

## CHAPTER 298

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**CRIMINAL LAW AND PROCEDURE**

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**SENATE BILL 98-021**

BY SENATOR Hernandez, Arnold, Bishop, Coffin, Congrove, Hopper, Mutzebaugh, Norton, Powers, Schroeder, and Tebedo; also REPRESENTATIVE Mace, C. Berry, Chavez, Clarke, Epps, Gotlieb, Hagedorn, Hefley, Leyba, Nichol, Reeser, Romero, Spradley, and Tool.

**AN ACT**

CONCERNING INCREASING THE LENGTH OF SENTENCE FOR PERSONS WHO COMMIT VEHICULAR HOMICIDE WHILE IN IMMEDIATE FLIGHT FROM COMMISSION OF ANOTHER FELONY, AND MAKING AN APPROPRIATION THEREFOR.

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

**SECTION 1.** 18-1-105 (9), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**18-1-105. Felonies classified - presumptive penalties.** (9) (g) IF THE DEFENDANT IS CONVICTED OF CLASS 4 OR CLASS 3 FELONY VEHICULAR HOMICIDE UNDER SECTION 18-3-106 (1) (a) OR (1) (b), AND WHILE COMMITTING VEHICULAR HOMICIDE THE DEFENDANT WAS IN IMMEDIATE FLIGHT FROM THE COMMISSION OF ANOTHER FELONY, THE COURT SHALL BE REQUIRED TO SENTENCE THE DEFENDANT TO A TERM OF AT LEAST THE MIDPOINT IN THE PRESUMPTIVE RANGE BUT NOT MORE THAN TWICE THE MAXIMUM TERM AUTHORIZED IN THE PRESUMPTIVE RANGE FOR THE PUNISHMENT OF THE CLASS OF FELONY VEHICULAR HOMICIDE OF WHICH THE DEFENDANT IS CONVICTED.

**SECTION 2.** The introductory portion to 24-75-302 (2) and 24-75-302 (2) (l), (2) (m), and (2) (n) are amended, and the said 24-75-302 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**24-75-302. Capital construction fund - capital assessment fees - calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter through July 1, ~~2001~~ 2002,

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

a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(l) On July 1, 1999, three hundred twenty-three thousand nine hundred ninety-eight dollars pursuant to H.B. 97-1186, enacted at the first regular session of the sixty-first general assembly, PLUS THREE THOUSAND EIGHT HUNDRED FORTY DOLLARS PURSUANT TO S.B. 98-021, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIRST GENERAL ASSEMBLY;

(m) On July 1, 2000, one hundred eighty-four thousand ninety dollars pursuant to H.B. 97-1186, plus four hundred seventy-eight thousand six hundred thirty-four dollars pursuant to H.B. 97-1077, enacted at the first regular session of the sixty-first general assembly, PLUS TWELVE THOUSAND TWO HUNDRED SEVENTEEN DOLLARS PURSUANT TO S.B. 98-021, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIRST GENERAL ASSEMBLY; ~~and~~

(n) On July 1, 2001, one hundred fifty-four thousand six hundred thirty-six dollars pursuant to H.B. 97-1186, plus nine hundred five thousand seven hundred twenty-three dollars pursuant to H.B. 97-1077, enacted at the first regular session of the sixty-first general assembly, PLUS NINE THOUSAND EIGHT HUNDRED NINETY DOLLARS PURSUANT TO S.B. 98-021, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIRST GENERAL ASSEMBLY; AND

(o) ON JULY 1, 2002, THIRTEEN THOUSAND NINE HUNDRED SIXTY-TWO DOLLARS PURSUANT TO S.B. 98-021, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIRST GENERAL ASSEMBLY.

**SECTION 3.** Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**17-1-128. Appropriation to comply with section 2-2-703.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT S.B. 98-021, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIRST GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 1999, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF THREE THOUSAND EIGHT HUNDRED FORTY DOLLARS (\$3,840).

(b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2000, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF TWELVE THOUSAND TWO HUNDRED SEVENTEEN DOLLARS (\$12,217).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2000, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE THOUSAND TWO HUNDRED EIGHTY-FOUR DOLLARS (\$1,284).

(c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF NINE THOUSAND EIGHT HUNDRED NINETY DOLLARS (\$9,890).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF FIVE THOUSAND THREE HUNDRED SEVENTY-ONE DOLLARS (\$5,371).

(d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF THIRTEEN THOUSAND NINE HUNDRED SIXTY-TWO DOLLARS (\$13,962).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF EIGHT THOUSAND SIX HUNDRED SEVENTY-NINE DOLLARS (\$8,679).

**SECTION 4. Effective date - applicability.** This act shall take effect July 1, 1998, and shall apply to offenses committed on or after said date.

**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 1, 1998