

SENATE COMMITTEE OF REFERENCE REPORT

May 19, 2021_____
Chair of Committee

Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB21-271 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 91, lines 1 and 2, strike "PURPOSES OF
- 2 SENTENCING A PERSON CONVICTED OF A MISDEMEANOR" and substitute
- 3 "OFFENSES COMMITTED".

- 4 Page 91, lines 7 and 8, strike "PURPOSES OF SENTENCING A PERSON
- 5 CONVICTED OF A MISDEMEANOR" and substitute "OFFENSES".

- 6 Page 92, line 2, strike "CONVICTIONS" and substitute "OFFENSES
- 7 COMMITTED".

- 8 Page 92, line 11, strike "CONVICTIONS" and substitute "OFFENSES
- 9 COMMITTED".

- 10 Page 92, line 17, strike "CONVICTIONS" and substitute "OFFENSES
- 11 COMMITTED".

- 12 Page 95, line 19, strike "CLASS 5" and substitute "CLASS 4".

- 13 Page 96, line 15, strike "CLASS 6" and substitute "CLASS 5".

- 14 Page 97, after line 11 insert:

- 15 "SECTION 197. In Colorado Revised Statutes, 18-3-402, **amend**
- 16 (3) as follows:



1 **18-3-402. Sexual assault.** (3) If committed under the
2 circumstances of ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(e) of
3 this section, sexual assault is a ~~class 1 misdemeanor and is an~~
4 ~~extraordinary risk crime that is subject to the modified sentencing range~~
5 ~~specified in section 18-1.3-501(3)~~ CLASS 6 FELONY. NOTWITHSTANDING
6 ANY OTHER PROVISION OF LAW, A PERSON CONVICTED OF SUBSECTION
7 (1)(e) OF THIS SECTION IS ELIGIBLE TO PETITION FOR REMOVAL FROM THE
8 REGISTRY IN ACCORDANCE WITH SECTION 16-22-113 (1)(b)."

9 Renumber succeeding sections accordingly.

10 Page 222, line 18, strike "18-1.3-501," and substitute "18-1.3-501."

11 Page 222, strike lines 19 through 22 and substitute "~~and upon a second or~~
12 ~~subsequent conviction of a violation of this article 11.9 within three years~~
13 ~~after the date of a prior conviction, a pawnbroker commits a class 6~~
14 ~~felony and shall be punished as provided in section 18-1.3-401.~~"

15 Page 245, strike lines 26 and 27 and substitute "who violates this
16 subsection (3.5) ~~is guilty of a misdemeanor~~ COMMITS A CIVIL INFRACTION
17 and, upon conviction thereof, shall be punished by a fine of fifty dollars".

18 Page 246, line 1, strike "A CIVIL INFRACTION".

19 Page 246, strike lines 9 through 11 and substitute "person who violates
20 this subsection (4) ~~is guilty of a misdemeanor~~ COMMITS A CIVIL
21 INFRACTION and, upon conviction thereof, shall be punished by a fine of
22 fifty dollars and ~~an assessment of~~ IS ASSESSED ten".

23 Page 246, strike lines 17 and 18 and substitute "~~misdemeanor~~ COMMITS
24 A PETTY OFFENSE and, upon conviction thereof, shall be punished by a
25 fine of one hundred dollars and ~~an assessment of~~ IS".

26 Page 249, lines 13 and 14, strike "~~a fine of three hundred dollars and~~" and
27 substitute "a fine of three hundred dollars and".

28 Page 249, line 15 and 16, strike "~~a fine of one hundred dollars and~~" and
29 substitute "a fine of one hundred dollars and".

30 Page 249, strike lines 25 and 26 and substitute "~~of a misdemeanor~~
31 COMMITS A PETTY OFFENSE and, upon conviction thereof, shall be



1 punished by a fine of two hundred dollars."

2 Page 250, strike lines 19 and 20 and substitute "~~misdemeanor~~ COMMITS
3 A CLASS 2 MISDEMEANOR and, upon conviction thereof, shall be punished
4 by a fine of two hundred dollars and ~~an~~".

5 Page 250, line 27, strike "~~and, upon conviction thereof, shall~~" and
6 substitute "and, upon conviction thereof, shall".

7 Page 251, line 1, strike "~~be punished by a fine of forty dollars~~" and
8 substitute "be punished by a fine of forty dollars".

9 Page 251, strike lines 9 through 12 and substitute "of section 33-6-208
10 (1)(c) commits a ~~class 2~~ petty offense and, upon conviction thereof, shall
11 be punished by a fine of twenty-five dollars; except that, upon conviction
12 of a second or subsequent offense, the fine shall be fifty dollars."

13 Page 251, strike lines 18 through 21 and substitute:

14 "(I) For a first offense ~~is guilty of a class 2 petty offense, as~~
15 ~~defined by section 18-1.3-503~~ COMMITS A PETTY OFFENSE, and, upon
16 conviction, shall be fined five hundred dollars and issued a warning from
17 the division of the increased penalties for subsequent violations;".

18 Page 251, strike lines 23 and 24 and substitute "~~guilty of a class 2 petty~~
19 ~~offense~~ COMMITS A CIVIL INFRACTION and, upon conviction, shall be
20 punished by a fine of one hundred dollars."

21 Page 252, strike lines 3 through 5 and substitute "person who violates this
22 section ~~is guilty of a class 2 petty offense~~ COMMITS A PETTY OFFENSE and,
23 upon conviction, shall be punished by a fine of one hundred fifty
24 dollars."

25 Page 253, strike lines 18 through 20 and substitute "subsection (1) ~~is~~
26 ~~guilty of a class 2 petty offense~~ COMMITS A CIVIL INFRACTION and, upon
27 conviction, shall be punished by a fine of two hundred dollars."

28 Page 253, strike lines 23 through 25 and substitute "or who makes any
29 alteration of a pass or registration ~~is guilty of a class 2 petty offense~~
30 COMMITS A CIVIL INFRACTION and, upon conviction, shall be punished by
31 a fine of two hundred dollars, and any such statement,".



- 1 Page 254, strike lines 2 through 4 and substitute "appropriate and valid
2 pass ~~is guilty of a class 2 petty offense~~ COMMITS A CIVIL INFRACTION and,
3 upon conviction, shall be punished by a fine of twenty-five dollars."
- 4 Page 254, strike lines 9 and 10 and substitute "~~petty offense~~ COMMITS A
5 CIVIL INFRACTION and, upon conviction, shall be punished by a fine of one
6 hundred dollars."
- 7 Page 254, strike lines 16 through 18 and substitute "this subsection (5) ~~is~~
8 ~~guilty of a petty offense~~ COMMITS A CIVIL INFRACTION and, upon
9 conviction thereof, shall be punished by a fine of fifteen dollars."
- 10 Page 255, strike lines 12 through 14 and substitute "required in this
11 subsection (1) ~~is guilty of a class 2 petty offense~~ COMMITS A CIVIL
12 INFRACTION and, upon conviction, shall be punished by a fine of
13 twenty-five dollars."
- 14 Page 255, strike lines 18 and 19 and substitute "subsection (2) ~~is guilty of~~
15 ~~a class 2 petty offense~~ COMMITS A CIVIL INFRACTION and, upon
16 conviction, shall be punished by a fine of fifty dollars."
- 17 Page 255, line 27, strike "~~and, upon~~" and substitute "COMMITS A PETTY
18 OFFENSE and, upon"
- 19 Page 256, strike lines 1 and 2 and substitute "conviction, shall be
20 punished by a fine of one hundred dollars."
- 21 Page 256, strike lines 12 through 14 and substitute "violates this
22 subsection (1) ~~is guilty of a class 2 petty offense~~ COMMITS A CIVIL
23 INFRACTION and, upon conviction, shall be punished by a fine of one
24 hundred dollars."
- 25 Page 256, strike lines 20 and 21 and substitute "~~of a class 2 petty offense~~
26 COMMITS A CIVIL INFRACTION and, upon conviction, shall be punished by
27 a fine of one hundred dollars."
- 28 Page 256, strike lines 26 and 27 and substitute "~~2 petty offense~~ COMMITS
29 A CIVIL INFRACTION and, upon conviction thereof, shall be punished by a
30 fine of one hundred dollars."
- 31 Page 257, strike lines 5 and 6 and substitute "~~of a class 2 petty offense~~



1 COMMITTS A CIVIL INFRACTION and, upon conviction thereof, shall be
2 punished by a fine of one hundred dollars."

3 Page 257, strike lines 8 and 9 and substitute "~~is guilty of a class 2 petty~~
4 ~~offense~~ COMMITTS A PETTY OFFENSE and, upon conviction thereof, shall be
5 punished by a fine of two hundred dollars."

6 Page 260, strike lines 26 and 27 and substitute "person who violates
7 subsection (1) or (3) of this section ~~is guilty of a class 2 petty offense~~
8 COMMITTS A PETTY OFFENSE and, upon conviction, shall be punished by a
9 fine of".

10 Page 261, strike line 1 and substitute "seventy-five dollars."

11 Page 261, strike lines 6 through 8 and substitute "who violates this
12 subsection (1) ~~is guilty of a class 2 petty offense~~ COMMITTS A CIVIL
13 INFRACTION and, upon conviction, shall be punished by a fine of two
14 hundred dollars."

15 Page 261, strike lines 10 and 11 and substitute "~~class 2 petty offense~~
16 COMMITTS A CIVIL INFRACTION and, upon conviction, shall be punished by
17 a fine of one hundred dollars."

18 Page 261, strike lines 21 and 22 and substitute "~~petty offense~~ COMMITTS A
19 CIVIL INFRACTION and, upon conviction, shall be punished by a fine of one
20 hundred dollars."

21 Page 262, strike lines 5 through 7 and substitute "~~guilty of a class 2 petty~~
22 ~~offense~~ SUBSECTION (2)(a) COMMITTS A CIVIL INFRACTION and, upon
23 conviction, shall be punished by a fine of one hundred dollars."

24 Page 262, strike lines 15 and 16 and substitute "COMMITTS A CIVIL
25 INFRACTION and, upon conviction, shall be punished by a fine of
26 twenty-five dollars."

27 Page 262, strike lines 18 and 19 and substitute "~~of a class 2 petty offense~~
28 COMMITTS A CIVIL INFRACTION and, upon conviction, shall be punished by
29 a fine of fifty dollars."

30 Page 262, strike lines 23 through 25 and substitute "who violates this
31 section ~~is guilty of a class 2 petty offense~~ COMMITTS A CIVIL INFRACTION



1 and, upon conviction, shall be punished by a fine of one hundred
2 dollars."

3 Page 263, strike lines 3 and 4 and substitute "~~of a class 2 petty offense~~
4 COMMITS A CIVIL INFRACTION and, upon conviction, shall be punished by
5 a fine of one hundred dollars."

6 Page 263, strike lines 9 and 10 and substitute "~~offense~~ COMMITS A CIVIL
7 INFRACTION and, upon conviction, shall be punished by a fine of one
8 hundred dollars."

9 Page 263, strike lines 17 through 19 and substitute "person who violates
10 this section ~~is guilty of a class 2 petty offense~~ COMMITS A CIVIL
11 INFRACTION and, upon conviction, shall be punished by a fine of one
12 hundred dollars."

13 Page 263, strike lines 23 through 25 and substitute "who violates this
14 section ~~is guilty of a class 2 petty offense~~ COMMITS A CIVIL INFRACTION
15 and, upon conviction, shall be punished by a fine of one hundred
16 dollars."

17 Page 264, strike lines 2 through 4 and substitute " subsection (1) ~~or (3)~~ of
18 this section ~~is guilty of a class 2 petty offense~~ COMMITS A PETTY OFFENSE
19 and, upon conviction, shall be punished by a fine of seventy-five
20 dollars."

21 Page 264, strike lines 11 and 12 and substitute "COMMITTS A PETTY
22 OFFENSE and, upon conviction, shall be punished by a fine of two hundred
23 dollars."

24 Page 264, strike lines 20 and 21 and substitute "~~of a class 2 petty offense~~
25 COMMITS A PETTY OFFENSE and, upon conviction, shall be punished by a
26 fine of one hundred dollars."

27 Page 264, strike lines 26 and 27 and substitute "~~is guilty of a class 2 petty~~
28 ~~offense~~ COMMITS A CIVIL INFRACTION and, upon conviction, shall be
29 punished by a fine as follows:"

30 Page 265, strike lines 1 through 6 and substitute:

31 "(a) For a violation of ~~paragraph (a) of subsection (1)~~ SUBSECTION
32 (1)(a) of this section, two hundred dollars;



1 (b) For a violation of subsection (1)(b) of this section, one
2 hundred dollars; and
3 (c) For a violation of ~~paragraph (c) of subsection (1)~~ SUBSECTION
4 (1)(c) of this section, two hundred dollars."

5 Page 265, strike lines 13 and 14 and substitute "~~class 2 petty offense~~
6 COMMITS A CIVIL INFRACTION and, upon conviction, shall be punished by
7 a fine of one hundred dollars."

8 Page 265, strike lines 17 and 18 and substitute "~~offense~~ COMMITS A CIVIL
9 INFRACTION and, upon conviction, shall be punished by a fine of one
10 hundred dollars."

11 Page 265, strike lines 20 and 21 and substitute "~~class 2 petty offense~~
12 COMMITS A CIVIL INFRACTION and, upon conviction thereof, shall be
13 punished by a fine of one hundred dollars."

14 Page 265, strike lines 26 and 27 and substitute "COMMITS A CIVIL
15 INFRACTION and, upon conviction, shall be punished by a fine of
16 twenty-five dollars."

17 Page 266, strike lines 2 and 3 and substitute "~~of a class 2 petty offense~~
18 COMMITS A CIVIL INFRACTION and, upon conviction, shall be punished by
19 a fine of fifty dollars."

20 Page 266, strike lines 8 and 9 and substitute "(1) of this section is ~~guilty~~
21 ~~of a class 2 petty offense~~ COMMITS A CIVIL INFRACTION and, upon
22 conviction, shall be punished by a fine of fifty dollars."

23 Page 266, strike lines 14 and 15 and substitute "COMMITS A CIVIL
24 INFRACTION and, upon conviction, shall be punished by a fine of one
25 hundred dollars."

26 Page 266, strike lines 20 through 22 and substitute "~~petty offense~~
27 COMMITS A CIVIL INFRACTION and, upon conviction, shall be punished by
28 a fine of fifty dollars; except that the fine for a violation relating to a
29 spark arrester is one hundred fifty dollars."

30 Page 266, line 27, strike "~~and~~," and substitute "COMMITS A CIVIL
31 INFRACTION and,".



- 1 Page 267, strike lines 1 and 2 and substitute "upon conviction, shall be
2 punished by a fine of one hundred dollars."
- 3 Page 267, strike lines 6 through 8 and substitute "subsection (1) or (3) of
4 this section is ~~guilty of a class 2 petty offense~~ COMMITS A CIVIL
5 INFRACTION and, upon conviction, shall be punished by a fine of
6 seventy-five dollars."
- 7 Page 267, strike lines 20 and 21 and substitute "COMMITTS A CIVIL
8 INFRACTION and, upon conviction thereof, shall be punished by a fine of
9 fifty dollars."
- 10 Page 267, strike lines 25 and 26 and substitute "~~guilty of a class 2 petty~~
11 ~~offense~~ COMMITS A PETTY OFFENSE and, upon conviction, shall be
12 punished by a fine of one hundred dollars for a".
- 13 Page 269, strike line 27 and substitute "this section is ~~guilty of a class 2~~
14 ~~petty offense~~ COMMITS A CIVIL INFRACTION and, upon conviction, shall".
- 15 Page 270, strike lines 1 and 2 and substitute "be punished by a fine of one
16 hundred dollars."
- 17 Page 270, line 4, strike "OFFENSE." and substitute "OFFENSE AND, UPON
18 CONVICTION SHALL BE PUNISHED BY A FINE OF ONE HUNDRED DOLLARS."
- 19 Page 271, line 19, strike "OFFENSE." and substitute "OFFENSE AND, UPON
20 CONVICTION, SHALL BE PUNISHED BY A FINE OF ONE HUNDRED DOLLARS."
- 21 Page 271, line 25, strike "OFFENSE." and substitute "OFFENSE AND, UPON
22 CONVICTION, SHALL BE PUNISHED BY A FINE OF ONE HUNDRED DOLLARS."
- 23 Page 350, strike line 27 and substitute "~~sentence does not apply. Such~~
24 ~~minimum sentence need not be five~~".
- 25 Page 351, strike line 1 and substitute "~~consecutive days but may be served~~
26 ~~during any thirty-day period~~".
- 27 Page 366, line 17, strike "**effective date.**" and substitute "**effective date**
28 **- applicability. (1)**".



- 1 Page 366, after line 25 insert:
- 2 "(2) This act applies to offenses committed on or after the
- 3 applicable effective date of this act."

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