First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0133.01 Michael Dohr x4347

HOUSE BILL 13-1149

HOUSE SPONSORSHIP

Szabo, Priola, Wright, Buck, Conti, Dore, Holbert, Humphrey, Joshi, Lawrence, McNulty, Navarro, Rankin, Stephens

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

CONCERNING MANDATORY SENTENCING PROVISIONS FOR A DEFENDANT CONVICTED OF A SEX OFFENSE AGAINST A CHILD WHO IS FOURTEEN YEARS OF AGE OR YOUNGER.

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.)

The bill requires a court to impose a minimum indeterminate sentence of at least 25 years of incarceration on an offender who commits a sexual assault against a child who is 14 years of age or younger and 7 or more years younger than the offender at the time of the offense. If the

parole board releases an offender who has been sentenced pursuant to this bill, the parole board has to keep the offender on parole for the remainder of the offender's life.

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

SECTION 1. In Colorado Revised Statutes, 18-1.3-1004, **amend** (2) (a); and **add** (1) (e) as follows:

18-1.3-1004. Indeterminate sentence. (1) (e) THE DISTRICT COURT SHALL SENTENCE A SEX OFFENDER TO THE CUSTODY OF THE DEPARTMENT FOR AN INDETERMINATE TERM OF AT LEAST TWENTY-FIVE YEARS AND A MAXIMUM OF THE SEX OFFENDER'S NATURAL LIFE IF THE SEX OFFENDER COMMITTED ANY OF THE FOLLOWING ACTS UPON A CHILD WHO WAS FOURTEEN YEARS OF AGE OR YOUNGER AND SEVEN OR MORE YEARS YOUNGER THAN THE SEX OFFENDER AT THE TIME OF THE OFFENSE:

(I) SEXUAL ASSAULT, AS DESCRIBED IN SECTION 18-3-402;

(II) SEXUAL ASSAULT IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-402, AS IT EXISTED PRIOR TO JULY 1, 2000;

(III) SEXUAL ASSAULT IN THE SECOND DEGREE, AS DESCRIBED IN SECTION 18-3-403, AS IT EXISTED PRIOR TO JULY 1, 2000;

(IV) SEXUAL ASSAULT ON A CHILD, AS DESCRIBED IN SECTION 18-3-405; OR

(V) SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST, AS DESCRIBED IN SECTION 18-3-405.3.

(2) (a) The district court having jurisdiction, based on consideration of the evaluation conducted pursuant to section 16-11.7-104, C.R.S., and the factors specified in section 18-1.3-203, may sentence a sex offender to probation for an indeterminate period of at least ten years for a class 4 felony or twenty years for a class 2 or 3 felony

and a maximum of the sex offender's natural life; except that, if the sex offender committed a sex offense that constitutes a crime of violence, as defined in section 18-1.3-406, or committed a sex offense that makes him or her eligible for sentencing as a habitual sex offender against children pursuant to section 18-3-412, OR A SEX OFFENSE REQUIRING SENTENCING PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION, the court shall sentence the sex offender to the department of corrections as provided in subsection (1) of this section. For any sex offender sentenced to probation pursuant to this subsection (2), the court shall order that the sex offender, as a condition of probation, participate in an intensive supervision probation program established pursuant to section 18-1.3-1007, until further order of the court.

SECTION 2. In Colorado Revised Statutes, 18-1.3-1006, **add** (5) as follows:

18-1.3-1006. Release from incarceration - parole - conditions. (5) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION (1) AND SUBSECTION (3) OF THIS SECTION, IF A SEX OFFENDER WHO IS SENTENCED PURSUANT TO SECTION 18-1.3-1004 (1) (e) IS RELEASED ON PAROLE, THE PAROLE BOARD SHALL NOT DISCHARGE THE SEX OFFENDER FROM PAROLE, AND THE SEX OFFENDER'S SENTENCE TO INCARCERATION SHALL NOT BE DISCHARGED, FOR THE REMAINDER OF THE SEX OFFENDER'S NATURAL LIFE.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.