

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0217.01 Brita Darling x2241

HOUSE BILL 14-1158

HOUSE SPONSORSHIP

Lawrence,

SENATE SPONSORSHIP

King,

House Committees
Judiciary

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 Vehicular homicide, in violation of paragraph (b) of this subsection (1),
7 is a class 3 felony. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH
8 (II) OF THIS PARAGRAPH (c), THE COURT SHALL SENTENCE A DEFENDANT
9 CONVICTED OF VEHICULAR HOMICIDE PURSUANT TO THIS SECTION IN
10 ACCORDANCE WITH THE PROVISIONS OF SECTION 18-1.3-401.

11 (II) EXCEPT AS OTHERWISE PROVIDED IN SECTION 18-1.3-401 (8)
12 AND (13), THE COURT SHALL SENTENCE A DEFENDANT CONVICTED OF
13 VEHICULAR HOMICIDE UNDER PARAGRAPH (b) OF THIS SUBSECTION (1) TO
14 IMPRISONMENT IN THE DEPARTMENT OF CORRECTIONS FOR AT LEAST THE
15 MINIMUM IN THE PRESUMPTIVE RANGE OF THE PENALTY FOR THIS OFFENSE.
16 A DEFENDANT CONVICTED PURSUANT TO PARAGRAPH (b) OF THIS
17 SUBSECTION (1) IS NOT ELIGIBLE FOR PROBATION OR A SUSPENDED
18 SENTENCE.

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

21 **18-3-205. Vehicular assault.** (1) (c) (I) Vehicular assault, in
22 violation of paragraph (a) of this subsection (1), is a class 5 felony.
23 Vehicular assault, in violation of paragraph (b) of this subsection (1), is
24 a class 4 felony. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II)

1 OF THIS PARAGRAPH (c), THE COURT SHALL SENTENCE A DEFENDANT
2 CONVICTED OF VEHICULAR ASSAULT PURSUANT TO THIS SECTION IN
3 ACCORDANCE WITH THE PROVISIONS OF SECTION 18-1.3-401.

4 (II) EXCEPT AS OTHERWISE PROVIDED IN SECTION 18-1.3-401(13),
5 THE COURT SHALL SENTENCE A DEFENDANT CONVICTED OF VEHICULAR
6 ASSAULT UNDER PARAGRAPH (b) OF THIS SUBSECTION (1) TO
7 IMPRISONMENT IN THE DEPARTMENT OF CORRECTIONS FOR AT LEAST THE
8 MINIMUM IN THE PRESUMPTIVE RANGE OF THE PENALTY FOR THIS OFFENSE.
9 A DEFENDANT CONVICTED PURSUANT TO PARAGRAPH (b) OF THIS
10 SUBSECTION (1) IS NOT ELIGIBLE FOR PROBATION OR A SUSPENDED
11 SENTENCE.

12 **SECTION 3. Potential appropriation.** Pursuant to section
13 2-2-703, Colorado Revised Statutes, any bill that results in a net increase
14 in periods of imprisonment in the state correctional facilities must include
15 an appropriation of moneys that is sufficient to cover any increased
16 capital construction and operational costs for the first five fiscal years in
17 which there is a fiscal impact. Because this act may increase periods of
18 imprisonment, this act may require a five-year appropriation.

19 **SECTION 4. Effective date - applicability.** This act takes effect
20 July 1, 2014, and applies to offenses committed on or after said date.

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