

SB189\_L.002

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB25-189 be amended as follows:

1 Amend printed bill, page 2, line 3, strike "(5)(b), and (6)" and substitute  
2 "and (5)(b); and **repeal** (6)".

3 Page 4, strike lines 8 through 23 and substitute:

4 ~~"(6) If the prosecuting attorney does not have any information~~  
5 ~~indicating that the defendant has been previously convicted of a felony~~  
6 ~~prior to the time a verdict of guilty is rendered on a felony charge and if~~  
7 ~~thereafter the prosecuting attorney learns of the felony conviction prior~~  
8 ~~to the time that sentence is pronounced by the court, he or she may file a~~  
9 ~~new information in which it shall be alleged in separate counts that the~~  
10 ~~defendant has been convicted of the particular offense upon which~~  
11 ~~judgment has not been entered and that prior thereto at a specified date~~  
12 ~~and place the defendant has been convicted of a felony warranting~~  
13 ~~application of increased penalties authorized in this section and sections~~  
14 ~~18-1.3-801 and 18-1.3-802. The defendant shall be arraigned upon the~~  
15 ~~new information, and, if the defendant denies the previous conviction, the~~  
16 ~~trial judge, or a replacement judge as provided in subsection (1) of this~~  
17 ~~section, shall try the issue prior to imposition of sentence."~~

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