

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 12-0752.01 Richard Sweetman x4333

HOUSE BILL 12-1213

HOUSE SPONSORSHIP

Fields,

SENATE SPONSORSHIP

King S.,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PENALTY FOR A PERSON WHO ESCAPES FROM A**
102 **PLACE OF CONFINEMENT OTHER THAN A COUNTY JAIL OR**
103 **CORRECTIONAL FACILITY.**

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>.)

Under current law, a person convicted of any class 1, 2, 3, 4, or 5 felony who has been convicted of two felonies within the previous ten years, or who has been convicted of three or more felonies within any time frame, may be adjudged a habitual criminal. The bill renders such an

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.

HOUSE
Amended 2nd Reading
April 16, 2012

adjudication inapplicable to a person who is convicted of escape or attempt to escape from a place other than a county jail or a correctional facility.

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

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

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

18 (2) (a) Except as otherwise provided for in paragraph (b) of this
19 subsection (2) AND IN SUBSECTION (5) OF THIS SECTION, every person
20 convicted in this state of any felony, who has been three times previously
21 convicted, upon charges separately brought and tried, and arising out of
22 separate and distinct criminal episodes, either in this state or elsewhere,
23 of a felony or, under the laws of any other state, the United States, or any
24 territory subject to the jurisdiction of the United States, of a crime which,

1 if committed within this state, would be a felony, shall be adjudged an
2 habitual criminal and shall be punished for the felony offense of which
3 such person is convicted by imprisonment in the department of
4 corrections for a term of four times the maximum of the presumptive
5 range pursuant to section 18-1.3-401 for the class of felony of which such
6 person is convicted. Such former conviction or convictions and judgment
7 or judgments shall be set forth in apt words in the indictment or
8 information. Nothing in this part 8 shall abrogate or affect the punishment
9 by death in any and all crimes punishable by death on or after July 1,
10 1972.

11 (5) A CONVICTION FOR ESCAPE, AS DESCRIBED IN SECTION
12 18-8-208 (1), (2), OR (3), OR ATTEMPT TO ESCAPE, AS DESCRIBED IN
13 SECTION 18-8-208.1 (1), (1.5), OR (2), SHALL NOT BE USED FOR THE
14 PURPOSE OF ADJUDICATING A PERSON AN HABITUAL CRIMINAL AS
15 DESCRIBED IN SUBSECTION (1.5) OR SUBSECTION (2) OF THIS SECTION
16 UNLESS THE CONVICTION IS BASED ON THE OFFENDER'S ESCAPE OR
17 ATTEMPT TO ESCAPE FROM A CORRECTIONAL FACILITY, AS DEFINED IN
18 SECTION 17-1-102, C.R.S., OR FROM PHYSICAL CUSTODY WITHIN A
19 COUNTY JAIL.

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

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