

CHAPTER 110

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 00-1234

BY REPRESENTATIVES Mitchell, Hoppe, Kester, Lawrence, Allen, Fairbank, Hagedorn, Hefley, Lee, McKay, Paschall, and Spence; also SENATORS Hillman, Chlouber, Congrove, Epps, Evans, Lamborn, Musgrave, Owen, Powers, and Teck.

AN ACT

CONCERNING EXPANSION OF AGGRAVATING FACTORS FOR IMPOSITION OF THE DEATH PENALTY.

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

SECTION 1. 16-11-103 (5) (n), Colorado Revised Statutes, is amended, and the said 16-11-103 (5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

16-11-103. Imposition of sentence in class 1 felonies - appellate review. (5) For purposes of this section, aggravating factors shall be the following factors:

(n) The defendant committed the class 1 felony against the victim because of the victim's race, color, ancestry, religion, or national origin; OR

(o) THE DEFENDANT'S POSSESSION OF THE WEAPON USED TO COMMIT THE CLASS 1 FELONY CONSTITUTED A FELONY OFFENSE UNDER THE LAWS OF THIS STATE OR THE UNITED STATES.

SECTION 2. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to offenses committed on or after the applicable effective date of this act.

Approved: April 11, 2000

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