

## CHAPTER 202

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**CRIMINAL LAW AND PROCEDURE**

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**HOUSE BILL 03-1297**

BY REPRESENTATIVE(S) Fritz, Lee, Hefley, Spradley, Fairbank, Frangas, Jahn, Mitchell, White, Williams T., Clapp, Cloer, Crane, Decker, Harvey, Hoppe, Johnson R., Rhodes, Rose, Schultheis, Smith, Stafford, and Stengel;  
also SENATOR(S) Dyer, Anderson, and Grossman.

**AN ACT****CONCERNING DEATH PENALTY AGGRAVATING FACTORS.**

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

**SECTION 1.** The introductory portion to 18-1.3-1201 (5) (f), Colorado Revised Statutes, is amended, and the said 18-1.3-1201 (5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**18-1.3-1201. Imposition of sentence in class 1 felonies - appellate review.**  
(5) For purposes of this section, aggravating factors shall be the following factors:

(f) The defendant committed the offense while lying in wait, from ambush, or by use of an explosive or incendiary device OR A CHEMICAL, BIOLOGICAL, OR RADIOLOGICAL WEAPON. As used in this paragraph (f), "explosive or incendiary device" means:

(p) THE DEFENDANT INTENTIONALLY KILLED MORE THAN ONE PERSON IN MORE THAN ONE CRIMINAL EPISODE.

**SECTION 2. Effective date - applicability.** This act shall take effect upon passage and shall apply to offenses committed on or after the effective date of this act.

**SECTION 3. 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: April 29, 2003

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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.*