

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0931.01 Michael Dohr x4347

HOUSE BILL 13-1264

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HOUSE SPONSORSHIP

Levy and Melton, Priola

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A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF THE DEATH PENALTY BY THE GENERAL  
102 ASSEMBLY.

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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>.)*

The bill repeals the death penalty in Colorado for offenses committed on or after July 1, 2013, and makes conforming amendments.

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

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.*

1           **SECTION 1. Short title - legislative declaration.** (1) This act  
2 shall be known as the "Death Penalty Repeal Act".

3           (2) The general assembly hereby finds that Colorado's death  
4 penalty policy is a failed public policy and should be replaced by a  
5 sentence of life without the possibility of parole for the following reasons:

6           (a) The policy of the state of Colorado should strive to protect all  
7 human life. The dignity of human life should not be taken away, even in  
8 the case of a person who has committed a grave injustice. Modern society  
9 possesses the means to protect itself without permanently denying  
10 criminals the chance to reform.

11           (b) The death penalty risks the state taking an innocent life. Two  
12 inmates in Colorado have been exonerated in recent years for crimes they  
13 didn't commit after exhausting their appellate rights, nine inmates facing  
14 the death penalty have had their sentences reversed because of issues of  
15 procedural fairness, and, nationally, more than 140 death row inmates  
16 have been exonerated after new evidence found them innocent of the  
17 crimes for which they had been convicted. Our system of justice is fallible  
18 and cannot ensure that the state does not execute an innocent person or  
19 execute a person pursuant to an unfair process.

20           (c) The country is moving away from employing the death  
21 penalty, as evidenced by the recent repeal of the death penalty in five  
22 states and the fact that a total of seventeen states now do not impose the  
23 death penalty in their criminal justice system. This trend reflects a  
24 growing consensus that the death penalty is not an effective penalty in a  
25 modern criminal justice system.

26           (d) The death penalty does not achieve the finality many families  
27 seek as a result of the protracted appellate and post-conviction remedies

1 required by the due process clause of the United States Constitution.  
2 Hastening execution forecloses many of the post-conviction reviews that  
3 have exonerated inmates on death row.

4 (e) The death penalty is unfairly applied:

5 (I) Geography, rather than the seriousness of the offense or  
6 culpability of the defendant, determines whether a person charged with  
7 first degree murder will face a death penalty prosecution. For the last  
8 decade, the vast majority of all Colorado capital prosecutions have been  
9 limited to one judicial district--an area that encompasses about 18% of  
10 Colorado's population. This reflects the policies of a single elected district  
11 attorney rather than the relative egregiousness of the offense. Geography  
12 and politics should not determine who lives and who dies.

13 (II) The lack of consistency across judicial districts in seeking the  
14 death penalty also reflects the way that the ethnicity and gender of the  
15 homicide victim and the accused person influence charging decisions.  
16 The death penalty disproportionately affects minority and low-income  
17 populations.

18 (f) Death penalty cases, regardless of whether a sentence of death  
19 is imposed, cost the state millions of dollars through extended trial,  
20 sentencing, and appeals processes. Studies show that the death penalty  
21 costs more than putting a prisoner in prison with a sentence of life  
22 without possibility of parole.

23 (g) Supposed fixes that would shorten the appeals process only  
24 increase the chance of executing an innocent person or executing  
25 someone who did not have effective assistance of counsel;

26 (h) A sentence of life without the possibility of parole effectively  
27 incapacitates a murderer for the rest of his or her life at far less cost than

1 execution, allowing resources to be redirected to measures that prevent  
2 people from entering the criminal justice system through early treatment  
3 and intervention, bringing justice to victims, and implementing more  
4 widespread public safety measures; and

5 (i) No other Western country imposes the death penalty. Retaining  
6 the death penalty puts Colorado in the company of Iran, China, and Saudi  
7 Arabia.

8 **SECTION 2.** In Colorado Revised Statutes, **add** part 9 to article  
9 11 of title 16 as follows:

10 PART 9

11 REPEAL OF THE DEATH PENALTY

12 **16-11-901. Death penalty repeal - applicability - current**  
13 **sentences.** AS OF THE EFFECTIVE DATE OF THIS PART 9, FOR OFFENSES  
14 COMMITTED ON OR AFTER JULY 1, 2013, THE DEATH PENALTY SHALL NOT  
15 BE A SENTENCING OPTION FOR A DEFENDANT CONVICTED OF A CLASS 1  
16 FELONY IN THE STATE OF COLORADO. NOTHING IN THIS SECTION SHALL  
17 COMMUTE OR ALTER THE SENTENCE OF A DEFENDANT CONVICTED BEFORE  
18 THE EFFECTIVE DATE OF THIS PART 9.

19 **SECTION 3.** In Colorado Revised Statutes, 16-4-101, **amend** (1)  
20 (a), (3), and (4) as follows:

21 **16-4-101. Bailable offenses.** (1) All persons shall be bailable by  
22 sufficient sureties except:

23 (a) For ~~capital offenses~~ CLASS 1 FELONIES when proof is evident  
24 or presumption is great; or

25 (3) In any ~~capital~~ case INVOLVING A CLASS 1 FELONY, the  
26 defendant may make a written motion for admission to bail upon the  
27 ground that the proof is not evident or that presumption is not great, and

1 the court shall promptly conduct a hearing upon such motion. At such  
2 hearing, the burden shall be upon the people to establish that the proof is  
3 evident or that the presumption is great. The court may combine in a  
4 single hearing the questions as to whether the proof is evident or the  
5 presumption great with the determination of the existence of probable  
6 cause to believe that the defendant committed the crime charged.

7 (4) Except in the case of a ~~capital offense~~ CLASS 1 FELONY, if a  
8 person is denied bail under this section, the trial of the person shall be  
9 commenced not more than ninety-one days after the date on which bail is  
10 denied. If the trial is not commenced within ninety-one days and the delay  
11 is not attributable to the defense, the court shall immediately schedule a  
12 bail hearing and shall set the amount of the bail for the person.

13 **SECTION 4.** In Colorado Revised Statutes, 16-4-201, **amend** (1)  
14 (a) as follows:

15 **16-4-201. Bail after conviction.** (1) (a) After conviction, either  
16 before or after sentencing, the defendant may orally, or in writing, move  
17 for release on bail pending determination of a motion for a new trial or  
18 motion in arrest of judgment or during any stay of execution or pending  
19 review by an appellate court, and, except in cases where the defendant has  
20 been convicted of a ~~capital offense~~ CLASS 1 FELONY, the trial court, in its  
21 discretion, may continue the bond given for pretrial release, or may  
22 release the defendant on increased bail, or require bond under one or  
23 more of the alternatives set forth in section 16-4-104.

24 **SECTION 5.** In Colorado Revised Statutes, 16-8-103.6, **amend**  
25 (1) (a) and (2) (a) as follows:

26 **16-8-103.6. Waiver of privilege.** (1) (a) A defendant who places  
27 his or her mental condition at issue by pleading not guilty by reason of

1 insanity pursuant to section 16-8-103, OR asserting the affirmative  
2 defense of impaired mental condition pursuant to section 16-8-103.5, or  
3 disclosing witnesses who may provide evidence concerning the  
4 defendant's mental condition during a sentencing hearing held pursuant  
5 to section 18-1.3-1201, C.R.S., FOR OFFENSES COMMITTED PRIOR TO JULY  
6 1, 2013, or SECTION 18-1.3-1302, C.R.S., waives any claim of  
7 confidentiality or privilege as to communications made by the defendant  
8 to a physician or psychologist in the course of an examination or  
9 treatment for ~~such~~ THE mental condition for the purpose of any trial OR  
10 hearing on the issue of ~~such~~ THE mental condition or sentencing hearing  
11 conducted pursuant to section 18-1.3-1201, C.R.S., FOR OFFENSES  
12 COMMITTED PRIOR TO JULY 1, 2013, or SECTION 18-1.3-1302, C.R.S. The  
13 court shall order both the prosecutor and the defendant to exchange the  
14 names, addresses, reports, and statements of any physician or  
15 psychologist who has examined or treated the defendant for ~~such~~ THE  
16 mental condition.

17 (2) (a) A defendant who places his or her mental condition at issue  
18 by pleading not guilty by reason of insanity pursuant to section 16-8-103  
19 or disclosing witnesses who may provide evidence concerning the  
20 defendant's mental condition during a sentencing hearing held pursuant  
21 to section 18-1.3-1201, C.R.S., FOR OFFENSES COMMITTED PRIOR TO JULY  
22 1, 2013, or SECTION 18-1.4-102, C.R.S., or, for offenses committed on or  
23 after July 1, 1999, by seeking to introduce evidence concerning his or her  
24 mental condition pursuant to section 16-8-107 (3) waives any claim of  
25 confidentiality or privilege as to communications made by the defendant  
26 to a physician or psychologist in the course of an examination or  
27 treatment for ~~such~~ THE mental condition for the purpose of any trial OR

1 hearing on the issue of ~~such~~ THE mental condition or sentencing hearing  
2 conducted pursuant to section 18-1.3-1201, C.R.S., FOR OFFENSES  
3 COMMITTED PRIOR TO JULY 1, 2013, or SECTION 18-1.4-102, C.R.S. The  
4 court shall order both the prosecutor and the defendant to exchange the  
5 names, addresses, reports, and statements of any physician or  
6 psychologist who has examined or treated the defendant for ~~such~~ THE  
7 mental condition.

8 **SECTION 6.** In Colorado Revised Statutes, 16-8-106, **amend** (2)  
9 (c), (3) (b), (6) (b), and (7) (b) as follows:

10 **16-8-106. Examinations and report.** (2) (c) The defendant shall  
11 cooperate with psychiatrists and other personnel conducting any  
12 examination ordered by the court pursuant to this section. Statements  
13 made by the defendant in the course of ~~such~~ THE examination shall be  
14 protected as provided in section 16-8-107. If the defendant does not  
15 cooperate with psychiatrists and other personnel conducting the  
16 examination, the court shall not allow the defendant to call any  
17 psychiatrist or other expert witness to provide evidence at the defendant's  
18 trial concerning the defendant's mental condition including, but not  
19 limited to, providing evidence on the issue of insanity or, FOR OFFENSES  
20 COMMITTED PRIOR TO JULY 1, 2013, at any sentencing hearing held  
21 pursuant to section 18-1.3-1201 or 18-1.4-102, C.R.S. In addition, the fact  
22 of the defendant's noncooperation with psychiatrists and other personnel  
23 conducting the examination may be admissible in the defendant's trial to  
24 rebut any evidence introduced by the defendant with regard to the  
25 defendant's mental condition including, but not limited to, the issue of  
26 insanity and in any sentencing hearing held pursuant to section  
27 18-1.3-1201 or 18-1.4-102, C.R.S. This paragraph (c) shall apply to

1 offenses committed on or after July 1, 1999.

2 (3) (b) To aid in forming an opinion as to the mental condition of  
3 the defendant, it is permissible in the course of an examination under this  
4 section to use confessions and admissions of the defendant and any other  
5 evidence of the circumstances surrounding the commission of the offense,  
6 as well as the medical and social history of the defendant, in questioning  
7 the defendant. When the defendant is noncooperative with psychiatrists  
8 and other personnel conducting the examination, an opinion of the mental  
9 condition of the defendant may be rendered by such psychiatrists or other  
10 personnel based upon such confessions, admissions, and any other  
11 evidence of the circumstances surrounding the commission of the offense,  
12 as well as the known medical and social history of the defendant, and  
13 such opinion may be admissible into evidence at trial and FOR OFFENSES  
14 COMMITTED PRIOR TO JULY 1, 2013, in any sentencing hearing held  
15 pursuant to section 18-1.3-1201 or 18-1.4-102, C.R.S. It shall also be  
16 permissible to conduct a narcoanalytic interview of the defendant with  
17 such drugs as are medically appropriate and to subject the defendant to  
18 polygraph examination. In any trial or hearing on the issue of the  
19 defendant's sanity or eligibility for release, and in any sentencing hearing  
20 held pursuant to section 18-1.3-1201 or 18-1.4-102, C.R.S., the  
21 physicians and other personnel conducting the examination may testify to  
22 the results of any such procedures and the statements and reactions of the  
23 defendant insofar as the same entered into the formation of their opinions  
24 as to the mental condition of the defendant both at the time of the  
25 commission of the alleged offense and at the present time. This paragraph  
26 (b) shall apply to offenses committed on or after July 1, 1995.

27 (6) With respect to offenses committed on or after July 1, 1995,



1 the report of examination shall include, but is not limited to, the items  
2 described in paragraphs (a) to (c) of subsection (5) of this section, and:

3 (b) Separate opinions as to whether the defendant was insane or  
4 is ineligible for release, as those terms are defined in this article and, in  
5 any class 1 felony case FOR AN OFFENSE COMMITTED PRIOR TO JULY 1,  
6 2013, an opinion as to how the mental disease or defect or the condition  
7 of mind caused by mental disease or defect affects any mitigating factor.  
8 The nature of the opinions required depends upon the type of examination  
9 ordered by the court.

10 (7) With respect to offenses committed on or after July 1, 1999,  
11 when a defendant has undergone an examination pursuant to the  
12 provisions of this section because the defendant has given notice pursuant  
13 to section 16-8-107 (3) that he or she intends to introduce expert opinion  
14 evidence concerning his or her mental condition, the report of  
15 examination shall include, but is not limited to, the items described in  
16 paragraphs (a) to (c) of subsection (5) of this section and:

17 (b) Separate opinions as to the defendant's mental condition  
18 including, but not limited to, whether the defendant was insane or is  
19 ineligible for release, as those terms are defined in this article and, in any  
20 class 1 felony case FOR AN OFFENSE COMMITTED PRIOR TO JULY 1, 2013,  
21 an opinion as to how the mental disease or defect or the condition of mind  
22 caused by mental disease or defect affects any mitigating factor. The  
23 nature of the opinions required depends upon the type of examination  
24 ordered by the court.

25 **SECTION 7.** In Colorado Revised Statutes, 16-8-107, **amend** (1)  
26 (b), (1) (c), and (1.5) (b) as follows:

27 **16-8-107. Evidence.** (1) (b) Evidence acquired directly or

1 indirectly for the first time from a communication derived from the  
2 defendant's mental processes during the course of a court-ordered  
3 examination under section 16-8-108 or acquired pursuant to section  
4 16-8-103.6 is admissible at any sentencing hearing held pursuant to  
5 section 18-1.3-1201, C.R.S., FOR OFFENSES COMMITTED PRIOR TO JULY 1,  
6 2013, SECTION 18-1.3-1302, or 18-1.4-102, C.R.S., only to prove the  
7 existence or absence of any mitigating factor.

8 (c) If the defendant testifies in his or her own behalf upon the trial  
9 of the issues raised by the plea of not guilty, or at a sentencing hearing  
10 held pursuant to section 18-1.3-1201, C.R.S., FOR OFFENSES COMMITTED  
11 PRIOR TO JULY 1, 2013, SECTION 18-1.3-1302, or 18-1.4-102, C.R.S., the  
12 provisions of this section shall not bar any evidence used to impeach or  
13 rebut the defendant's testimony.

14 (1.5) (b) Evidence acquired directly or indirectly for the first time  
15 from a communication derived from the defendant's mental processes  
16 during the course of a court-ordered examination under section 16-8-106  
17 or acquired pursuant to section 16-8-103.6 is admissible at any sentencing  
18 hearing held pursuant to section 18-1.3-1201, C.R.S., FOR OFFENSES  
19 COMMITTED PRIOR TO JULY 1, 2013, or SECTION 18-1.4-102, C.R.S., only  
20 to prove the existence or absence of any mitigating factor.

21 **SECTION 8.** In Colorado Revised Statutes, 16-8.5-103, **amend**  
22 (8) as follows:

23 **16-8.5-103. Determination of competency to proceed.** (8) If the  
24 question of the defendant's incompetency to proceed is raised after a jury  
25 is impaneled to try the issues raised by a plea of not guilty and the court  
26 determines that the defendant is incompetent to proceed or orders the  
27 defendant committed for a court-ordered competency evaluation, the

1 court may declare a mistrial. Declaration of a mistrial under these  
2 circumstances does not constitute jeopardy, nor does it prohibit the trial  
3 OR sentencing ~~or execution~~ of the defendant for the same offense after he  
4 or she has been found restored to competency.

5 **SECTION 9.** In Colorado Revised Statutes, 16-8.5-108, **amend**  
6 (1) (c) as follows:

7 **16-8.5-108. Evidence.** (1) (c) If the defendant testifies on his or  
8 her own behalf upon the trial of the issues raised by the plea of not guilty  
9 or, for offenses that occurred before July 1, 1995, a plea of not guilty by  
10 reason of impaired mental condition, or at a sentencing hearing held  
11 pursuant to section 18-1.3-1201, C.R.S., FOR OFFENSES COMMITTED PRIOR  
12 TO JULY 1, 2013, SECTION 18-1.3-1302, or 18-1.4-102, C.R.S., the  
13 provisions of this section shall not bar any evidence used to impeach or  
14 rebut the defendant's testimony.

15 **SECTION 10.** In Colorado Revised Statutes, 18-1-409, **amend**  
16 (1) as follows:

17 **18-1-409. Appellate review of sentence for a felony.** (1) When  
18 A sentence is imposed upon any person following a conviction of any  
19 felony, other than a class 1 felony in which a death sentence is  
20 automatically reviewed pursuant to section 18-1.3-1201 (6) FOR OFFENSES  
21 COMMITTED PRIOR TO JULY 1, 2013, SECTION 18-1.3-1302 (6) or  
22 18-1.4-102 (6), the person convicted shall have the right to one appellate  
23 review of the propriety of the sentence, having regard to the nature of the  
24 offense, the character of the offender, and the public interest, and the  
25 manner in which the sentence was imposed, including the sufficiency and  
26 accuracy of the information on which it was based; except that, if the  
27 sentence is within a range agreed upon by the parties pursuant to a plea

1 agreement, the defendant shall not have the right of appellate review of  
2 the propriety of the sentence. The procedures to be employed in the  
3 review shall be as provided by supreme court rule.

4 **SECTION 11.** In Colorado Revised Statutes, 18-1.3-401, **amend**  
5 (1) (a) (V) (A) introductory portion and (4) (a); and **add** (1) (a) (V.5) as  
6 follows:

7 **18-1.3-401. Felonies classified - presumptive penalties.**  
8 (1) (a) (V) (A) As to any person sentenced for a felony committed on or  
9 after July 1, 1993, AND BEFORE JULY 1, 2013, felonies are divided into six  
10 classes ~~which~~ THAT are distinguished from one another by the following  
11 presumptive ranges of penalties which are authorized upon conviction:

12 (V.5) (A) AS TO ANY PERSON SENTENCED FOR A FELONY FOR AN  
13 OFFENSE COMMITTED ON OR AFTER JULY 1, 2013, FELONIES ARE DIVIDED  
14 INTO SIX CLASSES WHICH ARE DISTINGUISHED FROM ONE ANOTHER BY THE  
15 FOLLOWING PRESUMPTIVE RANGES OF PENALTIES WHICH ARE AUTHORIZED  
16 UPON CONVICTION:

17	<b>CLASS</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>	<b>MANDATORY PERIOD</b>
18		<b>SENTENCE</b>	<b>SENTENCE</b>	<b>OF PAROLE</b>
19	1	LIFE IMPRISONMENT		NONE
20	2	EIGHT YEARS	TWENTY-FOUR YEARS	FIVE YEARS
21		IMPRISONMENT	IMPRISONMENT	
22	3	FOUR YEARS	TWELVE YEARS	FIVE YEARS
23		IMPRISONMENT	IMPRISONMENT	
24	4	TWO YEARS	SIX YEARS	THREE YEARS
25		IMPRISONMENT	IMPRISONMENT	
26	5	ONE YEAR	THREE YEARS	TWO YEARS
27		IMPRISONMENT	IMPRISONMENT	

1     6           ONE YEAR           EIGHTEEN MONTHS       ONE YEAR  
2                    IMPRISONMENT       IMPRISONMENT

3           (B) ANY PERSON WHO IS PAROLED PURSUANT TO SECTION  
4     17-22.5-403, C.R.S., OR ANY PERSON WHO IS NOT PAROLED AND IS  
5     DISCHARGED PURSUANT TO LAW, SHALL BE SUBJECT TO THE MANDATORY  
6     PERIOD OF PAROLE ESTABLISHED PURSUANT TO SUB-SUBPARAGRAPH (A)  
7     OF THIS SUBPARAGRAPH (V.5). SUCH MANDATORY PERIOD OF PAROLE MAY  
8     NOT BE WAIVED BY THE OFFENDER OR WAIVED OR SUSPENDED BY THE  
9     COURT AND SHALL BE SUBJECT TO THE PROVISIONS OF SECTION  
10    17-22.5-403 (8), C.R.S., WHICH PERMITS THE STATE BOARD OF PAROLE TO  
11    DISCHARGE THE OFFENDER AT ANY TIME DURING THE TERM OF PAROLE  
12    UPON A DETERMINATION THAT THE OFFENDER HAS BEEN SUFFICIENTLY  
13    REHABILITATED AND REINTEGRATED INTO SOCIETY AND CAN NO LONGER  
14    BENEFIT FROM PAROLE SUPERVISION.

15           (C) NOTWITHSTANDING THE PROVISIONS OF SUB-SUBPARAGRAPH  
16    (A) OF THIS SUBPARAGRAPH (V.5), ANY PERSON SENTENCED FOR A SEX  
17    OFFENSE, AS DEFINED IN SECTION 18-1.3-1003 (5), COMMITTED ON OR  
18    AFTER JULY 1, 2013, SHALL BE SENTENCED PURSUANT TO THE PROVISIONS  
19    OF PART 10 OF THIS ARTICLE.

20           (D) ANY PERSON SENTENCED FOR A FELONY CONVICTION ENTERED  
21    ON OR AFTER JULY 1, 2013, INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS  
22    DEFINED IN SECTION 16-22-102 (9), C.R.S., OR FOR A FELONY, COMMITTED  
23    ON OR AFTER JULY 1, 2013, THE UNDERLYING FACTUAL BASIS OF WHICH  
24    INVOLVED UNLAWFUL SEXUAL BEHAVIOR, AND WHO IS NOT SUBJECT TO  
25    THE PROVISIONS OF PART 10 OF THIS ARTICLE, SHALL BE SUBJECT TO THE  
26    MANDATORY PERIOD OF PAROLE SPECIFIED IN SUB-SUBPARAGRAPH (A) OF  
27    THIS SUBPARAGRAPH (V.5).

1           (E) THE MANDATORY PERIOD OF PAROLE IMPOSED PURSUANT TO  
2 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (V.5) SHALL COMMENCE  
3 IMMEDIATELY UPON THE DISCHARGE OF AN OFFENDER FROM  
4 IMPRISONMENT IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS.  
5 IF THE OFFENDER HAS BEEN GRANTED RELEASE TO PAROLE SUPERVISION  
6 BY THE STATE BOARD OF PAROLE, THE OFFENDER SHALL BE DEEMED TO  
7 HAVE DISCHARGED THE OFFENDER'S SENTENCE TO IMPRISONMENT  
8 PROVIDED FOR IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (V.5)  
9 IN THE SAME MANNER AS IF SUCH SENTENCE WERE DISCHARGED PURSUANT  
10 TO LAW; EXCEPT THAT THE SENTENCE TO IMPRISONMENT FOR ANY PERSON  
11 SENTENCED AS A SEX OFFENDER PURSUANT TO PART 10 OF THIS ARTICLE  
12 SHALL NOT BE DEEMED DISCHARGED ON RELEASE OF SAID PERSON ON  
13 PAROLE. WHEN AN OFFENDER IS RELEASED BY THE STATE BOARD OF  
14 PAROLE OR RELEASED BECAUSE THE OFFENDER'S SENTENCE WAS  
15 DISCHARGED PURSUANT TO LAW, THE MANDATORY PERIOD OF PAROLE  
16 SHALL BE SERVED BY SUCH OFFENDER. AN OFFENDER SENTENCED FOR  
17 NONVIOLENT FELONY OFFENSES, AS DEFINED IN SECTION 17-22.5-405 (5),  
18 C.R.S., MAY RECEIVE EARNED TIME PURSUANT TO SECTION 17-22.5-405,  
19 C.R.S., WHILE SERVING A MANDATORY PAROLE PERIOD IN ACCORDANCE  
20 WITH THIS SECTION, BUT NOT WHILE SUCH OFFENDER IS REINCARCERATED  
21 AFTER A REVOCATION OF THE MANDATORY PERIOD OF PAROLE. AN  
22 OFFENDER SHALL BE ELIGIBLE TO RECEIVE ANY EARNED TIME WHILE ON  
23 PAROLE OR AFTER REPAROLE FOLLOWING A PAROLE REVOCATION. THE  
24 OFFENDER SHALL NOT BE ELIGIBLE FOR EARNED TIME WHILE THE  
25 OFFENDER IS REINCARCERATED AFTER REVOCATION OF THE MANDATORY  
26 PERIOD OF PAROLE PURSUANT TO THIS SUBPARAGRAPH (V.5).

27           (F) IF AN OFFENDER IS SENTENCED CONSECUTIVELY FOR THE

1 COMMISSION OF TWO OR MORE FELONY OFFENSES PURSUANT TO  
2 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (V.5), THE MANDATORY  
3 PERIOD OF PAROLE FOR SUCH OFFENDER SHALL BE THE MANDATORY  
4 PERIOD OF PAROLE ESTABLISHED FOR THE HIGHEST CLASS FELONY OF  
5 WHICH SUCH OFFENDER HAS BEEN CONVICTED.

6 (4) (a) A person who has been convicted of a class 1 felony shall  
7 be punished by life imprisonment in the department of corrections unless  
8 THE OFFENSE WAS COMMITTED PRIOR TO JULY 1, 2013, AND a proceeding  
9 held to determine sentence according to the procedure set forth in section  
10 18-1.3-1201, 18-1.3-1302, or 18-1.4-102, results in a verdict that requires  
11 imposition of the death penalty, in which event such person shall be  
12 sentenced to death. As to any person sentenced for a class 1 felony, for an  
13 act committed on or after July 1, 1985, and before July 1, 1990, life  
14 imprisonment shall mean imprisonment without the possibility of parole  
15 for forty calendar years. As to any person sentenced for a class 1 felony,  
16 for an act committed on or after July 1, 1990, life imprisonment shall  
17 mean imprisonment without the possibility of parole.

18 **SECTION 12.** In Colorado Revised Statutes, 18-1.3-1201, **add**  
19 (9) as follows:

20 **18-1.3-1201. Imposition of sentence in class 1 felonies -**  
21 **appellate review.** (9) THE PROVISIONS OF THIS SECTION ONLY APPLY TO  
22 OFFENSES COMMITTED PRIOR TO JULY 1, 2013.

23 **SECTION 13.** In Colorado Revised Statutes, **add** 18-1.3-1408 as  
24 follows:

25 **18-1.3-1408. Applicability.** THIS PART 14 ONLY APPLIES TO  
26 OFFENSES COMMITTED PRIOR TO JULY 1, 2013.

27 **SECTION 14.** In Colorado Revised Statutes, 18-3-107, **amend**

1 (3) as follows:

2 **18-3-107. First degree murder of a peace officer or firefighter**  
3 **- legislative declaration.** (3) A person convicted of first degree murder  
4 of a peace officer or firefighter shall be punished by life imprisonment  
5 without the possibility of parole for the rest of his or her natural life  
6 unless THE OFFENSE WAS COMMITTED PRIOR TO JULY 1, 2013, AND a  
7 proceeding held to determine sentence according to the procedure set  
8 forth in section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102 results in a  
9 verdict that requires imposition of the death penalty, in which event such  
10 person shall be sentenced to death. Nothing in this subsection (3) shall be  
11 construed as limiting the power of the governor to grant reprieves,  
12 commutations, and pardons pursuant to section 7 of article IV of the  
13 Colorado constitution.

14 **SECTION 15.** In Colorado Revised Statutes, 13-4-102, **amend**  
15 (1) (h) as follows:

16 **13-4-102. Jurisdiction - repeal.** (1) Any provision of law to the  
17 contrary notwithstanding, the court of appeals shall have initial  
18 jurisdiction over appeals from final judgments of, and interlocutory  
19 appeals of certified questions of law in civil cases pursuant to section  
20 13-4-102.1 from, the district courts, the probate court of the city and  
21 county of Denver, and the juvenile court of the city and county of Denver,  
22 except in:

23 (h) Cases appealed from the district court granting or denying  
24 postconviction relief in a case in which a sentence of death has been  
25 imposed FOR OFFENSES COMMITTED PRIOR TO JULY 1, 2013.

26 **SECTION 16.** In Colorado Revised Statutes, 16-8.5-108, **amend**  
27 (1) (b) as follows:



1           **16-8.5-108. Evidence.** (1) (b) Evidence acquired directly or  
2 indirectly for the first time from a communication derived from the  
3 defendant's mental processes during the course of a competency  
4 evaluation or involuntary medication proceeding is admissible at any  
5 sentencing hearing held pursuant to section 18-1.3-1201, C.R.S., FOR  
6 OFFENSES COMMITTED PRIOR TO JULY 1, 2013, SECTION 18-1.3-1302,  
7 C.R.S., or SECTION 18-1.4-102, C.R.S., only to prove the existence or  
8 absence of any mitigating factor.

9           **SECTION 17.** In Colorado Revised Statutes, 18-1.3-104, **amend**  
10 (1) (c) as follows:

11           **18-1.3-104. Alternatives in imposition of sentence.** (1) Within  
12 the limitations of the applicable statute pertaining to sentencing and  
13 subject to the provisions of this title, the trial court has the following  
14 alternatives in entering judgment imposing a sentence:

15           (c) The defendant shall be sentenced to death in those cases in  
16 which a death sentence is required under section 18-1.3-1201 FOR  
17 OFFENSES COMMITTED PRIOR TO JULY 1, 2013, SECTION 18-1.3-1302, or  
18 SECTION 18-1.4-102.

19           **SECTION 18.** In Colorado Revised Statutes, 18-1.3-801, **amend**  
20 (1) (e) as follows:

21           **18-1.3-801. Punishment for habitual criminals.** (1) (e) Nothing  
22 in this subsection (1) is to be construed to prohibit a person convicted of  
23 a class 1 felony from being sentenced pursuant to section 18-1.3-1201  
24 FOR OFFENSES COMMITTED PRIOR TO JULY 1, 2013, SECTION 18-1.3-1302,  
25 or SECTION 18-1.4-102.

26           **SECTION 19.** In Colorado Revised Statutes, **add** 18-1.3-1106 as  
27 follows:

1           **18-1.3-1106. Applicability.** THE PROVISIONS OF THIS PART 11  
2 ONLY APPLY TO OFFENSES COMMITTED PRIOR TO JULY 1, 2013.

3           **SECTION 20. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.