

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0676.01 Michael Dohr x4347

HOUSE BILL 17-1268

HOUSE SPONSORSHIP

Herod, Covarrubias, Benavidez, Lee, Weissman, Foote, Melton, Salazar

SENATE SPONSORSHIP

Coram,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

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

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://leg.colorado.gov>.)

Under current law, the maximum jail sentence for a class 2 misdemeanor, misdemeanors without a fixed statutory penalty, and municipal ordinance violations is one year. The bill changes the maximum jail sentence to 364 days.

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, 13-10-113, **amend**
3 (1)(a) as follows:

4 **13-10-113. Fines and penalties.** (1) (a) Except as provided in
5 ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION,
6 any person convicted of violating a municipal ordinance in a municipal
7 court of record may be incarcerated for a period not to exceed ~~one year~~
8 THREE HUNDRED SIXTY-FOUR DAYS or fined an amount not to exceed two
9 thousand six hundred fifty dollars, or both.

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

12 **18-1.3-501. Misdemeanors classified - drug misdemeanors and**
13 **drug petty offenses classified - penalties - definitions.** (1) (a) Except
14 as otherwise provided in ~~paragraph (d) of this subsection (1)~~ SUBSECTION
15 (1)(d) OF THIS SECTION, misdemeanors are divided into three classes that
16 are distinguished from one another by the following penalties that are
17 authorized upon conviction except as provided in subsection (1.5) of this
18 section:

19	Class	Minimum Sentence	Maximum Sentence
20	1	Six months imprisonment, or five	Eighteen months
21		hundred dollars fine, or both	imprisonment,
22			or five thousand
23			dollars fine, or
24			both
25	2	Three months imprisonment, or two	Twelve months
26		hundred fifty dollars fine, or both	THREE HUNDRED
27			SIXTY-FOUR DAYS

1 imprisonment, or
 2 one thousand
 3 dollars fine, or
 4 both
 5 3 Fifty dollars fine Six months
 6 imprisonment, or
 7 seven hundred
 8 fifty dollars fine,
 9 or both

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

15	Level	Minimum Sentence	Maximum Sentence
16	DM1	Six months imprisonment,	Eighteen months
17		five hundred dollars fine,	imprisonment,
18		or both	five thousand
19			dollars fine, or
20			both
21	DM2	No imprisonment, fifty	Twelve months
22		dollars fine	THREE HUNDRED
23			SIXTY-FOUR DAYS
24			imprisonment,
25			seven hundred
26			fifty dollars fine,
27			or both

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

3 **18-1.3-505. Penalty for misdemeanor not fixed by statute -**
4 **punishment.** (1) In all cases where an offense is denominated a
5 misdemeanor and no penalty is fixed in the statute therefor, the
6 punishment shall be imprisonment for not more than ~~one year~~ THREE
7 HUNDRED SIXTY-FOUR DAYS in the county jail, or a fine of not more than
8 one thousand dollars, or both ~~such~~ imprisonment and fine.

9 **SECTION 4. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2018 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.