

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 18-0554.01 Michael Dohr x4347

SENATE BILL 18-166

SENATE SPONSORSHIP

Coram,

HOUSE SPONSORSHIP

Herod,

Senate Committees
Judiciary

House 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 or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
April 10, 2018

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

2 **SECTION 1.** In Colorado Revised Statutes, add part 20 to article
3 2 of title 2 as follows:

4 **PART 20**
5 **MISDEMEANOR SENTENCING STUDY**

6 **2-2-2001. Legislative interim committee on misdemeanor**
7 **sentencing - creation.** (1) NOTWITHSTANDING THE PROVISIONS OF
8 SECTION 2-3-303.3, THERE IS HEREBY CREATED THE LEGISLATIVE INTERIM
9 COMMITTEE ON MISDEMEANOR SENTENCING, REFERRED TO IN THIS PART
10 20 AS THE "INTERIM COMMITTEE", TO STUDY THE ISSUES DESCRIBED IN
11 SECTION 2-2-2002. THE INTERIM COMMITTEE WILL MEET DURING THE 2018
12 LEGISLATIVE INTERIM. THE INTERIM COMMITTEE CONSISTS OF:

13 (a) THREE MEMBERS OF THE SENATE, TWO OF WHOM THE
14 PRESIDENT OF THE SENATE SHALL APPOINT AND ONE OF WHOM THE
15 MINORITY LEADER OF THE SENATE SHALL APPOINT; AND

16 (b) THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES, TWO OF
17 WHOM THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT
18 AND ONE OF WHOM THE MINORITY LEADER OF THE HOUSE OF
19 REPRESENTATIVES SHALL APPOINT.

20 (2) (a) THE APPOINTING AUTHORITIES SHALL APPOINT THE
21 MEMBERS OF THE INTERIM COMMITTEE AS SOON AS POSSIBLE AFTER THE
22 EFFECTIVE DATE OF THIS PART 20 BUT NO LATER THAN JUNE 15, 2018. THE
23 APPOINTING AUTHORITIES SHALL, TO THE EXTENT PRACTICABLE, ENSURE
24 THAT THE MEMBERS OF THE INTERIM COMMITTEE REPRESENT JUDICIAL
25 DISTRICTS IN ALL AREAS OF THE STATE, INCLUDING URBAN, SUBURBAN,
26 AND RURAL DISTRICTS. IF A VACANCY ARISES ON THE INTERIM COMMITTEE,
27 THE APPROPRIATE APPOINTING AUTHORITY SHALL APPOINT AN

1 APPROPRIATE PERSON TO FILL THE VACANCY AS SOON AS POSSIBLE.

2 (b) THE PRESIDENT OF THE SENATE SHALL APPOINT THE CHAIR OF
3 THE INTERIM COMMITTEE. THE SPEAKER OF THE HOUSE OF
4 REPRESENTATIVES SHALL APPOINT THE VICE-CHAIR OF THE INTERIM
5 COMMITTEE.

6 (3) THE CHAIR OF THE INTERIM COMMITTEE SHALL SCHEDULE THE
7 FIRST MEETING OF THE INTERIM COMMITTEE TO BE HELD NO LATER THAN
8 JULY 1, 2018. THE INTERIM COMMITTEE MAY MEET UP TO FIVE TIMES
9 DURING THE INTERIM.

10 (4) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
11 AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL
12 PROVIDE STAFF ASSISTANCE TO THE INTERIM COMMITTEE.

13 (5) THE INTERIM COMMITTEE MAY INTRODUCE UP TO A TOTAL OF
14 FIVE BILLS, JOINT RESOLUTIONS, AND CONCURRENT RESOLUTIONS IN THE
15 2019 LEGISLATIVE SESSION. BILLS THAT THE INTERIM COMMITTEE
16 INTRODUCES ARE EXEMPT FROM THE FIVE-BILL LIMITATION SPECIFIED IN
17 RULE 24 (b)(1)(A) OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF
18 REPRESENTATIVES. JOINT RESOLUTIONS AND CONCURRENT RESOLUTIONS
19 THAT THE INTERIM COMMITTEE INTRODUCES ARE EXEMPT FROM THE
20 LIMITATIONS SET OUT IN RULE 26 (g) OF THE RULES OF THE HOUSE OF
21 REPRESENTATIVES AND RULE 30 (f) OF THE RULES OF THE SENATE.

22 (6) ALLEXPENDITURES THAT THE INTERIM COMMITTEE INCURS ARE
23 SUBJECT TO APPROVAL BY THE CHAIR OF THE INTERIM COMMITTEE AND, IF
24 APPROVED, SHALL BE PAID BY VOUCHERS AND WARRANTS DRAWN AS
25 PROVIDED BY LAW FROM APPROPRIATIONS MADE BY THE GENERAL
26 ASSEMBLY FOR THE PURPOSES OF THIS PART 20.

27 **2-2-2002. Misdemeanor sentencing study - issues. (1) THE**

1 INTERIM COMMITTEE SHALL, AT A MINIMUM, STUDY THE FOLLOWING
2 ISSUES:

3 (a) THE COLLATERAL CONSEQUENCES OF A CRIME WITH A
4 SENTENCING RANGE OF A YEAR OR GREATER;

5 (b) THE FISCAL IMPACT OF MISDEMEANOR SENTENCES ON STATE
6 AND LOCAL AUTHORITIES; AND

7 (c) THE APPROPRIATE PENALTY LEVEL FOR OFFENSES THAT ARE
8 DEEMED MISDEMEANORS.

9 (2) BASED ON THE STUDY OF ISSUES DESCRIBED IN SUBSECTION (1)
10 OF THIS SECTION, THE INTERIM COMMITTEE SHALL MAKE LEGISLATIVE
11 RECOMMENDATIONS TO THE GENERAL ASSEMBLY.

12 **SECTION 2. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.