

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 19-1148

BY REPRESENTATIVE(S) Herod, Arndt, Benavidez, Bird, Buentello, Galindo, Gonzales-Gutierrez, Gray, Hansen, Hooton, Kennedy, Kipp, Melton, Mullica, Roberts, Singer, Sirota, Snyder, Sullivan, Tipper, Titone, Valdez A., Weissman, Becker;
also SENATOR(S) Gonzales, Bridges, Court, Donovan, Fenberg, Foote, Ginal, Lee, Moreno, Pettersen, Priola, Rodriguez, Williams A., Zenzinger.

CONCERNING CHANGING THE MAXIMUM JAIL SENTENCE FOR CERTAIN
CRIMES FROM ONE YEAR TO THREE HUNDRED SIXTY-FOUR DAYS.

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

SECTION 1. In Colorado Revised Statutes, 13-10-113, **amend** (1)(a) as follows:

13-10-113. Fines and penalties. (1) (a) Except as provided in ~~paragraph (b) of this subsection (1)~~ **SUBSECTION (1)(b) OF THIS SECTION**, any person convicted of violating a municipal ordinance in a municipal court of record may be incarcerated for a period not to exceed ~~one year~~ **THREE HUNDRED SIXTY-FOUR DAYS** or fined an amount not to exceed two thousand six hundred fifty dollars, or both.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SECTION 2. In Colorado Revised Statutes, 18-1.3-501, **amend** (1)(a) and (1)(d) as follows:

18-1.3-501. Misdemeanors classified - drug misdemeanors and drug petty offenses classified - penalties - definitions. (1) (a) Except as otherwise provided in ~~paragraph (d) of this subsection (1)~~ SUBSECTION (1)(d) OF THIS SECTION, misdemeanors are divided into three classes that are distinguished from one another by the following penalties that are authorized upon conviction except as provided in subsection (1.5) of this section:

| Class | Minimum Sentence | Maximum Sentence |
|--------------|---|--|
| 1 | Six months imprisonment, or five hundred dollars fine, or both | Eighteen months imprisonment, or five thousand dollars fine, or both |
| 2 | Three months imprisonment, or two hundred fifty dollars fine, or both | Twelve months THREE HUNDRED SIXTY-FOUR DAYS imprisonment, or one thousand dollars fine, or both |
| 3 | Fifty dollars fine | Six months imprisonment, or seven hundred fifty dollars fine, or both |

(d) For purposes of sentencing a person convicted of a misdemeanor drug offense described in article 18 of this ~~title~~ TITLE 18, committed on or after October 1, 2013, drug misdemeanors are divided into two levels that are distinguished from one another by the following penalties that are authorized upon conviction:

| Level | Minimum Sentence | Maximum Sentence |
|--------------|---|--|
| DM1 | Six months imprisonment, five hundred dollars fine, or both | Eighteen months imprisonment, five thousand dollars fine, or both |
| DM2 | No imprisonment, fifty dollars fine | Twelve months THREE HUNDRED SIXTY-FOUR DAYS imprisonment, seven hundred fifty dollars fine, or both |

SECTION 3. In Colorado Revised Statutes, 18-1.3-505, **amend** (1) as follows:

18-1.3-505. Penalty for misdemeanor not fixed by statute - punishment. (1) In all cases where an offense is denominated a misdemeanor and no penalty is fixed in the statute therefor, the punishment shall be imprisonment for not more than ~~one year~~ THREE HUNDRED SIXTY-FOUR DAYS in the county jail, or a fine of not more than one thousand dollars, or both ~~such~~ imprisonment and fine.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO