

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 15, 2010
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB10-1373 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

3 "SECTION 1. 18-8-208.1 (1) and (5), Colorado Revised Statutes,
4 are amended, and the said 18-8-208.1 is further amended BY THE
5 ADDITION OF A NEW SUBSECTION, to read:

6 **18-8-208.1. Attempt to escape.** (1) EXCEPT AS OTHERWISE
7 PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, if a person, while in
8 custody or confinement following conviction of a felony, knowingly
9 attempts to escape from said custody or confinement, he OR SHE commits
10 a class 4 felony. The sentence imposed pursuant to this subsection (1)
11 shall run consecutively with any sentences being served by the offender.

12 (1.5) IF A PERSON, WHILE IN CUSTODY OR CONFINEMENT
13 FOLLOWING CONVICTION OF A FELONY AND EITHER SERVING A DIRECT
14 SENTENCE TO A COMMUNITY CORRECTIONS PROGRAM PURSUANT TO
15 SECTION 18-1.3-301, OR HAVING BEEN PLACED IN AN INTENSIVE
16 SUPERVISION PAROLE PROGRAM PURSUANT TO SECTION 17-27.5-101,
17 C.R.S., KNOWINGLY ATTEMPTS TO ESCAPE FROM HIS OR HER CUSTODY OR
18 CONFINEMENT, HE OR SHE COMMITS A CLASS 5 FELONY. THE SENTENCE
19 IMPOSED PURSUANT TO THIS SUBSECTION (1.5) MAY RUN CONCURRENTLY
20 OR CONSECUTIVELY WITH ANY SENTENCE BEING SERVED BY THE
21 OFFENDER.

1 (5) The sentences imposed by ~~subsections (1) and (2)~~
2 SUBSECTIONS (1), (1.5), AND (2) of this section and the minimum
3 sentences imposed by subsections (3) and (4) of this section shall be
4 mandatory, and the court shall not grant probation or a suspended
5 sentence, in whole or in part; except that the court may grant a suspended
6 sentence if the court is sentencing a person to the youthful offender
7 system pursuant to section 18-1.3-407.

8 **SECTION 2.** 18-8-209, Colorado Revised Statutes, is amended
9 to read:

10 **18-8-209. Concurrent and consecutive sentences.** (1) EXCEPT
11 AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, any
12 sentence imposed following conviction of an offense under sections
13 18-8-201 to 18-8-208 or section 18-8-211 shall run consecutively and not
14 concurrently with any sentence which the offender was serving at the time
15 of the conduct prohibited by those sections.

16 (2) IF AN OFFENDER WAS SERVING A DIRECT SENTENCE TO A
17 COMMUNITY CORRECTIONS PROGRAM PURSUANT TO SECTION 18-1.3-301
18 OR WAS IN AN INTENSIVE SUPERVISION PAROLE PROGRAM PURSUANT TO
19 SECTION 17-27.5-101, C.R.S., AT THE TIME HE OR SHE COMMITTED AN
20 OFFENSE SPECIFIED IN SECTION 18-8-201 OR 18-8-208, THE SENTENCE
21 IMPOSED FOLLOWING A CONVICTION OF SAID OFFENSE MAY RUN
22 CONCURRENTLY WITH ANY SENTENCE THE OFFENDER WAS SERVING AT THE
23 TIME HE OR SHE COMMITTED SAID OFFENSE.

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

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