

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0745.01 Richard Sweetman x4333

SENATE BILL 16-051

SENATE SPONSORSHIP

Johnston and Lundberg, Aguilar

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING JUDICIAL DISCRETION REGARDING THE**
102 **IMPOSITION OF CONSECUTIVE SENTENCES FOR VIOLENT CRIMES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Under current law, for a person convicted of 2 or more separate crimes of violence arising out of the same incident, the court must require the person to serve the resulting sentences consecutively rather than concurrently. The bill removes this requirement.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-406, **amend**
3 (1) (a); and add (1) (c) as follows:

4 **18-1.3-406. Mandatory sentences for violent crimes -**
5 **definitions.** (1) (a) Any person convicted of a crime of violence shall be
6 sentenced pursuant to the provisions of section 18-1.3-401 (8) to the
7 department of corrections for a term of incarceration of at least the
8 midpoint in, but not more than twice the maximum of, the presumptive
9 range provided for such offense in section 18-1.3-401 (1) (a), as modified
10 for an extraordinary risk crime pursuant to section 18-1.3-401 (10),
11 without suspension; except that, within ninety-one days after he or she
12 has been placed in the custody of the department of corrections, the
13 department shall transmit to the sentencing court a report on the
14 evaluation and diagnosis of the violent offender, and the court, in a case
15 which it considers to be exceptional and to involve unusual and
16 extenuating circumstances, may thereupon modify the sentence, effective
17 not earlier than one hundred nineteen days after his or her placement in
18 the custody of the department. Such modification may include probation
19 if the person is otherwise eligible therefor. Whenever a court finds that
20 modification of a sentence is justified, the judge shall notify the state
21 court administrator of his or her decision and shall advise said
22 administrator of the unusual and extenuating circumstances that justified
23 such modification. The state court administrator shall maintain a record,
24 which shall be open to the public, summarizing all modifications of
25 sentences and the grounds therefor for each judge of each district court
26 in the state. EXCEPT AS DESCRIBED IN PARAGRAPH (C) OF THIS SUBSECTION
27 (1), A COURT SHALL SENTENCE a person convicted of two or more separate

1 crimes of violence arising out of the same incident shall be sentenced for
2 such crimes so that HIS OR HER sentences are served consecutively rather
3 than concurrently.

4 (c) THE COURT MAY REQUIRE A DEFENDANT TO SERVE HIS OR HER
5 SENTENCES CONSECUTIVELY RATHER THAN CONCURRENTLY IF THE
6 DEFENDANT IS CONVICTED OF TWO OR MORE SEPARATE CRIMES OF
7 VIOLENCE ARISING OUT OF THE SAME INCIDENT AND ONE OF SUCH CRIMES
8 IS:

9 (I) AGGRAVATED ROBBERY, AS DESCRIBED IN SECTION 18-4-302;

10 (II) ASSAULT IN THE SECOND DEGREE, AS DESCRIBED IN SECTION
11 18-3-203; OR

12 (III) ESCAPE, AS DESCRIBED IN SECTION 18-8-208.

13 **SECTION 2. Effective date - applicability.** This act takes effect
14 July 1, 2016, and applies to offenses committed on or after said date.

15 **SECTION 3. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.