

HB1303 L.004

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB15-1303 be amended as follows:

1 Amend printed bill, page 2, line 4, after "(2) (c)" insert "(I)".

2 Page 2, line 5, strike "(c)," and substitute "(c),".

3 Page 2, after line 13 insert:

4           "(II) IF A DEFENDANT IS CONVICTED OF ASSAULT IN THE SECOND  
5 DEGREE PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1) OF THIS  
6 SECTION, THE COURT SHALL SENTENCE THE OFFENDER IN ACCORDANCE  
7 WITH SECTION 18-1.3-406; EXCEPT THAT, NOTWITHSTANDING THE  
8 PROVISIONS OF SECTION 18-1.3-406, THE COURT IS NOT REQUIRED TO  
9 SENTENCE THE DEFENDANT TO THE DEPARTMENT OF CORRECTIONS FOR A  
10 MANDATORY TERM OF INCARCERATION.

11           **SECTION 2.** In Colorado Revised Statutes, 18-1.3-401, amend  
12 (1) (b) (IV) as follows:

13           **18-1.3-401. Felonies classified - presumptive penalties.**  
14 (1) (b) (IV) If a person is convicted of assault in the first degree pursuant  
15 to section 18-3-202 ~~or assault in the second degree pursuant to section~~  
16 ~~18-3-203~~ and the victim is a peace officer, firefighter, or emergency  
17 medical service provider engaged in the performance of his or her duties,  
18 as defined in section 18-1.3-501 (1.5) (b), notwithstanding the provisions  
19 of subparagraph (III) of paragraph (a) of this subsection (1) and  
20 subparagraph (II) of this paragraph (b), the court shall sentence the person  
21 to the department of corrections. In addition to a term of imprisonment,  
22 the court may impose a fine on the person pursuant to subparagraph (III)  
23 of paragraph (a) of this subsection (1).".

24 Renumber succeeding section accordingly.

\*\* \*\*\* \*\* \*\*\* \*\*

