

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.

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