

## CHAPTER 374

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**CRIMINAL LAW AND PROCEDURE**

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## HOUSE BILL 17-1330

BY REPRESENTATIVE(S) Lee and Wist, Pabon, Becker K., Buckner, Exum, Gray, Herod, Hooton, Jackson, Lontine, Melton, Pettersen, Rosenthal, Salazar, Singer;  
also SENATOR(S) Fields and Cooke, Gardner, Kagan, Lundberg, Marble, Todd, Williams A., Zenzinger, Moreno, Tate.

**AN ACT****CONCERNING DISALLOWING THE USE OF CERTAIN CONVICTIONS FOR THE PURPOSE OF ADJUDICATING A PERSON AN HABITUAL CRIMINAL.**

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

**SECTION 1.** In Colorado Revised Statutes, 18-1.3-801, **amend** (5) as follows:

**18-1.3-801. Punishment for habitual criminals.** (5) A CURRENT OR PRIOR conviction for escape, as described in section 18-8-208 (1), (2), or (3), or attempt to escape, as described in section 18-8-208.1 (1), (1.5), or (2), ~~shall~~ MAY not be used for the purpose of adjudicating a person an habitual criminal as described in subsection (1.5) or subsection (2) of this section unless the conviction is based on the offender's escape or attempt to escape from a correctional facility, as defined in section 17-1-102, ~~C.R.S.~~; or from physical custody within a county jail; EXCEPT THAT, FOR THE PURPOSES OF THIS SECTION, "CORRECTIONAL FACILITY" DOES NOT INCLUDE A COMMUNITY CORRECTIONS FACILITY, AS DEFINED IN SECTION 17-27-102 (2.5), OR A HALFWAY HOUSE, AS DEFINED IN SECTION 19-1-103 (62).

**SECTION 2.** In Colorado Revised Statutes, 17-27-102, **amend** the introductory portion; and **add** (2.5) as follows:

**17-27-102. Definitions.** As used in this ~~article~~ ARTICLE 27:

(2.5) "COMMUNITY CORRECTIONS FACILITY" MEANS A FACILITY USED BY A COMMUNITY CORRECTIONS PROGRAM.

**SECTION 3. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 6, 2017