

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

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

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.

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); and **add (1)(a.5) and (1)(d.5)** 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 (a.5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)(a)
 11 OF THIS SECTION, THE MAXIMUM SENTENCE FOR A CLASS 2 MISDEMEANOR
 12 SHALL BE TWELVE MONTHS FOR:

13 (I) CRIMES AGAINST A PERSON, INCLUDING BUT NOT LIMITED TO
 14 FALSE IMPRISONMENT AS DESCRIBED IN SECTION 18-3-303 (2);

15 (II) CRIMES INVOLVING FAMILY RELATIONS COMMITTED AGAINST
 16 A CHILD, INCLUDING BUT NOT LIMITED TO CHILD ABUSE AS DESCRIBED IN
 17 SECTION 18-6-401; AND

18 (III) CRIMES INVOLVING FAMILY RELATIONS THAT INVOLVE
 19 DANGER TO A PERSON, INCLUDING BUT NOT LIMITED TO VIOLATION OF A
 20 PROTECTION ORDER AS DESCRIBED IN SECTION 18-6-803.5.

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

26	Level	Minimum Sentence	Maximum Sentence
27	DM1	Six months imprisonment,	Eighteen months

1		five hundred dollars fine,	imprisonment,
2		or both	five thousand
3			dollars fine, or
4			both
5	DM2	No imprisonment, fifty	Twelve months
6		dollars fine	THREE HUNDRED
7			SIXTY-FOUR DAYS
8			imprisonment,
9			seven hundred
10			fifty dollars fine,
11			or both

12 (d.5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)(d)
13 OF THIS SECTION, THE MAXIMUM SENTENCE FOR A CLASS 2 DRUG
14 MISDEMEANOR SHALL BE TWELVE MONTHS FOR CRIMES INVOLVING
15 CONTROLLED SUBSTANCES, INCLUDING BUT NOT LIMITED TO UNLAWFUL
16 USE OF A CONTROLLED SUBSTANCE AS DESCRIBED IN SECTION 18-18-404
17 (1)(a).

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

20 **18-1.3-505. Penalty for misdemeanor not fixed by statute -**
21 **punishment.** (1) In all cases where an offense is denominated a
22 misdemeanor and no penalty is fixed in the statute therefor, the
23 punishment shall be imprisonment for not more than ~~one year~~ THREE
24 HUNDRED SIXTY-FOUR DAYS in the county jail, or a fine of not more than
25 one thousand dollars, or both ~~such~~ imprisonment and fine.

26 **SECTION 4. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2018 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.