

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB25-1147 be amended as follows:

1 Amend reengrossed bill, page 9, lines 9 and 10, strike "fined, ~~an amount~~
2 ~~not to exceed two thousand six hundred fifty dollars,~~" and substitute
3 "fined an amount not to exceed two thousand six hundred fifty dollars,".

4 Page 9, line 11, strike "(1)(d)" and substitute "(1)(e)".

5 Page 9, strike lines 13 through 27.

6 Page 10, strike lines 1 through 12 and substitute:

7 "(b) (I) The limitation on municipal court fines set forth in
8 ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION
9 shall be adjusted for inflation on January 1, 2014, and on January 1 of
10 each year thereafter.

11 (II) As used in this ~~paragraph (b)~~ SUBSECTION (1)(b), "inflation"
12 means the annual percentage change in the United States department of
13 labor, bureau of labor statistics, consumer price index for
14 Denver-Boulder, all items, all urban consumers, or its successor index.

15 (c) A MUNICIPAL COURT OF RECORD SHALL NOT IMPOSE A
16 SENTENCE OF INCARCERATION FOR A DEFENDANT CONVICTED OF
17 VIOLATING A MUNICIPAL ORDINANCE FOR A PERIOD THAT EXCEEDS THE
18 MAXIMUM PENALTY ALLOWED FOR ANY COMPARABLE MISDEMEANOR,
19 PETTY OFFENSE, CIVIL INFRACTION, TRAFFIC OFFENSE, OR TRAFFIC
20 INFRACTION PURSUANT TO STATE LAW. FOR CONVICTIONS BASED ON A
21 VIOLATION OF A MUNICIPAL ORDINANCE FOR WHICH THERE IS NO
22 COMPARABLE MISDEMEANOR, PETTY OFFENSE, CIVIL INFRACTION, TRAFFIC
23 OFFENSE, OR TRAFFIC INFRACTION PURSUANT TO STATE LAW, THE
24 MUNICIPAL COURT SHALL NOT IMPOSE A SENTENCE OF INCARCERATION
25 THAT EXCEEDS THE MAXIMUM SENTENCE FOR A PETTY OFFENSE PURSUANT
26 TO STATE LAW. A MUNICIPALITY SHALL NOT REQUIRE IMPOSITION OF A
27 MANDATORY MINIMUM JAIL SENTENCE UNLESS THE PERSON IS CONVICTED
28 OF A MUNICIPAL OFFENSE FOR WHICH THERE IS A COMPARABLE STATE
29 OFFENSE OR INFRACTION THAT REQUIRES IMPOSITION OF THE SAME
30 MANDATORY MINIMUM JAIL SENTENCE. A MUNICIPALITY SHALL NOT
31 IMPOSE INCREASED PENALTIES BASED ON A PRIOR CONVICTION UNLESS THE
32 PERSON IS CONVICTED OF A MUNICIPAL OFFENSE FOR WHICH THERE IS A
33 COMPARABLE STATE OFFENSE OR INFRACTION THAT ALLOWS IMPOSITION
34 OF THE SAME INCREASED PENALTIES BASED ON A PRIOR CONVICTION.".

35 Reletter succeeding paragraphs accordingly.

36 Page 10, line 17, strike "INFRACTION," and substitute "INFRACTION AND
37 FOR WHICH THE MUNICIPAL CODE ALLOWS FOR A POSSIBLE SENTENCE OF
38 INCARCERATION,".

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