

SENATE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chairman of Committee

April 20, 2016  
Date

Committee on Judiciary.

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

SB16-181 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 3, line 5, after "C.R.S.," insert "OR PURSUANT  
2 TO EITHER OF THESE SECTIONS AS THEY EXISTED PRIOR TO THEIR REPEAL  
3 AND REENACTMENT, WITH AMENDMENTS, BY HOUSE BILL 96-1005,".

4 Page 3, line 7, strike "PAROLE, THE DISTRICT" and substitute "PAROLE:".

5 Page 3, strike lines 8 through 10 and substitute:

6 "(A) IF THE FELONY FOR WHICH THE PERSON WAS CONVICTED IS  
7 NEITHER MURDER IN THE FIRST DEGREE, AS DESCRIBED IN SECTION  
8 18-3-102 (1) (b), NOR MURDER IN THE FIRST DEGREE, AS DESCRIBED IN  
9 SECTION 18-3-102 (1), BASED ON A THEORY OF COMPLICITY, AS DESCRIBED  
10 IN SECTION 18-1-603, THEN THE DISTRICT COURT SHALL SENTENCE THE  
11 PERSON TO A TERM OF LIFE IMPRISONMENT WITH THE POSSIBILITY OF".

12 Page 3, strike lines 13 and 14 and substitute:

13 "(B) IF THE FELONY FOR WHICH THE PERSON WAS CONVICTED IS  
14 EITHER MURDER IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-102  
15 (1) (b), OR MURDER IN THE FIRST DEGREE, AS DESCRIBED IN SECTION  
16 18-3-102 (1), BASED ON A THEORY OF COMPLICITY, AS DESCRIBED IN  
17 SECTION 18-1-603, THEN THE DISTRICT COURT, AFTER HOLDING A  
18 HEARING, MAY SENTENCE THE PERSON TO A DETERMINATE SENTENCE  
19 WITHIN THE RANGE OF THIRTY TO FIFTY YEARS IN PRISON, LESS ANY

- 1 EARNED TIME".
- 2 Page 3, line 19, after the period add "ALTERNATIVELY, THE COURT MAY  
3 SENTENCE THE PERSON TO A TERM OF LIFE IMPRISONMENT WITH THE  
4 POSSIBILITY OF PAROLE AFTER SERVING FORTY YEARS, LESS ANY EARNED  
5 TIME GRANTED PURSUANT TO SECTION 17-22.5-405, C.R.S."
- 6 Page 4, line 6, strike "AND".
- 7 Page 4, after line 6, insert:  
8 "(D) THE IMPACT OF THE OFFENSE UPON ANY VICTIM OR VICTIM'S  
9 IMMEDIATE FAMILY; AND".
- 10 Page 4, line 7 strike "(D)" and substitute "(E)".
- 11 Page 4, line 11, strike "TWENTY-FOUR TO FORTY-EIGHT" and substitute  
12 "THIRTY TO FIFTY".
- 13 Page 5, line 13, after "C.R.S.," insert "OR PURSUANT TO EITHER OF THESE  
14 SECTIONS AS THEY EXISTED PRIOR TO THEIR REPEAL AND REENACTMENT,  
15 WITH AMENDMENTS, BY HOUSE BILL 96-1005,".
- 16 Page 5, line 22, strike "TWENTY-FOUR TO FORTY-EIGHT" and substitute  
17 "THIRTY TO FIFTY".
- 18 Page 6, line 6, after "17-22.5-405," insert "**amend** (4); and".
- 19 Page 6, after line 21, insert:  
20 "(4) (a) EXCEPT AS DESCRIBED IN SUBSECTION (6) OR (9) OF THIS  
21 SECTION OR IN PARAGRAPH (b) OF THIS SUBSECTION (4), AND  
22 notwithstanding any other provision of this section, earned time may not  
23 reduce the sentence of an inmate as defined in section 17-22.5-402 (1) by  
24 a period of time that is more than thirty percent of the sentence. ~~This~~  
25 ~~subsection (4) shall not apply to subsection (6) or subsection (9) of this~~  
26 ~~section.~~  
27 (b) EARNED TIME MAY NOT REDUCE THE SENTENCE OF AN INMATE  
28 DESCRIBED IN SUBSECTION (1.2) OF THIS SECTION BY A PERIOD OF TIME  
29 THAT IS MORE THAN TWENTY-FIVE PERCENT OF THE SENTENCE."
- 30 Page 8, strike line 16 and substitute "C.R.S.,OR PURSUANT TO EITHER OF  
31 THESE SECTIONS AS THEY EXISTED PRIOR TO THEIR REPEAL AND  
32 REENACTMENT, WITH AMENDMENTS, BY HOUSE BILL 96-1005; AND".

\*\* \*\* \*\* \*\* \*\*