

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

To: Suzanne Taheri and Elizabeth Caven

From: Legislative Council Staff and Office of Legislative Legal Services

Date: March 2, 2026

Subject: Proposed initiative measure 2025-2026 #250, concerning the penalties for vehicular homicide and vehicular assault

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Legislative Council Staff and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments and questions to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council Staff and the Office of Legislative Legal Services is to provide comments and questions intended to aid designated representatives, and the proponents they represent, in determining the language of their proposal and to avail the public of the contents of the proposal. Our first objective is to be sure we understand your intended purposes of the proposal. We hope that the comments and questions in this memorandum provide a basis for discussion and understanding of the proposal. Discussion between designated representatives or their legal representatives and employees of the Legislative Council Staff and the Office of Legislative Legal Services is encouraged during review and comment meetings, but comments or discussion from anyone else is not permitted.

Purposes

The major purpose of the proposed amendments to the Colorado Revised Statutes appears to be to classify vehicular homicide and vehicular assault as crimes of violence, subject to certain mandatory sentencing provisions.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. The initiative refers to vehicular homicide and vehicular assault "as defined by" the respective referenced sections. Neither referenced section defines "vehicular homicide" or "vehicular assault" in the traditional sense. Instead of "as defined by," would you consider using "in violation of" or "as described in"?
3. Both vehicular homicide and vehicular assault can be committed either by driving in a reckless manner or by driving while under the influence of alcohol or one or more drugs, which is a strict liability crime. Do you intend to include both means of committing the offenses as crimes of violence?
4. Section 18-1.3-401 (8)(g), C.R.S., requires the court to sentence a person convicted of vehicular homicide committed while in immediate flight from the commission of another felony to the department of corrections to a term of at least the midpoint in the presumptive range but not more than twice the maximum term authorized in the presumptive range for the offense. Similarly, section 18-1.3-401 (13), C.R.S., requires the court to sentence a person convicted of vehicular homicide or vehicular assault to a term of at least the midpoint, but not more than twice the maximum, of the presumptive range for the offense if the victim of the offense was pregnant and the convicted person knew or reasonably should have known that the victim was pregnant. The adjusted sentencing ranges under section 18-1.3-401 (8)(g) and (13), C.R.S., are different from the sentencing range for a crime of violence, which involves a modification for an extraordinary risk crime pursuant to section 18-1.3-401 (10), C.R.S. Do you intend to have a different sentencing range if the vehicular homicide or vehicular assault is committed under the circumstances described in section 18-1.3-401 (8)(g) or (13), C.R.S.?

Technical Comments

The following comments address technical issues raised by the form of the proposed initiatives. These comments will be read aloud at the public meeting only if the designated representatives so request. You will have the opportunity to ask questions

about these comments at the review and comment meeting. Please consider revising the proposed initiative as follows:

There are no technical comments.