

CHAPTER 260

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 10-1373

BY REPRESENTATIVE(S) Carroll T., Court, Fischer, Labuda, Levy, McCann, Merrifield, Middleton, Ryden, Todd, Tyler, Vigil;
also SENATOR(S) Hudak.

AN ACT**CONCERNING CHANGES TO SENTENCING PROVISIONS FOR ESCAPE CRIMES.**

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

SECTION 1. 18-8-208.1 (1) and (5), Colorado Revised Statutes, are amended, and the said 18-8-208.1 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

18-8-208.1. Attempt to escape. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, if a person, while in custody or confinement following conviction of a felony, knowingly attempts to escape from said custody or confinement, he OR SHE commits a class 4 felony. The sentence imposed pursuant to this subsection (1) shall run consecutively with any sentences being served by the offender.

(1.5) IF A PERSON, WHILE IN CUSTODY OR CONFINEMENT FOLLOWING CONVICTION OF A FELONY AND EITHER SERVING A DIRECT SENTENCE TO A COMMUNITY CORRECTIONS PROGRAM PURSUANT TO SECTION 18-1.3-301, OR HAVING BEEN PLACED IN AN INTENSIVE SUPERVISION PAROLE PROGRAM PURSUANT TO SECTION 17-27.5-101, C.R.S., KNOWINGLY ATTEMPTS TO ESCAPE FROM HIS OR HER CUSTODY OR CONFINEMENT, HE OR SHE COMMITS A CLASS 5 FELONY. THE SENTENCE IMPOSED PURSUANT TO THIS SUBSECTION (1.5) MAY RUN CONCURRENTLY OR CONSECUTIVELY WITH ANY SENTENCE BEING SERVED BY THE OFFENDER.

(5) The sentences imposed by ~~subsections (1) and (2)~~ SUBSECTIONS (1), (1.5), AND (2) of this section and the minimum sentences imposed by subsections (3) and (4) of this section shall be mandatory, and the court shall not grant probation or a suspended sentence, in whole or in part; except that the court may grant a suspended

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

sentence if the court is sentencing a person to the youthful offender system pursuant to section 18-1.3-407.

SECTION 2. 18-8-209, Colorado Revised Statutes, is amended to read:

18-8-209. Concurrent and consecutive sentences. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, any sentence imposed following conviction of an offense under sections 18-8-201 to 18-8-208 or section 18-8-211 shall run consecutively and not concurrently with any sentence which the offender was serving at the time of the conduct prohibited by those sections.

(2) IF AN OFFENDER WAS SERVING A DIRECT SENTENCE TO A COMMUNITY CORRECTIONS PROGRAM PURSUANT TO SECTION 18-1.3-301 OR WAS IN AN INTENSIVE SUPERVISION PAROLE PROGRAM PURSUANT TO SECTION 17-27.5-101, C.R.S., AT THE TIME HE OR SHE COMMITTED AN OFFENSE SPECIFIED IN SECTION 18-8-201 OR 18-8-208, THE SENTENCE IMPOSED FOLLOWING A CONVICTION OF SAID OFFENSE MAY RUN CONCURRENTLY WITH ANY SENTENCE THE OFFENDER WAS SERVING AT THE TIME HE OR SHE COMMITTED SAID OFFENSE.

SECTION 3. 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.

Approved: May 25, 2010