

CHAPTER 322

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 93-1302

BY REPRESENTATIVES Tucker, Adkins, Agler, Allen, Friednash, George, Kaufman, Lawrence, May, Pankey, Piffner, and Ratterree; also SENATORS Wells, Bird, Casey, Hopper, Johnson, Rizzuto, Traylor, and Wham.

AN ACT

CONCERNING THE RESTRUCTURING OF THE CRIMINAL JUSTICE SYSTEM IN THE STATE OF COLORADO, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH.

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

SECTION 1. 16-13-101, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

16-13-101. Punishment for habitual criminals. (1) Every person convicted in this state of any CLASS 1, 2, 3, 4, OR 5 felony ~~for which the maximum penalty prescribed by law exceeds five years~~ who, within ten years of the date of the commission of the said offense, has been twice previously convicted upon charges separately brought and tried, and arising out of separate and distinct criminal episodes, either in this state or elsewhere, of a felony or, under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States, of a crime which, if committed within this state, would be a felony shall be adjudged an habitual criminal and shall be punished FOR THE FELONY OFFENSE OF WHICH SUCH PERSON IS CONVICTED by confinement in a correctional facility for a term of ~~not less than twenty-five years nor more than fifty years~~ THREE TIMES THE MAXIMUM OF THE PRESUMPTIVE RANGE PURSUANT TO SECTION 18-1-105, C.R.S., FOR THE CLASS OF FELONY OF WHICH SUCH PERSON IS CONVICTED.

(2) Every person convicted in this state of any felony, who has been three times previously convicted, upon charges separately brought and tried, and arising out of separate and distinct criminal episodes, either in this state or elsewhere, of a felony or, under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States, of a crime which, if committed within this state, would be a felony, shall be adjudged an habitual criminal and shall be punished FOR THE FELONY OFFENSE OF WHICH SUCH PERSON IS CONVICTED by imprisonment in a

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

correctional facility for ~~the~~ A term of ~~his or her natural life~~ FOUR TIMES THE MAXIMUM OF THE PRESUMPTIVE RANGE PURSUANT TO SECTION 18-1-105, C.R.S., FOR THE CLASS OF FELONY OF WHICH SUCH PERSON IS CONVICTED. Such former conviction or convictions and judgment or judgments shall be set forth in apt words in the indictment or information. Nothing in this part 1 shall abrogate or affect the punishment by death in any and all crimes punishable by death on or after July 1, 1972.

(2.5) ANY PERSON WHO IS CONVICTED AND SENTENCED PURSUANT TO SUBSECTION (2) OF THIS SECTION, WHO IS THEREAFTER CONVICTED OF A FELONY WHICH IS A CRIME OF VIOLENCE PURSUANT TO SECTION 16-11-309, SHALL BE ADJUDGED AN HABITUAL CRIMINAL AND SHALL BE PUNISHED BY A TERM OF LIFE IMPRISONMENT. NO PERSON SENTENCED PURSUANT TO THIS SUBSECTION (2.5) SHALL BE ELIGIBLE FOR PAROLE UNTIL SUCH PERSON HAS SERVED AT LEAST FORTY CALENDAR YEARS.

(3) No drug law conviction shall be counted as a prior felony conviction under this section unless such prior offense would be a felony if committed in this state at the time of the commission of the new offense.

SECTION 2. Article 1 of title 17, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

17-1-104.3. Correctional facilities - locations - security level. THE CORRECTIONAL FACILITIES MANAGED, SUPERVISED, AND CONTROLLED BY THE DEPARTMENT PURSUANT TO SECTION 17-1-104, THE LOCATION OF SUCH FACILITIES, AND THE PRIMARY SECURITY LEVEL OF SUCH FACILITIES SHALL BE AS FOLLOWS:

Correctional facility	Location	Security level
COLORADO STATE PENITENTIARY	FREMONT COUNTY	MAXIMUM/AD. SEG.
CENTENNIAL CORRECTIONAL FACILITY	FREMONT COUNTY	CLOSE
LIMON CORRECTIONAL FACILITY	LINCOLN COUNTY	MEDIUM
ARKANSAS VALLEY CORRECTIONAL FACILITY	CROWLEY COUNTY	MEDIUM
BUENA VISTA CORRECTIONAL FACILITY	CHAFFEE COUNTY	MEDIUM
COLORADO TERRITORIAL CORRECTIONAL FACILITY	FREMONT COUNTY	MEDIUM
FREMONT CORRECTIONAL FACILITY	FREMONT COUNTY	MEDIUM

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BUENA VISTA MODULAR UNIT	CHAFFEE COUNTY	MINIMUM RESTRICTIVE
ARROWHEAD CORRECTIONAL CENTER	FREMONT COUNTY	MINIMUM RESTRICTIVE
FOUR MILE CORRECTIONAL CENTER	FREMONT COUNTY	MINIMUM RESTRICTIVE
PRE-RELEASE CORRECTIONAL CENTER	FREMONT COUNTY	MINIMUM RESTRICTIVE
SKYLINE CORRECTIONAL CENTER	FREMONT COUNTY	MINIMUM
COLORADO CORRECTIONAL CENTER	JEFFERSON COUNTY	MINIMUM
DELTA CORRECTIONAL CENTER	DELTA COUNTY	MINIMUM
RIFLE CORRECTIONAL CENTER	GARFIELD COUNTY	MINIMUM
COLORADO CORRECTIONAL ALTERNATIVE PROGRAM	CHAFFEE COUNTY	MINIMUM
COLORADO WOMEN'S CORRECTIONAL FACILITY	FREMONT AND PUEBLO COUNTIES	MIXED
DENVER RECEPTION AND DIAGNOSTIC CENTER	CITY AND COUNTY OF DENVER	MIXED

SECTION 3. 17-22.5-104 (1) and (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

17-22.5-104. Parole - regulations. (1) Any inmate in the custody of the department may be allowed to go on parole in accordance with section 17-22.5-403, subject to the provisions and conditions contained in this article and article 2 of this title.

(2) (a) No inmate imprisoned under a life sentence for a crime committed before July 1, 1977, shall be paroled until ~~he~~ SUCH INMATE has served at least ten calendar years, and no application for parole shall be made or considered during such period of ten years.

(b) No inmate imprisoned under a life sentence for a crime committed on or after July 1, 1977, but before July 1, 1985, shall be paroled until ~~he~~ SUCH INMATE has served at least twenty calendar years, and no application for parole shall be made or considered during such period of twenty years.

(c) No inmate imprisoned under a life sentence for a crime committed on or after July 1, 1985, shall be paroled until ~~he~~ SUCH INMATE has served at least forty calendar years, and no application for parole shall be made or considered during such period of forty years.

(d) (I) No inmate imprisoned under a life sentence for a class 1 felony committed on or after July 1, 1990, shall be eligible for parole. No inmate imprisoned under a life sentence pursuant to section 16-13-101 (2), C.R.S., AS IT EXISTED PRIOR TO JULY 1, 1993, for a crime committed on or after July 1, 1990, shall be paroled until such inmate has served at least forty calendar years, and no application for parole shall be made or considered during such period of forty years.

(II) THIS PARAGRAPH (d) SHALL NOT APPLY TO ANY INMATE SENTENCED PURSUANT TO SECTION 16-13-101 (2), C.R.S., FOR ANY CRIME COMMITTED ON OR AFTER JULY 1, 1993, AND ANY SUCH INMATE SHALL BE ELIGIBLE FOR PAROLE IN ACCORDANCE WITH SECTION 17-22.5-403.

(III) NO INMATE IMPRISONED UNDER A LIFE SENTENCE PURSUANT TO SECTION 16-13-101 (2.5), C.R.S., SHALL BE PAROLED UNTIL SUCH INMATE HAS SERVED AT LEAST FORTY CALENDAR YEARS, AND NO APPLICATION FOR PAROLE SHALL BE MADE OR CONSIDERED DURING SUCH PERIOD OF FORTY YEARS.

SECTION 4. 17-22.5-403, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

17-22.5-403. Parole eligibility. (1) Any person sentenced for a class 2, class 3, class 4, class 5, or class 6 felony shall be eligible for parole after ~~he~~ SUCH PERSON has served fifty percent of the sentence imposed upon ~~him~~ SUCH PERSON, less any time authorized for earned time granted pursuant to section 17-22.5-405. However, the date established by this subsection (1) upon which any person shall be eligible for parole may be extended by the executive director for misconduct during incarceration. The executive director shall promulgate rules and regulations concerning when and under what conditions any inmate's parole eligibility date may be extended. Such rules and regulations shall be promulgated in such a manner as to promote fairness and consistency in the treatment of all inmates.

(2) Notwithstanding subsection (1) of this section, any person convicted and sentenced for second degree murder, first degree assault, first degree kidnapping unless the first degree kidnapping is a class 1 felony, first or second degree sexual assault, first degree arson, first degree burglary, or aggravated robbery, which person has previously been convicted of a crime which would have been a crime of violence as defined in section 16-11-309, C.R.S., shall be eligible for parole after ~~he~~ SUCH PERSON has served seventy-five percent of the sentence imposed upon ~~him~~ SUCH PERSON, less any time authorized for earned time granted pursuant to section 17-22.5-405.

(3) Notwithstanding subsection (1) or (2) of this section, any person convicted and sentenced for any crime enumerated in subsection (2) of this section, who has twice previously been convicted for a crime which would have been a crime of violence as defined in section 16-11-309, C.R.S., shall be eligible for parole after ~~he~~ SUCH PERSON has served seventy-five percent of the sentence served upon ~~him~~ SUCH

PERSON, at which time ~~he~~ SUCH PERSON shall be referred by the department to the state board of parole which may place such person on parole for a period of time which does not exceed the time remaining on such person's original sentence. FOR OFFENSES COMMITTED ON OR AFTER JULY 1, 1993, SUCH PERSON SHALL BE PLACED ON PAROLE FOR THE PERIOD OF TIME SPECIFIED IN SECTION 18-1-105 (1) (a) (V), C.R.S. Section 17-22.5-402 (2) shall not apply to any such offender.

(4) The governor may grant parole to an inmate to whom subsection (2) or (3) of this section applies prior to such inmate's parole eligibility date or discharge date if, in the governor's opinion, extraordinary mitigating circumstances exist and such inmate's release from institutional custody is compatible with the safety and welfare of society.

(5) FOR ANY OFFENDER WHO IS INCARCERATED FOR AN OFFENSE COMMITTED PRIOR TO JULY 1, 1993, upon application for parole, the state board of parole, working in conjunction with the department and using the guidelines established pursuant to section 17-22.5-404, shall determine whether or not to grant parole and, if granted, the length of the period of parole. The state board of parole may set the length of the period of parole for any time period up to the date of final discharge as determined in accordance with section 17-22.5-402. If an application for parole is refused by the state board of parole, the state board of parole shall reconsider within one year thereafter whether such inmate should be granted parole. The state board of parole shall continue such reconsideration each year thereafter until such inmate is granted parole or until ~~he~~ SUCH INMATE is discharged pursuant to law.

(6) For persons who are granted parole pursuant to subsection (5) of this section, the division of adult services shall provide parole supervision and assistance in securing employment, housing, and such other services as may affect the successful reintegration of such offender into the community while recognizing the need for public safety. The conditions for parole for any such offender under this subsection (6) shall be established pursuant to section 17-22.5-404 by the state board of parole prior to such offender's release from incarceration. Upon a determination that the conditions of parole have been violated in a parole revocation proceeding, the state board of parole shall continue the parole in effect, modify the conditions of parole if circumstances then shown to exist require such modifications, which circumstances shall be set forth in writing, or revoke the parole and order the return of the offender to a place of confinement designated by the executive director for any period of time up to the period remaining on such person's sentence until the discharge date as determined by section 17-22.5-402 or one year, whichever is longer. In computing the period of reincarceration, the time between the offender's release on parole and the revocation of such parole shall not be considered to be part of the term of the sentence. The state board of parole may discharge an offender granted parole under this section at any time during the term of parole upon a determination that the offender has been sufficiently rehabilitated and reintegrated into society and can no longer benefit from parole supervision.

(7) FOR ANY OFFENDER WHO IS INCARCERATED FOR AN OFFENSE COMMITTED ON OR AFTER JULY 1, 1993, UPON APPLICATION FOR PAROLE, THE STATE BOARD OF PAROLE, WORKING IN CONJUNCTION WITH THE DEPARTMENT AND USING THE GUIDELINES ESTABLISHED PURSUANT TO SECTION 17-22.5-404, SHALL DETERMINE WHETHER OR NOT TO GRANT PAROLE. THE STATE BOARD OF PAROLE, IF IT

DETERMINES THAT PLACING AN OFFENDER ON PAROLE IS APPROPRIATE, SHALL SET THE LENGTH OF THE PERIOD OF PAROLE AT THE MANDATORY PERIOD OF PAROLE ESTABLISHED IN SECTION 18-1-105 (1) (a) (V), C.R.S. IF AN APPLICATION FOR PAROLE IS REFUSED BY THE STATE BOARD OF PAROLE, THE STATE BOARD OF PAROLE SHALL RECONSIDER WITHIN ONE YEAR THEREAFTER WHETHER SUCH INMATE SHOULD BE GRANTED PAROLE. THE STATE BOARD OF PAROLE SHALL CONTINUE SUCH RECONSIDERATION EACH YEAR THEREAFTER UNTIL SUCH INMATE IS GRANTED PAROLE OR UNTIL SUCH INMATE IS DISCHARGED PURSUANT TO LAW.

(8) FOR PERSONS WHO ARE GRANTED PAROLE PURSUANT TO SUBSECTION (7) OF THIS SECTION, THE DIVISION OF ADULT SERVICES SHALL PROVIDE PAROLE SUPERVISION AND ASSISTANCE IN SECURING EMPLOYMENT, HOUSING, AND SUCH OTHER SERVICES AS MAY AFFECT THE SUCCESSFUL REINTEGRATION OF SUCH OFFENDER INTO THE COMMUNITY WHILE RECOGNIZING THE NEED FOR PUBLIC SAFETY. THE CONDITIONS FOR PAROLE FOR ANY SUCH OFFENDER UNDER THIS SUBSECTION (8) SHALL BE ESTABLISHED PURSUANT TO SECTION 17-22.5-404 BY THE STATE BOARD OF PAROLE PRIOR TO SUCH OFFENDER'S RELEASE FROM INCARCERATION. UPON A DETERMINATION THAT THE CONDITIONS OF PAROLE HAVE BEEN VIOLATED IN A PAROLE REVOCATION PROCEEDING, THE STATE BOARD OF PAROLE SHALL CONTINUE THE PAROLE IN EFFECT, MODIFY THE CONDITIONS OF PAROLE IF CIRCUMSTANCES THEN SHOWN TO EXIST REQUIRE SUCH MODIFICATIONS, WHICH CIRCUMSTANCES SHALL BE SET FORTH IN WRITING, OR REVOKE THE PAROLE AND ORDER THE RETURN OF THE OFFENDER TO A PLACE OF CONFINEMENT DESIGNATED BY THE EXECUTIVE DIRECTOR FOR ANY PERIOD OF TIME UP TO THE PERIOD REMAINING ON SUCH PERSON'S MANDATORY PERIOD OF PAROLE ESTABLISHED IN SECTION 18-1-105 (1) (a) (V), C.R.S. ANY OFFENDER WHO HAS BEEN REINCARCERATED DUE TO A PAROLE REVOCATION PURSUANT TO THIS SUBSECTION (8) SHALL BE ELIGIBLE FOR PAROLE AT ANY TIME DURING SUCH REINCARCERATION. THE STATE BOARD OF PAROLE MAY DISCHARGE AN OFFENDER GRANTED PAROLE UNDER THIS SECTION AT ANY TIME DURING THE TERM OF PAROLE UPON A DETERMINATION THAT THE OFFENDER HAS BEEN SUFFICIENTLY REHABILITATED AND REINTEGRATED INTO SOCIETY AND CAN NO LONGER BENEFIT FROM PAROLE SUPERVISION. IN MAKING ANY SUCH DETERMINATION, THE STATE BOARD OF PAROLE SHALL MAKE WRITTEN FINDINGS AS TO WHY SUCH OFFENDER IS NO LONGER IN NEED OF PAROLE SUPERVISION.

SECTION 5. 17-22.5-405, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-22.5-405. Earned time. (5) NOTWITHSTANDING SUBSECTIONS (1), (2), AND (3) OF THIS SECTION, NO OFFENDER WHO IS PAROLED FOR AN OFFENSE COMMITTED ON OR AFTER JULY 1, 1993, SHALL BE ELIGIBLE TO RECEIVE ANY EARNED TIME WHILE SUCH OFFENDER IS ON PAROLE OR WHILE SUCH OFFENDER IS REINCARCERATED AFTER A REVOCATION OF THE MANDATORY PERIOD OF PAROLE PURSUANT TO SECTION 18-1-105 (1) (a) (V), C.R.S.

SECTION 6. Article 30.5 of title 17, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 30.5

Interdepartmental Agreements to

Consolidate Parole and Probation Offices

17-30.5-101. Interdepartmental agreements to consolidate parole and probation offices - report to general assembly. (1) IN ORDER TO ENCOURAGE GREATER EFFICIENCY IN THE SUPERVISION OF CRIMINAL OFFENDERS, THE JUDICIAL DEPARTMENT AND THE DEPARTMENT OF CORRECTIONS ARE HEREBY AUTHORIZED AND ENCOURAGED TO ENTER INTO INTERDEPARTMENTAL AGREEMENTS WHICH CONSOLIDATE, OR PARTIALLY CONSOLIDATE, THE FUNCTIONS OF PAROLE OFFICES AND PROBATION OFFICES IN ANY JUDICIAL DISTRICT OR DISTRICTS WHICH SUCH DEPARTMENTS DEEM APPROPRIATE. SUCH INTERDEPARTMENTAL AGREEMENTS MAY INCLUDE THE TRANSFER OF STAFF, FUNCTIONS, AND OTHER RESOURCES WHICH ARE NECESSARY TO CARRY OUT THE PURPOSES OF THIS SUBSECTION (1).

(2) ON OR BEFORE JANUARY 1, 1995, THE JUDICIAL DEPARTMENT AND THE DEPARTMENT OF CORRECTIONS SHALL JOINTLY SUBMIT A WRITTEN REPORT TO THE CRIMINAL JUSTICE COMMISSION AND THE JOINT BUDGET COMMITTEE WHICH EVALUATES THE EFFECTIVENESS OF INTERDEPARTMENTAL AGREEMENTS ENTERED INTO PURSUANT TO SUBSECTION (1) OF THIS SECTION AND MAKES ANY RECOMMENDATIONS CONCERNING THE ALLEVIATION OF PROBLEMS WITH SUCH CONSOLIDATION OF FUNCTIONS AND ANY OTHER RECOMMENDATIONS WHICH THE DEPARTMENTS WISH TO MAKE KNOWN TO THE CRIMINAL JUSTICE COMMISSION AND THE JOINT BUDGET COMMITTEE. THE CRIMINAL JUSTICE COMMISSION AND THE JOINT BUDGET COMMITTEE MAY THEREAFTER MAKE ANY RECOMMENDATIONS TO THE GENERAL ASSEMBLY WHICH SUCH BODIES DEEM APPROPRIATE.

SECTION 7. 18-1-105 (1) (a), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

18-1-105. Felonies classified - presumptive penalties. (1) (a) (V) (A) AS TO ANY PERSON SENTENCED FOR A FELONY COMMITTED ON OR AFTER JULY 1, 1993, FELONIES ARE DIVIDED INTO SIX CLASSES WHICH ARE DISTINGUISHED FROM ONE ANOTHER BY THE FOLLOWING PRESUMPTIVE RANGES OF PENALTIES WHICH ARE AUTHORIZED UPON CONVICTION:

Class	Minimum Sentence	Maximum Sentence	Mandatory Period of Parole
1	LIFE IMPRISONMENT	DEATH	NONE
2	EIGHT YEARS IMPRISONMENT	TWENTY-FOUR YEARS IMPRISONMENT	FIVE YEARS
3	FOUR YEARS IMPRISONMENT	TWELVE YEARS IMPRISONMENT	FIVE YEARS
4	TWO YEARS IMPRISONMENT	SIX YEARS IMPRISONMENT	THREE YEARS

5	ONE YEAR IMPRISONMENT	THREE YEARS IMPRISONMENT	TWO YEARS
6	ONE YEAR IMPRISONMENT	EIGHTEEN MONTHS IMPRISONMENT	ONE YEAR

(B) ANY PERSON WHO IS PAROLED PURSUANT TO SECTION 17-22.5-403, C.R.S., OR ANY PERSON WHO IS NOT PAROLED AND IS DISCHARGED PURSUANT TO LAW, SHALL BE SUBJECT TO THE MANDATORY PERIOD OF PAROLE ESTABLISHED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (V). SUCH MANDATORY PERIOD OF PAROLE MAY NOT BE WAIVED BY THE OFFENDER OR WAIVED OR SUSPENDED BY THE COURT AND SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 17-22.5-403 (8), C.R.S., WHICH PERMITS THE STATE BOARD OF PAROLE TO DISCHARGE THE OFFENDER AT ANY TIME DURING THE TERM OF PAROLE UPON A DETERMINATION THAT THE OFFENDER HAS BEEN SUFFICIENTLY REHABILITATED AND REINTEGRATED INTO SOCIETY AND CAN NO LONGER BENEFIT FROM PAROLE SUPERVISION.

(C) NOTWITHSTANDING SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (V), THE MANDATORY PERIOD OF PAROLE FOR A PERSON CONVICTED OF A FELONY OFFENSE PURSUANT TO PART 4 OF ARTICLE 3 OF THIS TITLE, OR PART 3 OF ARTICLE 6 OF THIS TITLE, SHALL BE FIVE YEARS.

(D) THE MANDATORY PERIOD OF PAROLE IMPOSED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (V) SHALL COMMENCE IMMEDIATELY UPON THE DISCHARGE OF AN OFFENDER FROM IMPRISONMENT IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS. IF THE OFFENDER HAS BEEN GRANTED RELEASE TO PAROLE SUPERVISION BY THE STATE BOARD OF PAROLE, THE OFFENDER SHALL BE DEEMED TO HAVE DISCHARGED THE OFFENDER'S SENTENCE TO IMPRISONMENT PROVIDED FOR IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (V) IN THE SAME MANNER AS IF SUCH SENTENCE WERE DISCHARGED PURSUANT TO LAW. WHEN AN OFFENDER IS RELEASED BY THE STATE BOARD OF PAROLE OR RELEASED BECAUSE THE OFFENDER'S SENTENCE WAS DISCHARGED PURSUANT TO LAW, THE MANDATORY PERIOD OF PAROLE SHALL BE SERVED BY SUCH OFFENDER.

(E) IF AN OFFENDER IS SENTENCED CONSECUTIVELY FOR THE COMMISSION OF TWO OR MORE FELONY OFFENSES PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (V), THE MANDATORY PERIOD OF PAROLE FOR SUCH OFFENDER SHALL BE THE MANDATORY PERIOD OF PAROLE ESTABLISHED FOR THE HIGHEST CLASS FELONY OF WHICH SUCH OFFENDER HAS BEEN CONVICTED.

SECTION 8. 18-1-105 (1) (a) (IV), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

18-1-105. Felonies classified - presumptive penalties. (1) (a) (IV) As to any person sentenced for a felony committed on or after July 1, 1985, BUT PRIOR TO JULY 1, 1993, felonies are divided into six classes which are distinguished from one another by the following presumptive ranges of penalties which are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence
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1	Life imprisonment	Death
2	Eight years imprisonment	Twenty-four years imprisonment
3	Four years imprisonment	Sixteen years imprisonment
4	Two years imprisonment	Eight years imprisonment
5	One year imprisonment	Four years imprisonment
6	One year imprisonment	Two years imprisonment

SECTION 9. 18-1-105, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-1-105. Felonies classified - presumptive penalties. (9.7) (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT CERTAIN CRIMES WHICH ARE LISTED IN PARAGRAPH (b) OF THIS SECTION PRESENT AN EXTRAORDINARY RISK OF HARM TO SOCIETY AND THEREFORE, IN THE INTEREST OF PUBLIC SAFETY, FOR SUCH CRIMES WHICH CONSTITUTE CLASS 3 FELONIES, THE MAXIMUM SENTENCE IN THE PRESUMPTIVE RANGE SHALL BE INCREASED BY FOUR YEARS; FOR SUCH CRIMES WHICH CONSTITUTE CLASS 4 FELONIES, THE MAXIMUM SENTENCE IN THE PRESUMPTIVE RANGE SHALL BE INCREASED BY TWO YEARS; FOR SUCH CRIMES WHICH CONSTITUTE CLASS 5 FELONIES, THE MAXIMUM SENTENCE IN THE PRESUMPTIVE RANGE SHALL BE INCREASED BY ONE YEAR; FOR SUCH CRIMES WHICH CONSTITUTE CLASS 6 FELONIES, THE MAXIMUM SENTENCE IN THE PRESUMPTIVE RANGE SHALL BE INCREASED BY SIX MONTHS.

(b) CRIMES WHICH PRESENT AN EXTRAORDINARY RISK OF HARM TO SOCIETY SHALL INCLUDE THE FOLLOWING:

(I) SEXUAL ASSAULT IN THE FIRST DEGREE, AS DEFINED IN SECTION 18-3-402;

(II) SEXUAL ASSAULT IN THE SECOND DEGREE, AS DEFINED IN SECTION 18-3-403;

(III) SEXUAL ASSAULT IN THE THIRD DEGREE, AS DEFINED IN SECTION 18-3-404;

(IV) SEXUAL ASSAULT ON A CHILD, AS DEFINED IN SECTION 18-3-405;

(V) SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST, AS DEFINED IN SECTION 18-3-405.3;

(VI) SEXUAL ASSAULT ON A CLIENT BY A PSYCHOTHERAPIST, AS DEFINED IN SECTION 18-3-405.5;

(VII) INCEST, AS DEFINED IN SECTION 18-6-301;

(VIII) AGGRAVATED INCEST, AS DEFINED IN SECTION 18-6-302;

(IX) AGGRAVATED ROBBERY, AS DEFINED IN SECTION 18-4-302;

(X) CHILD ABUSE, AS DEFINED IN SECTION 18-6-401;

(XI) UNLAWFUL DISTRIBUTION, MANUFACTURING, DISPENSING, SALE, OR POSSESSION OF A CONTROLLED SUBSTANCE WITH THE INTENT TO SELL, DISTRIBUTE, MANUFACTURE, OR DISPENSE, AS DEFINED IN SECTION 18-18-405; AND

(XII) ANY CRIME OF VIOLENCE, AS DEFINED IN SECTION 16-11-309, C.R.S.

SECTION 10. 18-1-106 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 18-1-106 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

18-1-106. Misdemeanors classified - penalties. (1) Misdemeanors are divided into three classes which are distinguished from one another by the following penalties which are authorized upon conviction except as provided in subsection (1.5) of this section:

Class	Minimum Sentence	Maximum Sentence
1	Six months imprisonment, or five hundred dollars fine, or both	Twenty-four EIGHTEEN months imprisonment, or five thousand dollars fine, or both
2	Three months imprisonment, or two hundred fifty dollars fine, or both	Twelve months imprisonment, or one thousand dollars fine, or both
3	Fifty dollars fine	Six months imprisonment, or seven hundred fifty dollars fine, or both

No term of imprisonment for conviction of a misdemeanor shall be served in the correctional facilities at Canon City unless served concurrently with a term for conviction of a felony.

(3) (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT CERTAIN MISDEMEANORS WHICH ARE LISTED IN PARAGRAPH (b) OF THIS SUBSECTION (3) PRESENT AN EXTRAORDINARY RISK OF HARM TO SOCIETY AND THEREFORE, IN THE INTEREST OF PUBLIC SAFETY, THE MAXIMUM SENTENCE IN THE PRESUMPTIVE RANGE FOR SUCH MISDEMEANORS SHALL BE INCREASED BY SIX MONTHS.

(b) MISDEMEANORS WHICH PRESENT AN EXTRAORDINARY RISK OF HARM TO SOCIETY SHALL INCLUDE THE FOLLOWING:

- (I) ASSAULT IN THE THIRD DEGREE, AS DEFINED IN SECTION 18-3-204;
- (II) SEXUAL ASSAULT IN THE THIRD DEGREE, AS DEFINED IN SECTION 18-3-404;
- (III) CHILD ABUSE, AS DEFINED IN SECTION 18-6-401 (7) (a) (V); AND
- (IV) HARASSMENT BY STALKING, AS DEFINED IN SECTION 18-9-111 (4).

SECTION 11. 18-1-108, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

18-1-108. Offenses not classified. Any felony, misdemeanor, or petty offense defined by state statute without specification of its class shall be punishable as provided in the statute defining it. FOR FELONY OFFENSES COMMITTED ON OR AFTER JULY 1, 1993, IF THE SENTENCING COURT SENTENCES AN OFFENDER TO INCARCERATION PURSUANT TO THE PROVISIONS OF THIS SECTION, THE SENTENCING COURT SHALL ALSO IMPOSE A MANDATORY PERIOD OF PAROLE OF TWO YEARS.

SECTION 12. 18-1-109, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

18-1-109. Penalty not fixed by statute - punishment. In all cases where an offense is denominated by statute as being a felony and no penalty is fixed in the statute therefor, the punishment shall be imprisonment for not more than five years in a correctional facility, as defined in section 17-1-102, C.R.S., or a fine of not more than fifteen thousand dollars, or both such imprisonment and fine. For offenses committed on or after July 1, 1985, a fine of not more than one hundred thousand dollars may be levied. FOR OFFENSES COMMITTED ON OR AFTER JULY 1, 1993, IF THE SENTENCING COURT SENTENCES AN OFFENDER TO INCARCERATION PURSUANT TO THE PROVISIONS OF THIS SECTION, THE SENTENCING COURT SHALL ALSO IMPOSE A MANDATORY PERIOD OF PAROLE OF TWO YEARS. In all cases where an offense is denominated a misdemeanor and no penalty is fixed in the statute therefor, the punishment shall be imprisonment for not more than one year in the county jail, or a fine of not more than one thousand dollars, or both such imprisonment and fine.

SECTION 13. 18-3-104, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

18-3-104. Manslaughter. (1) A person commits the crime of manslaughter if:

(a) ~~He~~ SUCH PERSON recklessly causes the death of another person; or

(b) ~~He~~ SUCH PERSON intentionally causes or aids another person to commit suicide;
or

(c) ~~He~~ SUCH PERSON knowingly causes the death of another person under circumstances where the act causing the death was performed upon a sudden heat of passion, caused by a serious and highly provoking act of the intended victim, affecting the person WHO PERFORMS THE killing sufficiently to excite an irresistible passion in a reasonable person; but, if between the provocation and the killing there is an interval sufficient for the voice of reason and humanity to be heard, the killing

is murder.

(2) (a) MANSLAUGHTER, IN VIOLATION OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION IS A CLASS 3 FELONY.

(b) Manslaughter, IN VIOLATION OF EITHER PARAGRAPH (a) OR PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, is a class 4 felony.

SECTION 14. 18-3-106 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

18-3-106. Vehicular homicide. (1) (a) If a person operates or drives a motor vehicle in a reckless manner, and such conduct is the proximate cause of the death of another, ~~he~~ SUCH PERSON commits vehicular homicide.

(b) (I) If a person operates or drives a motor vehicle while under the influence of alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, and such conduct is the proximate cause of the death of another, ~~he~~ SUCH PERSON commits vehicular homicide. This is a strict liability crime.

(II) For the purposes of this subsection (1), one or more drugs shall mean all substances defined as a drug in section 12-22-303 (13), C.R.S., and all controlled substances defined in section 12-22-303 (7), C.R.S., and glue-sniffing, aerosol inhalation, or the inhalation of any other toxic vapor or vapors AS DEFINED IN SECTION 18-18-412.

(III) The fact that any person charged with a violation of this subsection (1) is or has been entitled to use one or more drugs under the laws of this state shall not constitute a defense against any charge of violating this subsection (1).

(IV) "Driving under the influence" means driving a vehicle when a person has consumed alcohol or one or more drugs, or a combination of alcohol and one or more drugs, which alcohol alone, or one or more drugs alone, or alcohol combined with one or more drugs affect ~~him~~ SUCH PERSON to a degree that ~~he~~ SUCH PERSON is substantially incapable, either mentally or physically, or both mentally and physically, of exercising clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.

(c) Vehicular homicide, IN VIOLATION OF PARAGRAPH (a) OF THIS SUBSECTION (1), is a class 4 felony. VEHICULAR HOMICIDE, IN VIOLATION OF PARAGRAPH (b) OF THIS SUBSECTION (1), IS A CLASS 3 FELONY.

SECTION 15. 18-3-205 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

18-3-205. Vehicular assault. (1) (a) If a person operates or drives a motor vehicle in a reckless manner, and this conduct is the proximate cause of serious bodily injury to another, ~~he~~ SUCH PERSON commits vehicular assault.

(b) (I) If a person operates or drives a motor vehicle while under the influence of alcohol or one or more drugs, or a combination of both alcohol and one or more

drugs, and this conduct is the proximate cause of a serious bodily injury to another, ~~he~~ SUCH PERSON commits vehicular assault. This is a strict liability crime.

(II) For the purposes of this subsection (1), one or more drugs shall mean all substances defined as a drug in section 12-22-303 (13), C.R.S., and all controlled substances defined in section 12-22-303 (7), C.R.S., and glue-sniffing, aerosol inhalation, or the inhalation of any other toxic vapor or vapors AS DEFINED IN SECTION 18-18-412.

(III) The fact that any person charged with a violation of this subsection (1) is or has been entitled to use one or more drugs under the laws of this state shall not constitute a defense against any charge of violating this subsection (1).

(IV) "Driving under the influence" means driving a vehicle when a person has consumed alcohol or one or more drugs, or a combination of alcohol and one or more drugs, which alcohol alone, or one or more drugs alone, or alcohol combined with one or more drugs affect ~~him~~ SUCH PERSON to a degree that ~~he~~ SUCH PERSON is substantially incapable, either mentally or physically, or both mentally and physically, of exercising clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.

(c) Vehicular assault, IN VIOLATION OF PARAGRAPH (a) OF THIS SUBSECTION (1), is a class 5 felony. VEHICULAR ASSAULT, IN VIOLATION OF PARAGRAPH (b) OF THIS SUBSECTION (1), IS A CLASS 4 FELONY.

SECTION 16. 18-5-102, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

18-5-102. Forgery. (1) A PERSON COMMITS FORGERY, IF, WITH INTENT TO DEFRAUD, SUCH PERSON FALSELY MAKES, COMPLETES, ALTERS, OR UTTERS A WRITTEN INSTRUMENT WHICH IS OR PURPORTS TO BE, OR WHICH IS CALCULATED TO BECOME OR TO REPRESENT IF COMPLETED:

(a) PART OF AN ISSUE OF MONEY, STAMPS, SECURITIES, OR OTHER VALUABLE INSTRUMENTS ISSUED BY A GOVERNMENT OR GOVERNMENT AGENCY; OR

(b) PART OF AN ISSUE OF STOCK, BONDS, OR OTHER INSTRUMENTS REPRESENTING INTERESTS IN OR CLAIMS AGAINST A CORPORATE OR OTHER ORGANIZATION OR ITS PROPERTY; OR

(c) A DEED, WILL, CODICIL, CONTRACT, ASSIGNMENT, COMMERCIAL INSTRUMENT, PROMISSORY NOTE, CHECK, OR OTHER INSTRUMENT WHICH DOES OR MAY EVIDENCE, CREATE, TRANSFER, TERMINATE, OR OTHERWISE AFFECT A LEGAL RIGHT, INTEREST, OBLIGATION, OR STATUS; OR

(d) A PUBLIC RECORD OR AN INSTRUMENT FILED OR REQUIRED BY LAW TO BE FILED OR LEGALLY FILEABLE IN OR WITH A PUBLIC OFFICE OR PUBLIC SERVANT; OR

(e) A WRITTEN INSTRUMENT OFFICIALLY ISSUED OR CREATED BY A PUBLIC OFFICE, PUBLIC SERVANT, OR GOVERNMENT AGENCY; OR

(f) PART OF AN ISSUE OF TOKENS, TRANSFERS, CERTIFICATES, OR OTHER ARTICLES MANUFACTURED AND DESIGNED FOR USE IN TRANSPORTATION FEES UPON PUBLIC CONVEYANCES, OR AS SYMBOLS OF VALUE USABLE IN PLACE OF MONEY FOR THE PURCHASE OF PROPERTY OR SERVICES AVAILABLE TO THE PUBLIC FOR COMPENSATION; OR

(g) PART OF AN ISSUE OF LOTTERY TICKETS OR SHARES DESIGNED FOR USE IN THE LOTTERY HELD PURSUANT TO PART 2 OF ARTICLE 35 OF TITLE 24, C.R.S.

(2) FORGERY IS A CLASS 5 FELONY.

SECTION 17. 18-5-103, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is repealed as follows:

18-5-103. Second degree forgery. ~~(1) A person commits second degree forgery, if, with intent to defraud, he falsely makes, completes, alters, or utters a written instrument which is or purports to be, or which is calculated to become or to represent if completed:~~

~~(a) A deed, will, codicil, contract, assignment, commercial instrument, promissory note, check, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status; or~~

~~(b) A public record or an instrument filed or required by law to be filed or legally fileable in or with a public office or public servant; or~~

~~(c) A written instrument officially issued or created by a public office, public servant, or government agency; or~~

~~(d) Part of an issue of tokens, transfers, certificates, or other articles manufactured and designed for use in transportation fees upon public conveyances, or as symbols of value usable in place of money for the purchase of property or services available to the public for compensation; or~~

~~(e) Part of an issue of lottery tickets or shares designed for use in the lottery held pursuant to part 2 of article 35 of title 24, C.R.S.~~

~~(2) Second degree forgery is a class 5 felony.~~

SECTION 18. 18-5-104, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

18-5-104. Second degree forgery. (1) A person commits ~~third~~ **SECOND** degree forgery if, with intent to defraud, ~~he~~ **SUCH PERSON** falsely makes, completes, alters, or utters a written instrument of a kind not described in ~~sections~~ **SECTION 18-5-102. and 18-5-103.**

(2) ~~Third~~ **SECOND** degree forgery is a class 1 misdemeanor.

SECTION 19. 18-5-105, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

18-5-105. Criminal possession of a forged instrument. A person commits a class 6 felony when, with knowledge that it is forged and with intent to use to defraud, ~~he~~ SUCH PERSON possesses any forged instrument of a kind described in section 18-5-102.

SECTION 20. 18-5-106, Colorado Revised Statutes, 1986 Repl. Vol., is repealed as follows:

~~**18-5-106. Criminal possession of second degree forged instrument.** A person commits a class 1 misdemeanor when, with knowledge that it is forged and with intent to defraud, he possesses any forged instrument of a kind described in section 18-5-103.~~

SECTION 21. 18-5-107, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

18-5-107. Criminal possession of second degree forged instrument. A person commits a class 2 misdemeanor, when, with knowledge that it is forged, and with intent to defraud, ~~he~~ SUCH PERSON possesses any forged instrument of a kind covered by section 18-5-104.

SECTION 22. 19-2-805 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-2-805. Direct filing. (1) A juvenile may be charged by the direct filing of an information in the district court or by indictment only when:

(a) The juvenile is fourteen years of age or older and is alleged to have committed a class 1 felony; or

(a.5) THE JUVENILE IS SIXTEEN YEARS OF AGE OR OLDER AND IS ALLEGED TO HAVE COMMITTED A CLASS 2 OR CLASS 3 FELONY ENUMERATED AS A CRIME OF VIOLENCE PURSUANT TO SECTION 16-11-309, C.R.S.; OR

(b) The juvenile has, within the two previous years, been adjudicated a juvenile delinquent for a delinquent act that constitutes a felony, is sixteen years of age or older, and allegedly has committed a crime defined by section 18-1-105, C.R.S., as a class 2 or class 3 felony, except felonies defined by section 18-3-403 (1) (e), C.R.S.; or

(c) The juvenile is fourteen years of age or older, has allegedly committed a delinquent act that constitutes a felony, and has previously been subject to proceedings in district court as a result of a direct filing pursuant to this section or a transfer pursuant to section 19-2-806; except that, if a juvenile is found not guilty in the district court of the prior felony or any lesser included offense, the subsequent charge shall be remanded back to the juvenile court.

SECTION 23. Part 5 of article 33.5 of title 24, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

24-33.5-510. Victim prevention programs - legislative declaration - grants - criteria. (1) THE GENERAL ASSEMBLY HEREBY DECLARES THAT THERE IS A GREAT NEED TO CREATE INNOVATIVE APPROACHES TO PREVENT PERSONS FROM BECOMING VICTIMS OF CRIME. IN ORDER TO ENCOURAGE THE DEVELOPMENT OF SUCH INNOVATIVE APPROACHES FOR THE PRIMARY PREVENTION OF CRIME AND TO ENCOURAGE THE INTEGRATION OF SUCH INNOVATIVE APPROACHES WITH VICTIM PREVENTION METHODS WHICH HAVE BEEN DEMONSTRATED TO BE EFFECTIVE, THE GENERAL ASSEMBLY HEREBY ENACTS THIS SECTION.

(2) THE DIVISION OF CRIMINAL JUSTICE IS HEREBY AUTHORIZED TO DO ALL THINGS NECESSARY TO APPLY FOR, QUALIFY FOR, ACCEPT, AND DISTRIBUTE ANY MONEYS MADE AVAILABLE FROM FEDERAL, STATE, OR PRIVATE ENTITIES WHICH ARE TO BE USED FOR THE DEVELOPMENT OF VICTIM PREVENTION PROGRAMS.

(3) THE DIVISION OF CRIMINAL JUSTICE SHALL ALLOCATE THE MONEYS OBTAINED PURSUANT TO SUBSECTION (2) OF THIS SECTION FOR THE DEVELOPMENT OF VICTIM PREVENTION PROGRAMS WHICH MEET THE FOLLOWING CRITERIA:

(a) THE PROGRAM SHALL HAVE AS ITS PRINCIPAL PURPOSE THE REDUCTION OR PREVENTION OF THE INCIDENCE OF CRIME IN THE COMMUNITY.

(b) THE PROGRAM SHALL BE COMMUNITY-BASED AND SHALL ENCOURAGE THE DEVELOPMENT OF A PUBLIC-PRIVATE PARTNERSHIP TO ACHIEVE THE GOALS OF THE PROGRAM.

(c) THE PROGRAM SHALL CONCENTRATE ESPECIALLY ON THE PREVENTION OF THE COMMISSION OF CRIME BY PERSONS BETWEEN THE AGES OF TEN AND EIGHTEEN YEARS.

(d) THE PROGRAM MAY EMPLOY RECOGNIZED VICTIM PREVENTION METHODS, INCLUDING BUT NOT LIMITED TO VICTIM IMPACT PANELS, BUT SHALL BE ENCOURAGED TO DEVELOP NEW AND INNOVATIVE VICTIM PREVENTION METHODS.

(e) THE PROGRAM SHALL BE OPERATED BY AGENCIES OR ENTITIES WHICH ARE LOCAL IN NATURE, AND THE PROGRAM SHALL BE LOCAL IN ADMINISTRATION AND APPLICATION. THE GRANTS OF MONEYS PURSUANT TO THIS SECTION ARE INTENDED TO BE USED AS A MATCH FOR FEDERAL GRANT MONEYS PROVIDED PURSUANT TO 42 U.S.C. SEC. 3701.

(4) THE DIVISION OF CRIMINAL JUSTICE SHALL ACCEPT AND EVALUATE APPLICATIONS FROM LOCAL AGENCIES OR ENTITIES REQUESTING GRANTS OF MONEYS TO DEVELOP VICTIM PREVENTION PROGRAMS IN ACCORDANCE WITH THIS SECTION. IN EVALUATING SUCH REQUESTS, THE DIVISION SHALL CONSIDER THE DEGREE OF COMMUNITY PARTICIPATION IN EACH PROPOSED PROGRAM IN DETERMINING WHETHER TO MAKE ANY GRANT.

SECTION 24. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety for allocation to the division of criminal justice, for the fiscal year beginning July 1, 1993, the sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, for the implementation of section 23 of this act.

SECTION 25. Appropriation - adjustments in 1993-94 long bill. For the implementation of this act, the total appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 1993, to the department of education, distributions, special contingency reserve, shall be reduced by one hundred thousand dollars (\$100,000), all of which amount is from the general fund.

SECTION 26. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the judicial department, for allocation to the state public defender's office, for the fiscal year beginning July 1, 1993, the sum of six thousand four hundred fifty-two dollars (\$6,452) and 0.2 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 27. Appropriation - adjustments in 1993-94 long bill. For the implementation of this act, the total appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 1993, to the department of institutions, division of youth services, community programs, purchase of contract placements, shall be reduced by six thousand four hundred fifty-two dollars (\$6,452), all of which amount is from the general fund.

SECTION 28. Effective date - applicability. This act shall take effect July 1, 1993, and shall apply to offenses committed on or after said date.

SECTION 29. 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 8, 1993