

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 20-0009.01 Michael Dohr x4347

SENATE BILL 20-100

SENATE SPONSORSHIP

Gonzales and Tate, Williams A., Garcia, Bridges, Hill, Priola, Rodriguez

HOUSE SPONSORSHIP

Arndt and Benavidez,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF THE DEATH PENALTY BY THE GENERAL**
102 **ASSEMBLY.**

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>.)

The bill repeals the death penalty in Colorado for offenses charged on or after July 1, 2020, and makes conforming amendments.

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

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 disclosing witnesses who may provide evidence concerning the
2 defendant's mental condition during a sentencing hearing held pursuant
3 to ~~section 18-1.3-1201 or 18-1.3-1302, C.R.S.~~ SECTION 18-1.3-1201 FOR
4 AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION
5 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, waives
6 any claim of confidentiality or privilege as to communications made by
7 the defendant to a physician or psychologist in the course of an
8 examination or treatment for ~~such~~ THE mental condition for the purpose
9 of any trial OR hearing on the issue of ~~such~~ THE mental condition, or
10 sentencing hearing conducted pursuant to ~~section 18-1.3-1201 or~~
11 ~~18-1.3-1302, C.R.S.~~ SECTION 18-1.3-1201 FOR AN OFFENSE CHARGED
12 PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION 18-1.3-1302 FOR AN
13 OFFENSE CHARGED PRIOR TO JULY 1, 2020. The court shall order both the
14 prosecutor and the defendant to exchange the names, addresses, reports,
15 and statements of any physician or psychologist who has examined or
16 treated the defendant for ~~such~~ THE mental condition.

17 (2) (a) A defendant who places his or her mental condition at issue
18 by pleading not guilty by reason of insanity pursuant to section 16-8-103
19 or disclosing witnesses who may provide evidence concerning the
20 defendant's mental condition during a sentencing hearing held pursuant
21 to ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201 FOR
22 AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION
23 18-1.4-102; or, for offenses committed on or after July 1, 1999, by
24 seeking to introduce evidence concerning his or her mental condition
25 pursuant to section 16-8-107 (3) waives any claim of confidentiality or
26 privilege as to communications made by the defendant to a physician or
27 psychologist in the course of an examination or treatment for ~~such~~ THE

1 mental condition for the purpose of any trial OR hearing on the issue of
2 ~~such~~ THE mental condition, or sentencing hearing conducted pursuant to
3 ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201 FOR AN
4 OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION
5 18-1.4-102. The court shall order both the prosecutor and the defendant
6 to exchange the names, addresses, reports, and statements of any
7 physician or psychologist who has examined or treated the defendant for
8 ~~such~~ THE mental condition.

9 **SECTION 4.** In Colorado Revised Statutes, 16-8-106, **amend**
10 (2)(c), (3)(b), (6) introductory portion, (6)(b), (7) introductory portion,
11 and (7)(b) as follows:

12 **16-8-106. Examinations and report.** (2) (c) The defendant shall
13 cooperate with psychiatrists, forensic psychologists, and other personnel
14 conducting any examination ordered by the court pursuant to this section.
15 Statements made by the defendant in the course of ~~such~~ THE examination
16 shall be protected as provided in section 16-8-107. If the defendant does
17 not cooperate with psychiatrists, forensic psychologists, and other
18 personnel conducting the examination, the court shall not allow the
19 defendant to call any psychiatrist, forensic psychologist, or other expert
20 witness to provide evidence at the defendant's trial concerning the
21 defendant's mental condition including, but not limited to, providing
22 evidence on the issue of insanity or at any sentencing hearing held
23 pursuant to ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION
24 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR
25 PURSUANT TO SECTION 18-1.4-102. In addition, the fact of the defendant's
26 noncooperation with psychiatrists, forensic psychologists, and other
27 personnel conducting the examination may be admissible in the

1 defendant's trial to rebut any evidence introduced by the defendant with
2 regard to the defendant's mental condition including, but not limited to,
3 the issue of insanity and in any sentencing hearing held pursuant to
4 ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201 FOR AN
5 OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION
6 18-1.4-102. This ~~paragraph (c) shall apply~~ SUBSECTION (2)(c) APPLIES to
7 offenses committed on or after July 1, 1999.

8 (3) (b) To aid in forming an opinion as to the mental condition of
9 the defendant, it is permissible in the course of an examination under this
10 section to use confessions and admissions of the defendant and any other
11 evidence of the circumstances surrounding the commission of the offense,
12 as well as the medical and social history of the defendant, in questioning
13 the defendant. When the defendant is noncooperative with psychiatrists,
14 forensic psychologists, and other personnel conducting the examination,
15 an opinion of the mental condition of the defendant may be rendered by
16 such psychiatrists, forensic psychologists, or other personnel based upon
17 such confessions, admissions, and any other evidence of the
18 circumstances surrounding the commission of the offense, as well as the
19 known medical and social history of the defendant, and such opinion may
20 be admissible into evidence at trial and in any sentencing hearing held
21 pursuant to ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION
22 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR
23 PURSUANT TO SECTION 18-1.4-102. It shall also be permissible to conduct
24 a narcoanalytic interview of the defendant with such drugs as are
25 medically appropriate and to subject the defendant to polygraph
26 examination. In any trial or hearing on the issue of the defendant's sanity
27 or eligibility for release, and in any sentencing hearing held pursuant to

1 ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201 FOR AN
2 OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION
3 18-1.4-102, the physicians and other personnel conducting the
4 examination may testify to the results of any such procedures and the
5 statements and reactions of the defendant insofar as the same entered into
6 the formation of their opinions as to the mental condition of the defendant
7 both at the time of the commission of the alleged offense and at the
8 present time. This ~~paragraph (b) shall apply~~ SUBSECTION (3)(b) APPLIES
9 to offenses committed on or after July 1, 1995.

10 (6) With respect to offenses committed on or after July 1, 1995,
11 the report of examination shall include, but is not limited to, the items
12 described in ~~paragraphs (a) to (c) of subsection (5)~~ SUBSECTIONS (5)(a),
13 (5)(b), AND (5)(c) of this section, and:

14 (b) Separate opinions as to whether the defendant was insane or
15 is ineligible for release, as those terms are defined in this ~~article~~ ARTICLE
16 8, and, in any class 1 felony case FOR AN OFFENSE CHARGED PRIOR TO
17 JULY 1, 2020, an opinion as to how the mental disease or defect or the
18 condition of mind caused by mental disease or defect affects any
19 mitigating factor. The nature of the opinions required depends upon the
20 type of examination ordered by the court.

21 (7) With respect to offenses committed on or after July 1, 1999,
22 when a defendant has undergone an examination pursuant to the
23 provisions of this section because the defendant has given notice pursuant
24 to section 16-8-107 (3) that he or she intends to introduce expert opinion
25 evidence concerning his or her mental condition, the report of
26 examination shall include, but is not limited to, the items described in
27 ~~paragraphs (a) to (c) of subsection (5)~~ SUBSECTIONS (5)(a), (5)(b), AND

1 (5)(c) of this section, and:

2 (b) Separate opinions as to the defendant's mental condition
3 including, but not limited to, whether the defendant was insane or is
4 ineligible for release, as those terms are defined in this ~~article~~ ARTICLE 8,
5 and, in any class 1 felony case FOR AN OFFENSE CHARGED PRIOR TO JULY
6 1, 2020, an opinion as to how the mental disease or defect or the
7 condition of mind caused by mental disease or defect affects any
8 mitigating factor. The nature of the opinions required depends upon the
9 type of examination ordered by the court.

10 **SECTION 5.** In Colorado Revised Statutes, 16-8-107, **amend**
11 (1)(b), (1)(c), and (1.5)(b) as follows:

12 **16-8-107. Evidence.** (1) (b) Evidence acquired directly or
13 indirectly for the first time from a communication derived from the
14 defendant's mental processes during the course of a court-ordered
15 examination under section 16-8-108 or acquired pursuant to section
16 16-8-103.6 is admissible at any sentencing hearing held pursuant to
17 ~~section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102, C.R.S.~~ SECTION
18 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR
19 PURSUANT TO SECTION 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR TO
20 JULY 1, 2020, OR PURSUANT TO SECTION 18-1.4-102 only to prove the
21 existence or absence of any mitigating factor.

22 (c) If the defendant testifies in his or her own behalf upon the trial
23 of the issues raised by the plea of not guilty, or at a sentencing hearing
24 held pursuant to ~~section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102, C.R.S.~~
25 SECTION 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020,
26 OR PURSUANT TO SECTION 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR
27 TO JULY 1, 2020, OR PURSUANT TO SECTION 18-1.4-102, the provisions of

1 this section shall not bar any evidence used to impeach or rebut the
2 defendant's testimony.

3 (1.5) (b) Evidence acquired directly or indirectly for the first time
4 from a communication derived from the defendant's mental processes
5 during the course of a court-ordered examination under section 16-8-106
6 or acquired pursuant to section 16-8-103.6 is admissible at any sentencing
7 hearing held pursuant to ~~section 18-1.3-1201 or 18-1.4-102, C.R.S.~~
8 SECTION 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020,
9 OR PURSUANT TO SECTION 18-1.4-102 only to prove the existence or
10 absence of any mitigating factor.

11 **SECTION 6.** In Colorado Revised Statutes, 16-8.5-103, **amend**
12 (8) as follows:

13 **16-8.5-103. Determination of competency to proceed.** (8) If the
14 question of the defendant's incompetency to proceed is raised after a jury
15 is impaneled to try the issues raised by a plea of not guilty and the court
16 determines that the defendant is incompetent to proceed or orders a
17 court-ordered competency evaluation, the court may declare a mistrial.
18 Declaration of a mistrial under these circumstances does not constitute
19 jeopardy, nor does it prohibit the trial OR sentencing ~~or execution~~ of the
20 defendant for the same offense after he or she has been found restored to
21 competency.

22 **SECTION 7.** In Colorado Revised Statutes, 16-8.5-108, **amend**
23 (1)(b) and (1)(c) as follows:

24 **16-8.5-108. Evidence.** (1) (b) Evidence acquired directly or
25 indirectly for the first time from a communication derived from the
26 defendant's mental processes during the course of a competency
27 evaluation or involuntary medication proceeding is admissible at any

1 sentencing hearing held pursuant to ~~section 18-1.3-1201, 18-1.3-1302, or~~
2 ~~18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR
3 TO JULY 1, 2020, OR PURSUANT TO SECTION 18-1.3-1302 FOR AN OFFENSE
4 CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION 18-1.4-102
5 only to prove the existence or absence of any mitigating factor.

6 (c) If the defendant testifies on his or her own behalf upon the trial
7 of the issues raised by the plea of not guilty or, for offenses that occurred
8 before July 1, 1995, a plea of not guilty by reason of impaired mental
9 condition, or at a sentencing hearing held pursuant to ~~section~~
10 ~~18-1.3-1201, 18-1.3-1302, or 18-1.4-102, C.R.S.~~ SECTION 18-1.3-1201
11 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO
12 SECTION 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020,
13 OR PURSUANT TO SECTION 18-1.4-102, the provisions of this section shall
14 not bar any evidence used to impeach or rebut the defendant's testimony.

15 **SECTION 8.** In Colorado Revised Statutes, 18-1-409, **amend** (1)
16 as follows:

17 **18-1-409. Appellate review of sentence for a felony.** (1) When
18 A sentence is imposed upon any person following a conviction of any
19 felony, other than a class 1 felony in which a death sentence is
20 automatically reviewed pursuant to section 18-1.3-1201 (6) FOR AN
21 OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO SECTION
22 18-1.3-1302 (6) FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, or
23 PURSUANT TO SECTION 18-1.4-102 (6), the person convicted shall have the
24 right to one appellate review of the propriety of the sentence, having
25 regard to the nature of the offense, the character of the offender, and the
26 public interest, and the manner in which the sentence was imposed,
27 including the sufficiency and accuracy of the information on which it was

1 based; except that, if the sentence is within a range agreed upon by the
2 parties pursuant to a plea agreement, the defendant shall not have the
3 right of appellate review of the propriety of the sentence. The procedures
4 ~~to be~~ employed in the review shall be ~~as~~ provided by supreme court rule.

5 **SECTION 9.** In Colorado Revised Statutes, 18-1.3-104, **amend**
6 (1) introductory portion and (1)(c) as follows:

7 **18-1.3-104. Alternatives in imposition of sentence.** (1) Within
8 the limitations of the applicable statute pertaining to sentencing and
9 subject to the provisions of this ~~title~~ TITLE 18, the trial court has the
10 following alternatives in entering judgment imposing a sentence:

11 (c) The defendant shall be sentenced to death in those cases in
12 which a death sentence is required ~~under~~ PURSUANT TO section
13 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR
14 PURSUANT TO SECTION 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR TO
15 JULY 1, 2020, or PURSUANT TO SECTION 18-1.4-102.

16 **SECTION 10.** In Colorado Revised Statutes, 18-1.3-401, **amend**
17 (1)(a)(V)(A.1) and (4)(a); and **add** (1)(a)(V)(F) and (1)(a)(V.5) as
18 follows:

19 **18-1.3-401. Felonies classified - presumptive penalties.**
20 (1) (a) (V) (A.1) SUBJECT TO THE PROVISIONS OF SUBSECTION
21 (1)(a)(V)(F) OF THIS SECTION, as to any person sentenced for a felony
22 committed on or after July 1, 2018, AND PRIOR TO JULY 1, 2020, felonies
23 are divided into six classes that are distinguished from one another by the
24 following presumptive ranges of penalties that are authorized upon
25 conviction:

26	Class	Minimum	Maximum	Mandatory Period
27		Sentence	Sentence	of Parole

1	1	Life imprisonment	Death	None
2	2	Eight years	Twenty-four years	Five years if the offense
3		imprisonment	imprisonment	is a crime of violence
4				as described in section
5				18-1.3-406 (2)
6				Three years if the offense
7				is not a crime of
8				violence as described
9				in section 18-1.3-406
10				(2)
11	3	Four years	Twelve years	Three years
12		imprisonment	imprisonment	
13	4	Two years	Six years	Three years
14		imprisonment	imprisonment	
15	5	One year	Three years	Two years
16		imprisonment	imprisonment	
17	6	One year	Eighteen months	One year
18		imprisonment	imprisonment	

19 (F) NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY,
20 THE MAXIMUM SENTENCE FOR A CLASS 1 FELONY THAT IS CHARGED AFTER
21 JULY 1, 2020, IS LIFE IMPRISONMENT.

22 (V.5) (A) AS TO ANY PERSON SENTENCED FOR A FELONY FOR AN
23 OFFENSE COMMITTED ON OR AFTER JULY 1, 2020, FELONIES ARE DIVIDED
24 INTO SIX CLASSES THAT ARE DISTINGUISHED FROM ONE ANOTHER BY THE
25 FOLLOWING PRESUMPTIVE RANGES OF PENALTIES THAT ARE AUTHORIZED
26 UPON CONVICTION:

27	CLASS	MINIMUM	MAXIMUM	MANDATORY
----	--------------	----------------	----------------	------------------

		SENTENCE	SENTENCE	PERIOD OF PAROLE
1				
2				
3	1	LIFE IMPRISONMENT		NONE
4	2	EIGHT YEARS	TWENTY-FOUR YEARS	FIVE YEARS IF
5		IMPRISONMENT	IMPRISONMENT	OFFENSE IS A
6				CRIME OF
7				VIOLENCE AS
8				DESCRIBED IN
9				SECTION
10				18-1.3-406 (2)
11				THREE YEARS
12				IF THE OFFENSE
13				IS NOT A CRIME
14				OF VIOLENCE
15				AS DESCRIBED
16				IN SECTION
17				18-1.3-406 (2)
18	3	FOUR YEARS	TWELVE YEARS	THREE YEARS
19		IMPRISONMENT	IMPRISONMENT	
20	4	TWO YEARS	SIX YEARS	THREE YEARS
21		IMPRISONMENT	IMPRISONMENT	
22	5	ONE YEAR	THREE YEARS	TWO YEARS
23		IMPRISONMENT	IMPRISONMENT	
24	6	ONE YEAR	EIGHTEEN MONTHS	ONE YEAR
25		IMPRISONMENT	IMPRISONMENT	

26 (B) ANY PERSON WHO IS PAROLED PURSUANT TO SECTION
27 17-22.5-403, OR ANY PERSON WHO IS NOT PAROLED AND IS DISCHARGED

1 PURSUANT TO LAW, SHALL BE SUBJECT TO THE MANDATORY PERIOD OF
2 PAROLE ESTABLISHED PURSUANT TO SUBSECTION (1)(a)(V.5)(A) OF THIS
3 SECTION. SUCH MANDATORY PERIOD OF PAROLE MAY NOT BE WAIVED BY
4 THE OFFENDER OR WAIVED OR SUSPENDED BY THE COURT AND SHALL BE
5 SUBJECT TO THE PROVISIONS OF SECTION 17-22.5-403 (8), WHICH PERMITS
6 THE STATE BOARD OF PAROLE TO DISCHARGE THE OFFENDER AT ANY TIME
7 DURING THE TERM OF PAROLE UPON A DETERMINATION THAT THE
8 OFFENDER HAS BEEN SUFFICIENTLY REHABILITATED AND REINTEGRATED
9 INTO SOCIETY AND CAN NO LONGER BENEFIT FROM PAROLE SUPERVISION.

10 (C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION
11 (1)(a)(V.5)(A) OF THIS SECTION, ANY PERSON SENTENCED FOR A SEX
12 OFFENSE, AS DEFINED IN SECTION 18-1.3-1003 (5), COMMITTED ON OR
13 AFTER JULY 1, 2020, SHALL BE SENTENCED PURSUANT TO THE PROVISIONS
14 OF PART 10 OF THIS ARTICLE 1.3.

15 (D) ANY PERSON SENTENCED FOR A FELONY CONVICTION ENTERED
16 ON OR AFTER JULY 1, 2020, INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS
17 DEFINED IN SECTION 16-22-102 (9), OR FOR A FELONY COMMITTED ON OR
18 AFTER JULY 1, 2020, THE UNDERLYING FACTUAL BASIS OF WHICH
19 INVOLVED UNLAWFUL SEXUAL BEHAVIOR, AND WHO IS NOT SUBJECT TO
20 THE PROVISIONS OF PART 10 OF THIS ARTICLE 1.3, SHALL BE SUBJECT TO
21 THE MANDATORY PERIOD OF PAROLE SPECIFIED IN SUBSECTION
22 (1)(a)(V.5)(A) OF THIS SECTION.

23 (E) THE MANDATORY PERIOD OF PAROLE IMPOSED PURSUANT TO
24 SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION SHALL COMMENCE
25 IMMEDIATELY UPON THE DISCHARGE OF AN OFFENDER FROM
26 IMPRISONMENT IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS.
27 IF THE OFFENDER HAS BEEN GRANTED RELEASE TO PAROLE SUPERVISION

1 BY THE STATE BOARD OF PAROLE, THE OFFENDER SHALL BE DEEMED TO
2 HAVE DISCHARGED THE OFFENDER'S SENTENCE TO IMPRISONMENT
3 PROVIDED FOR IN SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION IN THE
4 SAME MANNER AS IF SUCH SENTENCE WERE DISCHARGED PURSUANT TO
5 LAW; EXCEPT THAT THE SENTENCE TO IMPRISONMENT FOR ANY PERSON
6 SENTENCED AS A SEX OFFENDER PURSUANT TO PART 10 OF THIS ARTICLE
7 1.3 SHALL NOT BE DEEMED DISCHARGED ON RELEASE OF SAID PERSON ON
8 PAROLE. WHEN AN OFFENDER IS RELEASED BY THE STATE BOARD OF
9 PAROLE OR RELEASED BECAUSE THE OFFENDER'S SENTENCE WAS
10 DISCHARGED PURSUANT TO LAW, THE MANDATORY PERIOD OF PAROLE
11 SHALL BE SERVED BY SUCH OFFENDER. AN OFFENDER SENTENCED FOR A
12 NONVIOLENT FELONY OFFENSE, AS DEFINED IN SECTION 17-22.5-405 (5),
13 MAY RECEIVE EARNED TIME PURSUANT TO SECTION 17-22.5-405 WHILE
14 SERVING A MANDATORY PAROLE PERIOD IN ACCORDANCE WITH THIS
15 SECTION, BUT NOT WHILE SUCH OFFENDER IS REINCARCERATED AFTER A
16 REVOCATION OF THE MANDATORY PERIOD OF PAROLE. AN OFFENDER
17 SHALL BE ELIGIBLE TO RECEIVE EARNED TIME WHILE ON PAROLE OR AFTER
18 REPAROLE FOLLOWING A PAROLE REVOCATION. THE OFFENDER SHALL NOT
19 BE ELIGIBLE FOR EARNED TIME WHILE THE OFFENDER IS REINCARCERATED
20 AFTER REVOCATION OF THE MANDATORY PERIOD OF PAROLE PURSUANT TO
21 THIS SUBSECTION (1)(a)(V.5).

22 (F) IF AN OFFENDER IS SENTENCED CONSECUTIVELY FOR THE
23 COMMISSION OF TWO OR MORE FELONY OFFENSES PURSUANT TO
24 SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION, THE MANDATORY PERIOD OF
25 PAROLE FOR SUCH OFFENDER SHALL BE THE MANDATORY PERIOD OF
26 PAROLE ESTABLISHED FOR THE HIGHEST CLASS FELONY OF WHICH SUCH
27 OFFENDER HAS BEEN CONVICTED.

1 (4) (a) (I) A person who has been convicted of a class 1 felony
2 shall be punished by life imprisonment in the department of corrections
3 unless THE OFFENSE WAS CHARGED PRIOR TO JULY 1, 2020, AND a
4 proceeding held to determine sentence according to the procedure set
5 forth in section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102 results in a
6 verdict that requires imposition of the death penalty, in which event such
7 person shall be sentenced to death.

8 (II) A PERSON WHO HAS BEEN CONVICTED OF A CLASS 1 FELONY
9 SHALL BE PUNISHED BY LIFE IMPRISONMENT IN THE DEPARTMENT OF
10 CORRECTIONS IF THE OFFENSE WAS COMMITTED DURING A PERIOD OF TIME
11 WHEN COLORADO'S DEATH PENALTY WAS UNCONSTITUTIONAL.

12 (III) As to any person sentenced for a class 1 felony, for an act
13 committed on or after July 1, 1985, and before July 1, 1990, life
14 imprisonment shall mean imprisonment without the possibility of parole
15 for forty calendar years. As to any person sentenced for a class 1 felony,
16 for an act committed on or after July 1, 1990, life imprisonment shall
17 mean imprisonment without the possibility of parole.

18 **SECTION 11.** In Colorado Revised Statutes, 18-1.3-801, **amend**
19 (1)(e) as follows:

20 **18-1.3-801. Punishment for habitual criminals.** (1) (e) Nothing
21 in this subsection (1) is to be construed to prohibit a person convicted of
22 a class 1 felony from being sentenced pursuant to section 18-1.3-1201
23 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020, OR PURSUANT TO
24 SECTION 18-1.3-1302 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2020,
25 or PURSUANT TO SECTION 18-1.4-102.

26 **SECTION 12.** In Colorado Revised Statutes, 18-1.3-1201, **add**
27 (9) as follows:

1 **18-1.3-1201. Imposition of sentence in class 1 felonies -**
2 **appellate review - applicability.** (9) THIS SECTION APPLIES ONLY TO
3 OFFENSES CHARGED PRIOR TO JULY 1, 2020.

4 **SECTION 13.** In Colorado Revised Statutes, 18-1.3-1302, **add**
5 (8) as follows:

6 **18-1.3-1302. Imposition of sentences in class 1 felonies for**
7 **crimes committed on or after July 1, 1988, and prior to September**
8 **20, 1991 - appellate review - applicability.** (8) THIS SECTION APPLIES
9 ONLY TO OFFENSES CHARGED PRIOR TO JULY 1, 2020.

10 **SECTION 14.** In Colorado Revised Statutes, 18-3-107, **amend**
11 (3) as follows:

12 **18-3-107. First degree murder of a peace officer, firefighter,**
13 **or emergency medical service provider - legislative declaration.** (3) A
14 person convicted of first degree murder of a peace officer, firefighter, or
15 emergency medical service provider shall be punished by life
16 imprisonment without the possibility of parole for the rest of his or her
17 natural life, unless THE OFFENSE WAS CHARGED PRIOR TO JULY 1, 2020,
18 AND a proceeding held to determine sentence according to the procedure
19 set forth in section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102 results in a
20 verdict that requires imposition of the death penalty, in which event the
21 person shall be sentenced to death. Nothing in this subsection (3) is
22 construed as limiting the power of the governor to grant reprieves,
23 commutations, and pardons pursuant to section 7 of article IV of the
24 Colorado constitution.

25 **SECTION 15. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety.