

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0217.01 Brita Darling x2241

HOUSE BILL 14-1158

HOUSE SPONSORSHIP

Lawrence,

SENATE SPONSORSHIP

King,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE SENTENCE FOR PERSONS CONVICTED OF CERTAIN**
102 **VEHICULAR OFFENSES.**

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/bills summaries>.)

The bill requires the court to sentence a person convicted of vehicular homicide or vehicular assault who was under the influence of drugs or alcohol at the time of the accident to at least the minimum term of imprisonment in the department of corrections for the offense, except when a longer sentence is required by law. Additionally, the defendant is

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.

not eligible for probation or a suspended sentence.

The bill takes effect July 1, 2014, and applies to offenses committed on or after the effective date.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-106, **amend** (1)
3 (c) as follows:

4 **18-3-106. Vehicular homicide.** (1) (c) (I) Vehicular homicide,
5 in violation of paragraph (a) of this subsection (1), is a class 4 felony.

6 (II) Vehicular homicide, in violation of paragraph (b) of this
7 subsection (1), is a class 3 felony. A COURT SHALL SENTENCE A
8 DEFENDANT IN ACCORDANCE WITH SECTION 18-1.3-401 (8) (g).

9 **SECTION 2.** In Colorado Revised Statutes, 18-3-205, **amend** (1)
10 (c) as follows:

11 **18-3-205. Vehicular assault.** (1) (c) (I) Vehicular assault, in
12 violation of paragraph (a) of this subsection (1), is a class 5 felony.

13 (II) Vehicular assault, in violation of paragraph (b) of this
14 subsection (1), is a class 4 felony. A COURT SHALL SENTENCE A
15 DEFENDANT IN ACCORDANCE WITH SECTION 18-1.3-401 (8) (g).

16 **SECTION 3.** In Colorado Revised Statutes, 18-1.3-401, **amend**
17 (8) (g) as follows:

18 **18-1.3-401. Felonies classified - presumptive penalties.**

19 (8) (g) (I) If the defendant is convicted of class 4 or class 3 felony
20 vehicular homicide under section 18-3-106 (1) (a) or (1) (b), and while
21 committing vehicular homicide the defendant was in immediate flight
22 from the commission of another felony, the court shall be required to
23 sentence the defendant to the department of corrections for a term of at
24 least the midpoint in the presumptive range but not more than twice the

1 maximum term authorized in the presumptive range for the punishment
2 of the class of felony vehicular homicide of which the defendant is
3 convicted.

4 (II) IF A DEFENDANT IS CONVICTED OF CLASS 3 FELONY VEHICULAR
5 HOMICIDE UNDER SECTION 18-3-106 (1) (b), COMMITTED ON OR AFTER
6 JULY 1, 2014, THE COURT SHALL SENTENCE THE DEFENDANT TO THE
7 DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM IN
8 THE PRESUMPTIVE RANGE FOR A CLASS 3 FELONY. THIS SUBPARAGRAPH
9 (II) DOES NOT AFFECT THE APPLICABILITY OF ANY LAW THAT REQUIRES
10 THE IMPOSITION OF A GREATER SENTENCE THAN THIS SUBPARAGRAPH (II)
11 REQUIRES.

12 (III) IF A DEFENDANT IS CONVICTED OF CLASS 4 FELONY
13 VEHICULAR ASSAULT UNDER SECTION 18-3-205 (1) (b), COMMITTED ON OR
14 AFTER JULY 1, 2014, THE COURT SHALL SENTENCE THE DEFENDANT TO THE
15 DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM IN
16 THE PRESUMPTIVE RANGE FOR A CLASS 4 FELONY. THIS SUBPARAGRAPH
17 (III) DOES NOT AFFECT THE APPLICABILITY OF ANY LAW THAT REQUIRES
18 THE IMPOSITION OF A GREATER SENTENCE THAN THIS SUBPARAGRAPH (III)
19 REQUIRES.

20 **SECTION 4. Potential appropriation.** Pursuant to section
21 2-2-703, Colorado Revised Statutes, any bill that results in a net increase
22 in periods of imprisonment in the state correctional facilities must include
23 an appropriation of moneys that is sufficient to cover any increased
24 capital construction and operational costs for the first five fiscal years in
25 which there is a fiscal impact. Because this act may increase periods of
26 imprisonment, this act may require a five-year appropriation.

27 **SECTION 5. Effective date - applicability.** This act takes effect

1 July 1, 2014, and applies to offenses committed on or after said date.

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