



Colorado Legislative Council Staff
NO FISCAL IMPACT

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Prime Sponsor(s): Rep. Cloer

Bill Status: House Judiciary

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TITLE: CONCERNING THE SENTENCING OF A DEFENDANT CONVICTED OF SECOND DEGREE ASSAULT UNDER THE GENERAL SENTENCING GUIDELINES IN CERTAIN CIRCUMSTANCES.

Summary of Assessment

Current law requires that a defendant convicted of assault in the second degree shall be sentenced, in most cases, to at least the midpoint of the presumptive range. This bill allows the court to sentence a defendant convicted of second degree assault to less than the midpoint of the presumptive range if the victim was trespassing upon the defendant's property at the time of the assault or if the defendant acted in self-defense or defense of a third person.

In FY 2003, there were 906 convictions of assault in the second degree and 265 offenders sentenced to prison (29.2 percent of all convictions). Sixty of the offenders sent to prison were sentenced to less than the midpoint of the presumptive range, suggesting that the court used its discretion to impose a lesser sentence within the presumptive range, citing mitigating circumstances pursuant to Section 18-1.3-401, C.R.S. Because the court currently has the discretion to impose a shorter sentence, this bill is assessed as having no fiscal impact. The bill becomes effective July 1, 2004, and applies to offenses committed on or after that date.

Departments Contacted

Corrections Judicial Branch Public Defender