

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 11-0664.01 Michael Dohr

SENATE BILL 11-096

SENATE SPONSORSHIP

Steadman, Bacon, Carroll, Giron, Guzman, Hodge, Hudak, Jahn, King K., King S., Mitchell, Morse, Newell, Nicholson, Roberts

HOUSE SPONSORSHIP

McCann, DelGrosso, Ferrandino, Levy, Nikkel

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING EXCLUDING A CLASS 6 FELONY DRUG POSSESSION**
102 **CONVICTION AS A QUALIFYING OFFENSE FOR THE HABITUAL**
103 **CRIMINAL STATUTE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

A person convicted of a class 6 felony drug possession charge will not be sentenced under the habitual offender statute.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unam ended
February 18, 2011

SENATE
2nd Reading Unam ended
February 17, 2011

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 18-1.3-801 (2), Colorado Revised Statutes, is
3 amended to read:

4 **18-1.3-801. Punishment for habitual criminals.** (2) (a) EXCEPT
5 AS OTHERWISE PROVIDED FOR IN PARAGRAPH (b) OF THIS SUBSECTION (2),
6 every person convicted in this state of any felony, who has been three
7 times previously convicted, upon charges separately brought and tried,
8 and arising out of separate and distinct criminal episodes, either in this
9 state or elsewhere, of a felony or, under the laws of any other state, the
10 United States, or any territory subject to the jurisdiction of the United
11 States, of a crime which, if committed within this state, would be a
12 felony, shall be adjudged an habitual criminal and shall be punished for
13 the felony offense of which such person is convicted by imprisonment in
14 the department of corrections for a term of four times the maximum of the
15 presumptive range pursuant to section 18-1.3-401 for the class of felony
16 of which such person is convicted. Such former conviction or
17 convictions and judgment or judgments shall be set forth in apt words in
18 the indictment or information. Nothing in this ~~part~~ PART 8 shall
19 abrogate or affect the punishment by death in any and all crimes
20 punishable by death on or after July 1, 1972.

21 (b) THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2)
22 SHALL NOT APPLY TO A CONVICTION FOR A CLASS 6 FELONY PURSUANT TO
23 SECTION 18-18-403.5 (2) (a) (I) OR (2) (b) (I), OR A CONVICTION FOR A
24 CLASS 6 FELONY FOR ATTEMPT OR CONSPIRACY TO COMMIT UNLAWFUL
25 POSSESSION OF A CONTROLLED SUBSTANCE, AS DESCRIBED IN SECTION
26 18-18-403.5 (2) (a) (I) OR (2) (b) (I), EVEN IF THE PERSON HAS BEEN
27 PREVIOUSLY CONVICTED OF THREE OR MORE QUALIFYING FELONY

1 CONVICTIONS.

2 **SECTION 2. Applicability.** This act shall apply to offenses
3 committed on or after the effective date of this act.

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