

**First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 01-0273.01 Stephen Miller

**HOUSE BILL 01-1104**

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**HOUSE SPONSORSHIP**

**Miller**

**SENATE SPONSORSHIP**

**(None)**

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**House Committees**

Criminal Justice

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE PUBLIC ANNOUNCEMENT BY THE COURT AT**  
102             **SENTENCING OF THE RANGE OF IMPRISONMENT THAT A**  
103             **DEFENDANT AT A MINIMUM CAN BE EXPECTED TO SERVE.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Requires a court imposing a prison sentence to publicly announce at sentencing the range of imprisonment that the defendant at a minimum can be expected to serve in light of good time and earned time credits available to inmates.

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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.** 16-11-302, Colorado Revised Statutes, is amended  
3 to read:

4 **16-11-302. Duration of sentences for felonies.** (1) Unless  
5 otherwise provided by law and except as otherwise provided in the  
6 "Colorado Children's Code", title 19, C.R.S., courts sentencing any person  
7 for the commission of a felony to the custody of the executive director of  
8 the department of corrections shall fix a definite term as provided by  
9 section 18-1-105, C.R.S. The persons so sentenced shall be imprisoned  
10 and discharged as provided by other applicable statutes. No person  
11 sentenced to a correctional facility for the commission of a felony shall be  
12 subjected to imprisonment for a term exceeding the term provided by the  
13 statute fixing the length of the sentence for the crime of which ~~he~~ THE  
14 PERSON was convicted and for which ~~he~~ THE PERSON was sentenced.

15 (2) IF THE COURT SENTENCES A DEFENDANT TO THE CUSTODY OF  
16 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, THE  
17 COURT SHALL, AFTER FIXING A DEFINITE TERM OF IMPRISONMENT,  
18 PUBLICLY ANNOUNCE THAT:

19 (a) A PERSON SENTENCED TO THE CUSTODY OF THE DEPARTMENT  
20 OF CORRECTIONS MAY BE ENTITLED, PURSUANT TO SECTIONS 17-22.5-301  
21 AND 17-22.5-302, C.R.S., TO GOOD TIME AND EARNED TIME DEDUCTIONS  
22 FROM THE PERSON'S SENTENCE UPON THE PERSON'S DEMONSTRATION OF  
23 GOOD CONDUCT AND SUBSTANTIAL PROGRESS WHILE INCARCERATED;

24 (b) ON A STATISTICAL BASIS, ANY PERSON SO SENTENCED CAN BE  
25 EXPECTED TO ACTUALLY SERVE IN INCARCERATION A MINIMUM, OF  
26 THIRTY-SEVEN AND ONE-HALF PERCENT TO FORTY-TWO PERCENT OF THE  
27 DEFINITE TERM OF IMPRISONMENT IMPOSED BY THE COURT.

1           (3) BASED ON THE STATISTICAL BASIS DESCRIBED IN PARAGRAPH  
2 (b) OF SUBSECTION (2) OF THIS SECTION, THE COURT SHALL ALSO  
3 ANNOUNCE THE RANGE OF MINIMUM ACTUAL TIME THAT THE DEFENDANT  
4 CAN BE EXPECTED TO SERVE IN INCARCERATION AS A RESULT OF THE  
5 DEFINITE TERM IMPOSED BY THE COURT.

6           (4) (a) NOTHING IN SUBSECTION (2) OR (3) OF THIS SECTION SHALL  
7 BE CONSTRUED TO AFFECT THE DUTIES OTHERWISE IMPOSED BY LAW UPON  
8 THE COURT OR ON THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
9 CORRECTIONS.

10           (b) NOTHING IN SUBSECTION (2) OR (3) OF THIS SECTION SHALL BE  
11 CONSTRUED TO LIMIT, EXPAND, OR OTHERWISE AFFECT ANY PROVISION OF  
12 LAW CONCERNING THE AVAILABILITY, ADMINISTRATION, ENTITLEMENT, OR  
13 AWARD OF GOOD TIME CREDITS AND EARNED TIME CREDITS.

14           **SECTION 2. Effective date - applicability.** (1) This act shall  
15 take effect at 12:01 a.m. on the day following the expiration of the  
16 ninety-day period after final adjournment of the general assembly that is  
17 allowed for submitting a referendum petition pursuant to article V, section  
18 1 (3) of the state constitution; except that, if a referendum petition is filed  
19 against this act or an item, section, or part of this act within such period,  
20 then the act, item, section, or part, if approved by the people, shall take  
21 effect on the date of the official declaration of the vote thereon by  
22 proclamation of the governor.

23           (2) The provisions of this act shall apply to persons sentenced on  
24 or after the applicable effective date of this act.