

CHAPTER 183

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 12-1213

BY REPRESENTATIVE(S) Fields, Barker, Court, Fischer, Gardner B., Kagan, Labuda, Lee, Levy, Pabon, Ryden, Schafer S., Todd;
also SENATOR(S) King S., Aguilar, Boyd, Carroll, Foster, Giron, Hudak, Jahn, Johnston, King K., Lambert, Morse, Newell, Nicholson, Roberts, Spence, Tochtrop.

AN ACT

CONCERNING THE PENALTY FOR A PERSON WHO ESCAPES FROM A PLACE OF CONFINEMENT OTHER THAN A COUNTY JAIL OR CORRECTIONAL FACILITY.

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

SECTION 1. In Colorado Revised Statutes, 18-1.3-801, **amend** (1.5) and (2) (a); and **add** (5) as follows:

18-1.3-801. Punishment for habitual criminals. (1.5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS SECTION, every person convicted in this state of any class 1, 2, 3, 4, or 5 felony who, within ten years of the date of the commission of the said offense, has been twice previously convicted upon charges separately brought and tried, and arising out of separate and distinct criminal episodes, either in this state or elsewhere, of a felony or, under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States, of a crime which, if committed within this state, would be a felony shall be adjudged an habitual criminal and shall be punished for the felony offense of which such person is convicted by imprisonment in the department of corrections for a term of three times the maximum of the presumptive range pursuant to section 18-1.3-401 for the class of felony of which such person is convicted.

(2) (a) Except as otherwise provided ~~for~~ in paragraph (b) of this subsection (2) AND IN SUBSECTION (5) OF THIS SECTION, every person convicted in this state of any felony, who has been three times previously convicted, upon charges separately brought and tried, and arising out of separate and distinct criminal episodes, either in this state or elsewhere, of a felony or, under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States, of a crime which, if committed within this state, would be a felony, shall be adjudged an

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

habitual criminal and shall be punished for the felony offense of which such person is convicted by imprisonment in the department of corrections for a term of four times the maximum of the presumptive range pursuant to section 18-1.3-401 for the class of felony of which such person is convicted. Such former conviction or convictions and judgment or judgments shall be set forth in apt words in the indictment or information. Nothing in this part 8 shall abrogate or affect the punishment by death in any and all crimes punishable by death on or after July 1, 1972.

(5) A CONVICTION FOR ESCAPE, AS DESCRIBED IN SECTION 18-8-208 (1), (2), OR (3), OR ATTEMPT TO ESCAPE, AS DESCRIBED IN SECTION 18-8-208.1 (1), (1.5), OR (2), SHALL NOT BE USED FOR THE PURPOSE OF ADJUDICATING A PERSON AN HABITUAL CRIMINAL AS DESCRIBED IN SUBSECTION (1.5) OR SUBSECTION (2) OF THIS SECTION UNLESS THE CONVICTION IS BASED ON THE OFFENDER'S ESCAPE OR ATTEMPT TO ESCAPE FROM A CORRECTIONAL FACILITY, AS DEFINED IN SECTION 17-1-102, C.R.S., OR FROM PHYSICAL CUSTODY WITHIN A COUNTY JAIL.

SECTION 2. Applicability. The provisions of this act apply to offenses committed on or after the effective date of this act.

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 17, 2012