

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0745.01 Richard Sweetman x4333

SENATE BILL 16-051

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SENATE SPONSORSHIP

Johnston, Aguilar, Lundberg

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING INCREASING JUDICIAL DISCRETION REGARDING THE  
102 IMPOSITION OF CONSECUTIVE SENTENCES FOR VIOLENT CRIMES.

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, for a person convicted of 2 or more separate crimes of violence arising out of the same incident, the court must require the person to serve the resulting sentences consecutively rather than concurrently. The bill removes this requirement.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-406, **amend**  
3 (1) (a) as follows:

4 **18-1.3-406. Mandatory sentences for violent crimes -**  
5 **definitions.** (1) (a) Any person convicted of a crime of violence shall be  
6 sentenced pursuant to the provisions of section 18-1.3-401 (8) to the  
7 department of corrections for a term of incarceration of at least the  
8 midpoint in, but not more than twice the maximum of, the presumptive  
9 range provided for such offense in section 18-1.3-401 (1) (a), as modified  
10 for an extraordinary risk crime pursuant to section 18-1.3-401 (10),  
11 without suspension; except that, within ninety-one days after he or she  
12 has been placed in the custody of the department of corrections, the  
13 department shall transmit to the sentencing court a report on the  
14 evaluation and diagnosis of the violent offender, and the court, in a case  
15 which it considers to be exceptional and to involve unusual and  
16 extenuating circumstances, may thereupon modify the sentence, effective  
17 not earlier than one hundred nineteen days after his or her placement in  
18 the custody of the department. Such modification may include probation  
19 if the person is otherwise eligible therefor. Whenever a court finds that  
20 modification of a sentence is justified, the judge shall notify the state  
21 court administrator of his or her decision and shall advise said  
22 administrator of the unusual and extenuating circumstances that justified  
23 such modification. The state court administrator shall maintain a record,  
24 which shall be open to the public, summarizing all modifications of  
25 sentences and the grounds therefor for each judge of each district court  
26 in the state. ~~A person convicted of two or more separate crimes of~~  
27 ~~violence arising out of the same incident shall be sentenced for such~~

1 ~~crimes so that sentences are served consecutively rather than~~  
2 ~~concurrently.~~

3           **SECTION 2. Act subject to petition - effective date.** This act  
4 takes effect at 12:01 a.m. on the day following the expiration of the  
5 ninety-day period after final adjournment of the general assembly (August  
6 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
7 referendum petition is filed pursuant to section 1 (3) of article V of the  
8 state constitution against this act or an item, section, or part of this act  
9 within such period, then the act, item, section, or part will not take effect  
10 unless approved by the people at the general election to be held in  
11 November 2016 and, in such case, will take effect on the date of the  
12 official declaration of the vote thereon by the governor.