BY THE

1 FOLLOWING PRESUMPTIVE RANGES OF PENALTIES THAT ARE AUTHORIZED
 2 UPON CONVICTION:

3	CLASS	MINIMUM	MAXIMUM	MANDATORY
4		SENTENCE	SENTENCE	PERIOD
5				OF PAROLE
6	1	LIFE IMPRISONMENT		NONE
7	2	EIGHT YEARS	TWENTY-FOUR YEARS	FIVE YEARS IF
8		IMPRISONMENT	IMPRISONMENT	OFFENSE IS A
9				CRIME OF
10				VIOLENCE AS
11				DESCRIBED IN
12				SECTION
13				18-1.3-406 (2)
14				THREE YEARS
15				IF THE OFFENSE
16				IS NOT A CRIME
17				OF VIOLENCE
18				AS DESCRIBED
19				IN SECTION
20				18-1.3-406 (2)
21	3	FOUR YEARS	TWELVE YEARS	THREE YEARS
22		IMPRISONMENT	IMPRISONMENT	
23	4	TWO YEARS	SIX YEARS	THREE YEARS
24		IMPRISONMENT	IMPRISONMENT	
25	5	ONE YEAR	THREE YEARS	TWO YEARS
26		IMPRISONMENT	IMPRISONMENT	
27	6	ONE YEAR	EIGHTEEN MONTHS	ONE YEAR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

IMPRISONMENT IMPRISONMENT

(B) ANY PERSON WHO IS PAROLED PURSUANT TO SECTION 17-22.5-403, OR ANY PERSON WHO IS NOT PAROLED AND IS DISCHARGED PURSUANT TO LAW, SHALL BE SUBJECT TO THE MANDATORY PERIOD OF PAROLE ESTABLISHED PURSUANT TO SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION. SUCH MANDATORY PERIOD OF PAROLE MAY NOT BE WAIVED BY THE OFFENDER OR WAIVED OR SUSPENDED BY THE COURT AND SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 17-22.5-403 (8), WHICH PERMITS THE STATE BOARD OF PAROLE TO DISCHARGE THE OFFENDER AT ANY TIME DURING THE TERM OF PAROLE UPON A DETERMINATION THAT THE OFFENDER HAS BEEN SUFFICIENTLY REHABILITATED AND REINTEGRATED INTO SOCIETY AND CAN NO LONGER BENEFIT FROM PAROLE SUPERVISION.

(C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION, ANY PERSON SENTENCED FOR A SEX OFFENSE, AS DEFINED IN SECTION 18-1.3-1003 (5), COMMITTED ON OR AFTER JULY 1, 2020, SHALL BE SENTENCED PURSUANT TO THE PROVISIONS OF PART 10 OF THIS ARTICLE 1.3.

(D) ANY PERSON SENTENCED FOR A FELONY CONVICTION ENTERED ON OR AFTER JULY 1, 2020, INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9), OR FOR A FELONY COMMITTED ON OR AFTER JULY 1, 2020, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR, AND WHO IS NOT SUBJECT TO THE PROVISIONS OF PART 10 OF THIS ARTICLE 1.3, SHALL BE SUBJECT TO THE MANDATORY PERIOD OF PAROLE SPECIFIED IN SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION.

(E) THE MANDATORY PERIOD OF PAROLE IMPOSED PURSUANT TO SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION SHALL COMMENCE

1 IMMEDIATELY UPON THE DISCHARGE OF AN OFFENDER FROM
2 IMPRISONMENT IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS.
3 IF THE OFFENDER HAS BEEN GRANTED RELEASE TO PAROLE SUPERVISION
4 BY THE STATE BOARD OF PAROLE, THE OFFENDER SHALL BE DEEMED TO
5 HAVE DISCHARGED THE OFFENDER'S SENTENCE TO IMPRISONMENT
6 PROVIDED FOR IN SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION IN THE
7 SAME MANNER AS IF SUCH SENTENCE WERE DISCHARGED PURSUANT TO
8 LAW; EXCEPT THAT THE SENTENCE TO IMPRISONMENT FOR ANY PERSON
9 SENTENCED AS A SEX OFFENDER PURSUANT TO PART 10 OF THIS ARTICLE
10 1.3 SHALL NOT BE DEEMED DISCHARGED ON RELEASE OF SAID PERSON ON
11 PAROLE. WHEN AN OFFENDER IS RELEASED BY THE STATE BOARD OF
12 PAROLE OR RELEASED BECAUSE THE OFFENDER'S SENTENCE WAS
13 DISCHARGED PURSUANT TO LAW, THE MANDATORY PERIOD OF PAROLE
14 SHALL BE SERVED BY SUCH OFFENDER. AN OFFENDER SENTENCED FOR A
15 NONVIOLENT FELONY OFFENSE, AS DEFINED IN SECTION 17-22.5-405 (5),
16 MAY RECEIVE EARNED TIME PURSUANT TO SECTION 17-22.5-405 WHILE
17 SERVING A MANDATORY PAROLE PERIOD IN ACCORDANCE WITH THIS
18 SECTION, BUT NOT WHILE SUCH OFFENDER IS REINCARCERATED AFTER A
19 REVOCATION OF THE MANDATORY PERIOD OF PAROLE. AN OFFENDER
20 SHALL BE ELIGIBLE TO RECEIVE EARNED TIME WHILE ON PAROLE OR AFTER
21 REPAROLE FOLLOWING A PAROLE REVOCATION. THE OFFENDER SHALL NOT
22 BE ELIGIBLE FOR EARNED TIME WHILE THE OFFENDER IS REINCARCERATED
23 AFTER REVOCATION OF THE MANDATORY PERIOD OF PAROLE PURSUANT TO
24 THIS SUBSECTION (1)(a)(V.5).

25 (F) IF AN OFFENDER IS SENTENCED CONSECUTIVELY FOR THE
26 COMMISSION OF TWO OR MORE FELONY OFFENSES PURSUANT TO
27 SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION, THE MANDATORY PERIOD OF

1 PAROLE FOR SUCH OFFENDER SHALL BE THE MANDATORY PERIOD OF
2 PAROLE ESTABLISHED FOR THE HIGHEST CLASS FELONY OF WHICH SUCH
3 OFFENDER HAS BEEN CONVICTED.

4 (4) (a) (I) A person who has been convicted of a class 1 felony
5 shall be punished by life imprisonment in the department of corrections
6 unless THE OFFENSE WAS CHARGED PRIOR TO JULY 1, 2020, AND a
7 proceeding held to determine sentence according to the procedure set
8 forth in section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102 results in a
9 verdict that requires imposition of the death penalty, in which event such
10 person shall be sentenced to death.

11 (II) A PERSON WHO HAS BEEN CONVICTED OF A CLASS 1 FELONY
12 SHALL BE PUNISHED BY LIFE IMPRISONMENT IN THE DEPARTMENT OF
13 CORRECTIONS IF THE OFFENSE WAS COMMITTED DURING A PERIOD OF TIME
14 WHEN COLORADO'S DEATH PENALTY WAS UNCONSTITUTIONAL.

15 (III) As to any person sentenced for a class 1 felony, for an act
16 committed on or after July 1, 1985, and before July 1, 1990, life
17 imprisonment shall mean imprisonment without the possibility of parole
18 for forty calendar years. As to any person sentenced for a class 1 felony,
19 for an act committed on or after July 1, 1990, life imprisonment shall
20 mean imprisonment without the possibility of parole.

21 **SECTION 11.** In Colorado Revised Statutes, 18-1.3-801, **amend**
22 (1)(e) as follows:

23 **18-1.3-801. Punishment for habitual criminals.** (1) (e) Nothing
24 in this subsection (1) is to be construed to prohibit a person convicted of
25 a class 1 felony from being sentenced pursuant to section 18-1.3-1201
26 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO
27 SECTION 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020,

1 or PURSUANT TO SECTION 18-1.4-102.

2 **SECTION 12.** In Colorado Revised Statutes, 18-1.3-1201, **add**
3 (9) as follows:

4 **18-1.3-1201. Imposition of sentence in class 1 felonies -**
5 **appellate review - applicability.** (9) THIS SECTION APPLIES ONLY TO
6 OFFENSES CHARGED PRIOR TO JULY 1, 2020.

7 **SECTION 13.** In Colorado Revised Statutes, 18-1.3-1302, **add**
8 (8) as follows:

9 **18-1.3-1302. Imposition of sentences in class 1 felonies for**
10 **crimes committed on or after July 1, 1988, and prior to September**
11 **20, 1991 - appellate review - applicability.** (8) THIS SECTION APPLIES
12 ONLY TO OFFENSES CHARGED PRIOR TO JULY 1, 2020.

13 **SECTION 14.** In Colorado Revised Statutes, 18-3-107, **amend**
14 (3) as follows:

15 **18-3-107. First degree murder of a peace officer, firefighter,**
16 **or emergency medical service provider - legislative declaration.** (3) A
17 person convicted of first degree murder of a peace officer, firefighter, or
18 emergency medical service provider shall be punished by life
19 imprisonment without the possibility of parole for the rest of his or her
20 natural life, unless THE OFFENSE WAS CHARGED PRIOR TO JULY 1, 2020,
21 AND a proceeding held to determine sentence according to the procedure
22 set forth in section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102 results in a
23 verdict that requires imposition of the death penalty, in which event the
24 person shall be sentenced to death. Nothing in this subsection (3) is
25 construed as limiting the power of the governor to grant reprieves,
26 commutations, and pardons pursuant to section 7 of article IV of the
27 Colorado constitution.

1 **SECTION 15. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety.