

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

INTRODUCED

LLS NO. 09-0547.01 Michael Dohr

HOUSE BILL 09-1144

HOUSE SPONSORSHIP

Bradford, McNulty, Tipton

SENATE SPONSORSHIP

Scheffel,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

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

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 to impose a minimum sentence of at least 20 but not more than 30 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 act, requires the parole board to keep the offender on parole for the

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.

remainder of the offender's life.
Makes a conforming amendment.

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

2 **SECTION 1.** 18-1.3-1004 (1), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **18-1.3-1004. Indeterminate sentence.** (1) (e) THE DISTRICT
5 COURT SHALL SENTENCE A SEX OFFENDER TO THE CUSTODY OF THE
6 DEPARTMENT FOR AN INDETERMINATE TERM OF AT LEAST TWENTY BUT
7 NOT MORE THAN THIRTY YEARS AND A MAXIMUM OF THE SEX OFFENDER'S
8 NATURAL LIFE IF THE SEX OFFENDER COMMITTED ANY OF THE FOLLOWING
9 ACTS UPON A CHILD WHO WAS FOURTEEN YEARS OF AGE OR YOUNGER AND
10 SEVEN OR MORE YEARS YOUNGER THAN THE SEX OFFENDER AT THE TIME
11 OF THE OFFENSE:

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

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

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

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

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

21 **SECTION 2.** 18-1.3-1004 (2) (a), Colorado Revised Statutes, is
22 amended to read:

23 **18-1.3-1004. Indeterminate sentence.** (2) (a) The district court
24 having jurisdiction, based on consideration of the evaluation conducted
25 pursuant to section 16-11.7-104, C.R.S., and the factors specified in

1 section 18-1.3-203, may sentence a sex offender to probation for an
2 indeterminate period of at least ten years for a class 4 felony or twenty
3 years for a class 2 or 3 felony and a maximum of the sex offender's
4 natural life; except that, if the sex offender committed a sex offense that
5 constitutes a crime of violence, as defined in section 18-1.3-406, ~~or~~
6 ~~committed~~ a sex offense that makes him or her eligible for sentencing as
7 a habitual sex offender against children pursuant to section 18-3-412, OR
8 A SEX OFFENSE REQUIRING SENTENCING PURSUANT TO PARAGRAPH (e) OF
9 SUBSECTION (1) OF THIS SECTION, the court shall sentence the sex offender
10 to the department of ~~corrections~~ as provided in subsection (1) of this
11 section. For any sex offender sentenced to probation pursuant to this
12 subsection (2), the court shall order that the sex offender, as a condition
13 of probation, participate in an intensive supervision probation program
14 established pursuant to section 18-1.3-1007, until further order of the
15 court.

16 **SECTION 3.** 18-1.3-1006 (1) (b), Colorado Revised Statutes, is
17 amended to read:

18 **18-1.3-1006. Release from incarceration - parole - conditions.**

19 (1) (b) (I) If a sex offender is released on parole pursuant to this section,
20 the sex offender's sentence to incarceration shall continue and shall not
21 be deemed discharged until such time as the parole board may discharge
22 the sex offender from parole pursuant to subsection (3) of this section.
23 The period of parole for any sex offender convicted of a class 4 felony
24 shall be an indeterminate term of at least ten years and a maximum of the
25 remainder of the sex offender's natural life. The period of parole for any
26 sex offender convicted of a class 2 or 3 felony shall be an indeterminate
27 term of at least twenty years and a maximum of the remainder of the sex

1 offender's natural life.

2 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
3 THIS PARAGRAPH (b), IF A SEX OFFENDER SENTENCED PURSUANT TO
4 SECTION 18-1.3-1004 (1) (e) IS RELEASED ON PAROLE, THE PAROLE BOARD
5 SHALL NOT DISCHARGE SAID SEX OFFENDER FROM PAROLE, AND SAID SEX
6 OFFENDER'S SENTENCE TO INCARCERATION SHALL NOT BE DISCHARGED,
7 FOR THE REMAINDER OF THE SEX OFFENDER'S NATURAL LIFE.

8 **SECTION 4. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.