

CHAPTER 145

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 07-1315

BY REPRESENTATIVE(S) Carroll T., Carroll M., Casso, Labuda, Marshall, and Stafford;
also SENATOR(S) Shaffer.

AN ACT

**CONCERNING PROVISIONS RELATED TO DEFENDANTS' RIGHTS INVOLVING THE CRIMINAL PROCEDURAL
LAW OF THE STATE.**

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

SECTION 1. 16-11.7-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

16-11.7-103. Sex offender management board - creation - duties - repeal.

(1.8) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (1) AND (1.5) OF THIS SECTION, EFFECTIVE JULY 1, 2007, THE MEMBERSHIP OF THE SEX OFFENDER MANAGEMENT BOARD SHALL BE INCREASED TO TWENTY-TWO MEMBERS BY THE ADDITION OF THE FOLLOWING MEMBER: ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY WHO IS A PRIVATE CRIMINAL DEFENSE ATTORNEY WITH EXPERTISE IN REPRESENTING SEX OFFENDERS. THE MEMBER SHALL SERVE A TERM OF THREE YEARS AND SHALL SERVE WITHOUT COMPENSATION.

SECTION 2. The introductory portion to 16-11.8-103 (1) and 16-11.8-103 (1) (l) and (1) (m), Colorado Revised Statutes, are amended, and the said 16-11.8-103 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

16-11.8-103. Domestic violence offender management board - creation - duties - repeal. (1) There is hereby created, in the department of public safety, the domestic violence offender management board that shall consist of ~~eighteen~~ NINETEEN members with recognizable expertise in the field of domestic violence offenders. The membership of the board shall consist of the following persons:

- (l) One member appointed by the executive director of the department of public

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

safety who is from a rural area and is active in the local coordination of criminal justice and victim services advocacy for domestic violence; ~~and~~

(m) One member appointed by the executive director of the department of public safety who is from an urban area and is active in the local coordination of criminal justice and victim services advocacy for domestic violence; AND

(n) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY WHO IS A PRIVATE CRIMINAL DEFENSE ATTORNEY. THE MEMBER SHALL SERVE A TERM OF THREE YEARS AND SHALL SERVE WITHOUT COMPENSATION.

SECTION 3. 17-27.7-104 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

17-27.7-104. Acceptance and completion of the program by an offender - reconsideration of sentence. (2) (b.5) NOTWITHSTANDING THE FACT THAT THE OFFENDER'S CASE IS ON APPEAL, THE SENTENCING COURT SHALL RETAIN JURISDICTION TO CONSIDER AND RULE ON MOTIONS FOR RECONSIDERATION FILED PURSUANT TO THIS SUBSECTION (2).

SECTION 4. 18-1.3-501 (1), Colorado Revised Statutes, is amended to read:

18-1.3-501. Misdemeanors classified - penalties. (1) (a) 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	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

(b) ~~No~~ A term of imprisonment for conviction of a misdemeanor shall NOT be served in ~~any~~ A state correctional facility unless served concurrently with a term for conviction of a felony.

(c) A TERM OF IMPRISONMENT IN A COUNTY JAIL FOR A CONVICTION OF A MISDEMEANOR, PETTY, OR TRAFFIC MISDEMEANOR OFFENSE SHALL NOT BE ORDERED TO BE SERVED CONSECUTIVELY TO A SENTENCE TO BE SERVED IN A STATE CORRECTIONAL FACILITY; EXCEPT THAT IF, AT THE TIME OF SENTENCING, THE COURT DETERMINES, AFTER CONSIDERATION OF ALL THE RELEVANT FACTS AND CIRCUMSTANCES, THAT A CONCURRENT SENTENCE IS NOT WARRANTED, THE COURT MAY ORDER THAT THE MISDEMEANOR SENTENCE BE SERVED PRIOR TO THE SENTENCE

TO BE SERVED IN THE STATE CORRECTIONAL FACILITY AND PRIOR TO THE TIME THE DEFENDANT IS TRANSPORTED TO THE STATE CORRECTIONAL FACILITY TO SERVE ALL OR THE REMAINDER OF THE DEFENDANT'S STATE CORRECTIONAL FACILITY SENTENCE.

SECTION 5. Part 5 of article 1.3 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

18-1.3-509. Credit for time served on misdemeanor sentences. A PERSON WHO IS CONFINED FOR A MISDEMEANOR OFFENSE PRIOR TO THE IMPOSITION OF A SENTENCE FOR THE MISDEMEANOR OFFENSE SHALL BE ENTITLED TO CREDIT AGAINST THE TERM OF HIS OR HER SENTENCE FOR THE ENTIRE PERIOD OF THE CONFINEMENT. AT THE TIME OF SENTENCING, THE COURT SHALL MAKE A FINDING OF THE AMOUNT OF PRESENTENCE CONFINEMENT TO WHICH THE OFFENDER IS ENTITLED AND SHALL INCLUDE THE FINDING IN THE MITTIMUS. THE PERIOD OF CONFINEMENT SHALL BE DEDUCTED FROM THE OFFENDER'S SENTENCE BY THE COUNTY JAIL.

SECTION 6. 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 16, 2007