

CHAPTER 376

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 18-1077

BY REPRESENTATIVE(S) Liston and Valdez, Becker J., Catlin, Lawrence, McKean, Reyher, Roberts, Sias, Wilson, Wist, Bridges, Carver, Covarrubias, Gray, Humphrey, Lewis, Neville P., Rosenthal, Saine, Sandridge, Van Winkle, Winkler, Duran; also SENATOR(S) Garcia and Scott, Crowder, Kerr, Lambert, Merrifield, Tate, Todd, Grantham.

AN ACT

CONCERNING THE PENALTY FOR A PERSON WHO COMMITS BURGLARY TO ACQUIRE FIREARMS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 18-4-203, **amend** (2)(a) and (2)(b); and **add** (2)(c) as follows:

18-4-203. Second degree burglary. (2) Second degree burglary is a class 4 felony, but it is a class 3 felony if:

(a) It is a burglary of a dwelling; ~~or~~

(b) ~~It is a burglary.~~ The objective of ~~which~~ THE BURGLARY is the theft of a controlled substance, as defined in section 18-18-102 (5), lawfully kept within any building or occupied structure; OR

(c) THE OBJECTIVE OF THE BURGLARY IS THE THEFT OF ONE OR MORE FIREARMS OR AMMUNITION.

SECTION 2. In Colorado Revised Statutes, 18-1.3-401, **amend** (1)(a)(III)(A); and **add** (1)(a)(III)(F) as follows:

18-1.3-401. Felonies classified - presumptive penalties. (1) (a) (III) (A) As to any person sentenced for a felony committed on or after July 1, 1985, except as otherwise provided in ~~sub-paragraph (E) of this subparagraph (III)~~ SUBSECTION (1)(a)(III)(E) OR (1)(a)(III)(F) OF THIS SECTION, in addition to, or in lieu of, any sentence to imprisonment, probation, community corrections, or work release, a fine

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

within the following presumptive ranges may be imposed for the specified classes of felonies:

Class	Minimum Sentence	Maximum Sentence
1	No fine	No fine
2	Five thousand dollars	One million dollars
3	Three thousand dollars	Seven hundred fifty thousand dollars
4	Two thousand dollars	Five hundred thousand dollars
5	One thousand dollars	One hundred thousand dollars
6	One thousand dollars	One hundred thousand dollars

(F) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1)(a)(III)(F), IF A PERSON IS CONVICTED OF SECOND DEGREE BURGLARY AS DESCRIBED IN SECTION 18-4-203 (2)(c), IN ADDITION TO ANY OTHER SENTENCE, THE COURT MAY REQUIRE THE PERSON TO PAY A FINE OF AT LEAST FIVE THOUSAND DOLLARS BUT NOT EXCEEDING SEVEN HUNDRED FIFTY THOUSAND DOLLARS.

SECTION 3. In Colorado Revised Statutes, **add** 17-18-126 as follows:

17-18-126. Appropriation to comply with section 2-2-703 - HB 18-1077 - repeal. (1) PURSUANT TO SECTION 2-2-703, THE FOLLOWING STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 18-1077, ENACTED IN 2018:

(a) FOR THE 2020-21 STATE FISCAL YEAR, SIXTY-NINE THOUSAND EIGHT HUNDRED FIFTY-SIX DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND;

(b) FOR THE 2021-22 STATE FISCAL YEAR, FOUR HUNDRED SIXTY-SEVEN THOUSAND ONE HUNDRED FORTY-FOUR DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND; AND

(c) FOR THE 2022-23 STATE FISCAL YEAR, EIGHT HUNDRED SIXTY-FOUR THOUSAND FOUR HUNDRED THIRTY-TWO DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

SECTION 4. Applicability. This act applies to offenses committed on or after the effective date of this act.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 2018