

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 25, 2014  
Date

Committee on Judiciary.

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

HB14-1158 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, strike lines 6 through 18 and substitute:
  - 2 "(II) Vehicular homicide, in violation of paragraph (b) of this
  - 3 subsection (1), is a class 3 felony. A COURT SHALL SENTENCE A
  - 4 DEFENDANT IN ACCORDANCE WITH SECTION 18-1.3-401 (8) (g)."
  
- 5 Page 2, strike lines 23 and 24 and substitute:
  - 6 "(II) Vehicular assault, in violation of paragraph (b) of this
  - 7 subsection (1), is a class 4 felony. A COURT SHALL SENTENCE A
  - 8 DEFENDANT IN ACCORDANCE WITH SECTION 18-1.3-401 (8) (g)."
  
- 9 Page 3, strike lines 1 through 11.
  
- 10 Page 3, before line 12 insert:
  - 11 "**SECTION 3.** In Colorado Revised Statutes, 18-1.3-401, **amend**
  - 12 (8) (g) as follows:
  - 13 **18-1.3-401. Felonies classified - presumptive penalties.** (8) (g)
  - 14 (I) If the defendant is convicted of class 4 or class 3 felony vehicular
  - 15 homicide under section 18-3-106 (1) (a) or (1) (b), and while committing
  - 16 vehicular homicide the defendant was in immediate flight from the
  - 17 commission of another felony, the court shall be required to sentence the
  - 18 defendant to the department of corrections for a term of at least the
  - 19 midpoint in the presumptive range but not more than twice the maximum
  - 20 term authorized in the presumptive range for the punishment of the class
  - 21 of felony vehicular homicide of which the defendant is convicted.

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

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

17 Renumber succeeding sections accordingly.

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