

HB1213_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB12-1213 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 18-1.3-801, **amend**
4 (1.5) and (2) (a); and **add** (5) as follows:

5 **18-1.3-801. Punishment for habitual criminals.** (1.5) EXCEPT
6 AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS SECTION, every
7 person convicted in this state of any class 1, 2, 3, 4, or 5 felony who,
8 within ten years of the date of the commission of the said offense, has
9 been twice previously convicted upon charges separately brought and
10 tried, and arising out of separate and distinct criminal episodes, either in
11 this state or elsewhere, of a felony or, under the laws of any other state,
12 the United States, or any territory subject to the jurisdiction of the United
13 States, of a crime which, if committed within this state, would be a felony
14 shall be adjudged an habitual criminal and shall be punished for the
15 felony offense of which such person is convicted by imprisonment in the
16 department of corrections for a term of three times the maximum of the
17 presumptive range pursuant to section 18-1.3-401 for the class of felony
18 of which such person is convicted.

19 (2) (a) Except as otherwise provided for in paragraph (b) of this
20 subsection (2) AND IN SUBSECTION (5) OF THIS SECTION, every person
21 convicted in this state of any felony, who has been three times previously
22 convicted, upon charges separately brought and tried, and arising out of
23 separate and distinct criminal episodes, either in this state or elsewhere,
24 of a felony or, under the laws of any other state, the United States, or any
25 territory subject to the jurisdiction of the United States, of a crime which,
26 if committed within this state, would be a felony, shall be adjudged an
27 habitual criminal and shall be punished for the felony offense of which
28 such person is convicted by imprisonment in the department of
29 corrections for a term of four times the maximum of the presumptive
30 range pursuant to section 18-1.3-401 for the class of felony of which such
31 person is convicted. Such former conviction or convictions and judgment
32 or judgments shall be set forth in apt words in the indictment or
33 information. Nothing in this part 8 shall abrogate or affect the punishment
34 by death in any and all crimes punishable by death on or after July 1,
35 1972.

36 (5) A CONVICTION FOR ESCAPE, AS DESCRIBED IN SECTION
37 18-8-208 (1), (2), OR (3), OR ATTEMPT TO ESCAPE, AS DESCRIBED IN
38 SECTION 18-8-208.1 (1), (1.5), OR (2), SHALL NOT BE USED FOR THE



1 PURPOSE OF ADJUDICATING A PERSON AN HABITUAL CRIMINAL AS
2 DESCRIBED IN SUBSECTION (1.5) OR SUBSECTION (2) OF THIS SECTION
3 UNLESS THE CONVICTION IS BASED ON THE OFFENDER'S ESCAPE OR
4 ATTEMPT TO ESCAPE FROM A CORRECTIONAL FACILITY, AS DEFINED IN
5 SECTION 17-1-102, C.R.S., OR FROM PHYSICAL CUSTODY WITHIN A
6 COUNTY JAIL.

7 **SECTION 2. Applicability.** The provisions of this act apply to
8 offenses committed on or after the effective date of this act.

9 **SECTION 3. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety."

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