

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0326.01 Michael Dohr x4347

SENATE BILL 19-182

SENATE SPONSORSHIP

Williams A. and Gonzales, Bridges, Court, Garcia, Priola

HOUSE SPONSORSHIP

Arndt and Benavidez,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF THE DEATH PENALTY BY THE GENERAL**
102 **ASSEMBLY.**

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://leg.colorado.gov>.)

The bill repeals the death penalty in Colorado for offenses charged on or after July 1, 2019, and makes conforming amendments.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 **SECTION 1. Short title - legislative declaration.** (1) The short
2 title of this act is the "Death Penalty Repeal Act".

3 (2) The general assembly hereby finds that Colorado's death
4 penalty policy is a failed public policy that is inconsistent with evolving
5 standards of decency in Colorado and should be replaced by a sentence
6 of life in prison without the possibility of parole for the following
7 reasons:

8 (a) The death penalty risks the state of Colorado taking an
9 innocent life. Our system of justice is fallible and cannot ensure that the
10 state of Colorado does not execute an innocent person or execute a person
11 pursuant to an unfair process.

12 (b) The country is moving away from employing the death
13 penalty, as evidenced by the recent repeal of the death penalty in seven
14 states and the fact that a total of twenty states now do not impose the
15 death penalty in their criminal justice systems. In addition, three states,
16 including Colorado, have imposed an effective moratorium on the death
17 penalty. This trend reflects a growing belief that the death penalty is not
18 an effective penalty in a modern criminal justice system.

19 (c) The death penalty is unfairly applied, the lack of consistency
20 across judicial districts in seeking the death penalty also reflects the way
21 that the ethnicity and gender of the homicide victim and the accused
22 person influence charging decisions. The death penalty disproportionately
23 affects minority and low-income populations.

24 (d) A sentence of life in prison without the possibility of parole
25 effectively incapacitates a murderer for the rest of his or her life at far less
26 cost than execution.

27 **SECTION 2.** In Colorado Revised Statutes, **add** part 9 to article

1 11 of title 16 as follows:

2 PART 9

3 REPEAL OF THE DEATH PENALTY

4 **16-11-901. Death penalty repeal - applicability - current**
5 **sentences.** FOR OFFENSES CHARGED ON OR AFTER JULY 1, 2019, THE
6 DEATH PENALTY IS NOT A SENTENCING OPTION FOR A DEFENDANT
7 CONVICTED OF A CLASS 1 FELONY IN THE STATE OF COLORADO. NOTHING
8 IN THIS SECTION COMMUTES OR ALTERS THE SENTENCE OF A DEFENDANT
9 CONVICTED OF AN OFFENSE CHARGED PRIOR TO JULY 1, 2019.

10 **SECTION 3.** In Colorado Revised Statutes, 13-4-102, **amend**
11 (1)(h) as follows:

12 **13-4-102. Jurisdiction.** (1) Any provision of law to the contrary
13 notwithstanding, the court of appeals shall have initial jurisdiction over
14 appeals from final judgments of, and interlocutory appeals of certified
15 questions of law in civil cases pursuant to section 13-4-102.1 from, the
16 district courts, the probate court of the city and county of Denver, and the
17 juvenile court of the city and county of Denver, except in:

18 (h) Cases appealed from the district court granting or denying
19 postconviction relief in a case in which a sentence of death has been
20 imposed FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2019.

21 **SECTION 4.** In Colorado Revised Statutes, 16-8-103.6, **amend**
22 (1)(a) and (2)(a) as follows:

23 **16-8-103.6. Waiver of privilege.** (1) (a) A defendant who places
24 his or her mental condition at issue by pleading not guilty by reason of
25 insanity pursuant to section 16-8-103, OR asserting the affirmative
26 defense of impaired mental condition pursuant to section 16-8-103.5, or
27 disclosing witnesses who may provide evidence concerning the

1 defendant's mental condition during a sentencing hearing held pursuant
2 to section 18-1.3-1201, FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2019,
3 or PURSUANT TO SECTION 18-1.3-1302, ~~C.R.S.~~, FOR AN OFFENSE CHARGED
4 PRIOR TO JULY 1, 2019, waives any claim of confidentiality or privilege
5 as to communications made by the defendant to a physician or
6 psychologist in the course of an examination or treatment for ~~such~~ THE
7 mental condition for the purpose of any trial OR hearing on the issue of
8 ~~such~~ THE mental condition, or sentencing hearing conducted pursuant to
9 section 18-1.3-1201, FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2019,
10 or PURSUANT TO SECTION 18-1.3-1302, ~~C.R.S.~~, FOR AN OFFENSE CHARGED
11 PRIOR TO JULY 1, 2019. The court shall order both the prosecutor and the
12 defendant to exchange the names, addresses, reports, and statements of
13 any physician or psychologist who has examined or treated the defendant
14 for ~~such~~ THE mental condition.

15 (2) (a) A defendant who places his or her mental condition at issue
16 by pleading not guilty by reason of insanity pursuant to section 16-8-103
17 or disclosing witnesses who may provide evidence concerning the
18 defendant's mental condition during a sentencing hearing held pursuant
19 to section 18-1.3-1201, FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2019,
20 or PURSUANT TO SECTION 18-1.4-102; ~~C.R.S.~~; or, for offenses committed
21 on or after July 1, 1999, by seeking to introduce evidence concerning his
22 or her mental condition pursuant to section 16-8-107 (3) waives any claim
23 of confidentiality or privilege as to communications made by the
24 defendant to a physician or psychologist in the course of an examination
25 or treatment for ~~such~~ THE mental condition for the purpose of any trial OR
26 hearing on the issue of ~~such~~ THE mental condition, or sentencing hearing
27 conducted pursuant to section 18-1.3-1201, FOR AN OFFENSE CHARGED

1 PRIOR TO JULY 1, 2019, or PURSUANT TO SECTION 18-1.4-102. ~~C.R.S.~~ The
2 court shall order both the prosecutor and the defendant to exchange the
3 names, addresses, reports, and statements of any physician or
4 psychologist who has examined or treated the defendant for ~~such~~ THE
5 mental condition.

6 **SECTION 5.** In Colorado Revised Statutes, 16-8-106, **amend**
7 (2)(c), (3)(b), (6) introductory portion, (6)(b), (7) introductory portion,
8 and (7)(b) as follows:

9 **16-8-106. Examinations and report.** (2) (c) The defendant shall
10 cooperate with psychiatrists, forensic psychologists, and other personnel
11 conducting any examination ordered by the court pursuant to this section.
12 Statements made by the defendant in the course of ~~such~~ THE examination
13 shall be protected as provided in section 16-8-107. If the defendant does
14 not cooperate with psychiatrists, forensic psychologists, and other
15 personnel conducting the examination, the court shall not allow the
16 defendant to call any psychiatrist, forensic psychologist, or other expert
17 witness to provide evidence at the defendant's trial concerning the
18 defendant's mental condition including, but not limited to, providing
19 evidence on the issue of insanity or at any sentencing hearing held
20 pursuant to section 18-1.3-1201, FOR AN OFFENSE CHARGED PRIOR TO
21 JULY 1, 2019, or PURSUANT TO SECTION 18-1.4-102. ~~C.R.S.~~ In addition,
22 the fact of the defendant's noncooperation with psychiatrists, forensic
23 psychologists, and other personnel conducting the examination may be
24 admissible in the defendant's trial to rebut any evidence introduced by the
25 defendant with regard to the defendant's mental condition including, but
26 not limited to, the issue of insanity and in any sentencing hearing held
27 pursuant to section 18-1.3-1201 FOR AN OFFENSE CHARGED PRIOR TO JULY

1 1, 2019, or PURSUANT TO SECTION 18-1.4-102. ~~C.R.S.~~ This paragraph (c)
2 shall apply SUBSECTION (2)(c) APPLIES to offenses committed on or after
3 July 1, 1999.

4 (3) (b) To aid in forming an opinion as to the mental condition of
5 the defendant, it is permissible in the course of an examination under this
6 section to use confessions and admissions of the defendant and any other
7 evidence of the circumstances surrounding the commission of the offense,
8 as well as the medical and social history of the defendant, in questioning
9 the defendant. When the defendant is noncooperative with psychiatrists,
10 forensic psychologists, and other personnel conducting the examination,
11 an opinion of the mental condition of the defendant may be rendered by
12 such psychiatrists, forensic psychologists, or other personnel based upon
13 such confessions, admissions, and any other evidence of the
14 circumstances surrounding the commission of the offense, as well as the
15 known medical and social history of the defendant, and such opinion may
16 be admissible into evidence at trial and in any sentencing hearing held
17 pursuant to section 18-1.3-1201, FOR AN OFFENSE CHARGED PRIOR TO
18 JULY 1, 2019, or PURSUANT TO SECTION 18-1.4-102. ~~C.R.S.~~ It shall also
19 be permissible to conduct a narcoanalytic interview of the defendant with
20 such drugs as are medically appropriate and to subject the defendant to
21 polygraph examination. In any trial or hearing on the issue of the
22 defendant's sanity or eligibility for release, and in any sentencing hearing
23 held pursuant to section 18-1.3-1201, FOR AN OFFENSE CHARGED PRIOR TO
24 JULY 1, 2019, or PURSUANT TO SECTION 18-1.4-102, ~~C.R.S.~~, the
25 physicians and other personnel conducting the examination may testify to
26 the results of any such procedures and the statements and reactions of the
27 defendant insofar as the same entered into the formation of their opinions

1 as to the mental condition of the defendant both at the time of the
2 commission of the alleged offense and at the present time. This paragraph
3 ~~(b) shall apply~~ SUBSECTION (3)(b) APPLIES to offenses committed on or
4 after July 1, 1995.

5 (6) With respect to offenses committed on or after July 1, 1995,
6 the report of examination shall include, but is not limited to, the items
7 described in ~~paragraphs (a) to (c) of subsection (5)~~ SUBSECTIONS (5)(a),
8 (5)(b), AND (5)(c) of this section, and:

9 (b) Separate opinions as to whether the defendant was insane or
10 is ineligible for release, as those terms are defined in this ~~article~~ ARTICLE
11 8, and, in any class 1 felony case FOR AN OFFENSE CHARGED PRIOR TO
12 JULY 1, 2019, an opinion as to how the mental disease or defect or the
13 condition of mind caused by mental disease or defect affects any
14 mitigating factor. The nature of the opinions required depends upon the
15 type of examination ordered by the court.

16 (7) With respect to offenses committed on or after July 1, 1999,
17 when a defendant has undergone an examination pursuant to the
18 provisions of this section because the defendant has given notice pursuant
19 to section 16-8-107 (3) that he or she intends to introduce expert opinion
20 evidence concerning his or her mental condition, the report of
21 examination shall include, but is not limited to, the items described in
22 ~~paragraphs (a) to (c) of subsection (5)~~ SUBSECTIONS (5)(a), (5)(b), AND
23 (5)(c) of this section and:

24 (b) Separate opinions as to the defendant's mental condition
25 including, but not limited to, whether the defendant was insane or is
26 ineligible for release, as those terms are defined in this ~~article~~ ARTICLE 8,
27 and, in any class 1 felony case FOR AN OFFENSE CHARGED PRIOR TO JULY

1 1, 2019, an opinion as to how the mental disease or defect or the
2 condition of mind caused by mental disease or defect affects any
3 mitigating factor. The nature of the opinions required depends upon the
4 type of examination ordered by the court.

5 **SECTION 6.** In Colorado Revised Statutes, 16-8-107, **amend**
6 (1)(b), (1)(c), and (1.5)(b) as follows:

7 **16-8-107. Evidence.** (1) (b) Evidence acquired directly or
8 indirectly for the first time from a communication derived from the
9 defendant's mental processes during the course of a court-ordered
10 examination under section 16-8-108 or acquired pursuant to section
11 16-8-103.6 is admissible at any sentencing hearing held pursuant to
12 section 18-1.3-1201, FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2019,
13 OR PURSUANT TO SECTION 18-1.3-1302, FOR AN OFFENSE CHARGED PRIOR
14 TO JULY 1, 2019, or SECTION 18-1.4-102 ~~C.R.S.~~, only to prove the
15 existence or absence of any mitigating factor.

16 (c) If the defendant testifies in his or her own behalf upon the trial
17 of the issues raised by the plea of not guilty, or at a sentencing hearing
18 held pursuant to section 18-1.3-1201, FOR AN OFFENSE CHARGED PRIOR TO
19 JULY 1, 2019, OR PURSUANT TO SECTION 18-1.3-1302, FOR AN OFFENSE
20 CHARGED PRIOR TO JULY 1, 2019, or SECTION 18-1.4-102, ~~C.R.S.~~, the
21 provisions of this section shall not bar any evidence used to impeach or
22 rebut the defendant's testimony.

23 (1.5) (b) Evidence acquired directly or indirectly for the first time
24 from a communication derived from the defendant's mental processes
25 during the course of a court-ordered examination under section 16-8-106
26 or acquired pursuant to section 16-8-103.6 is admissible at any sentencing
27 hearing held pursuant to section 18-1.3-1201, FOR AN OFFENSE CHARGED

1 PRIOR TO JULY 1, 2019, or PURSUANT TO SECTION 18-1.4-102 ~~C.R.S.~~, only
2 to prove the existence or absence of any mitigating factor.

3 **SECTION 7.** In Colorado Revised Statutes, 16-8.5-103, **amend**
4 (8) as follows:

5 **16-8.5-103. Determination of competency to proceed.** (8) If the
6 question of the defendant's incompetency to proceed is raised after a jury
7 is impaneled to try the issues raised by a plea of not guilty and the court
8 determines that the defendant is incompetent to proceed or orders the
9 defendant committed for a court-ordered competency evaluation, the
10 court may declare a mistrial. Declaration of a mistrial under these
11 circumstances does not constitute jeopardy, nor does it prohibit the trial
12 OR sentencing or execution of the defendant for the same offense after he
13 or she has been found restored to competency.

14 **SECTION 8.** In Colorado Revised Statutes, 16-8.5-108, **amend**
15 (1)(b) and (1)(c) as follows:

16 **16-8.5-108. Evidence.** (1) (b) Evidence acquired directly or
17 indirectly for the first time from a communication derived from the
18 defendant's mental processes during the course of a competency
19 evaluation or involuntary medication proceeding is admissible at any
20 sentencing hearing held pursuant to section 18-1.3-1201, FOR OFFENSES
21 CHARGED PRIOR TO JULY 1, 2019, OR PURSUANT TO SECTION 18-1.3-1302,
22 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2019, or SECTION 18-1.4-102
23 ~~C.R.S.~~, only to prove the existence or absence of any mitigating factor.

24 (c) If the defendant testifies on his or her own behalf upon the trial
25 of the issues raised by the plea of not guilty or, for offenses that occurred
26 before July 1, 1995, a plea of not guilty by reason of impaired mental
27 condition, or at a sentencing hearing held pursuant to section

1 18-1.3-1201, FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2019, OR
2 PURSUANT TO SECTION 18-1.3-1302, FOR AN OFFENSE CHARGED PRIOR TO
3 JULY 1, 2019, or SECTION 18-1.4-102, ~~C.R.S.~~, the provisions of this
4 section shall not bar any evidence used to impeach or rebut the
5 defendant's testimony.

6 **SECTION 9.** In Colorado Revised Statutes, 18-1-409, **amend** (1)
7 as follows:

8 **18-1-409. Appellate review of sentence for a felony.** (1) When
9 A sentence is imposed upon any person following a conviction of any
10 felony, other than a class 1 felony in which a death sentence is
11 automatically reviewed pursuant to section 18-1.3-1201 (6), FOR AN
12 OFFENSE CHARGED PRIOR TO JULY 1, 2019, OR PURSUANT TO SECTION
13 18-1.3-1302 (6), FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2019, or
14 SECTION 18-1.4-102 (6), the person convicted shall have the right to one
15 appellate review of the propriety of the sentence, having regard to the
16 nature of the offense, the character of the offender, and the public
17 interest, and the manner in which the sentence was imposed, including the
18 sufficiency and accuracy of the information on which it was based; except
19 that, if the sentence is within a range agreed upon by the parties pursuant
20 to a plea agreement, the defendant shall not have the right of appellate
21 review of the propriety of the sentence. The procedures to be employed
22 in the review shall be as provided by supreme court rule.

23 **SECTION 10.** In Colorado Revised Statutes, 18-1.3-104, **amend**
24 (1) introductory portion and (1)(c) as follows:

25 **18-1.3-104. Alternatives in imposition of sentence.** (1) Within
26 the limitations of the applicable statute pertaining to sentencing and
27 subject to the provisions of this ~~title~~ TITLE 18, the trial court has the

1 following alternatives in entering judgment imposing a sentence:

2 (c) The defendant shall be sentenced to death in those cases in
3 which a death sentence is required under section 18-1.3-1201 FOR
4 OFFENSES CHARGED PRIOR TO JULY 1, 2019, OR SECTION 18-1.3-1302, FOR
5 AN OFFENSE CHARGED PRIOR TO JULY 1, 2019, or SECTION 18-1.4-102.

6 **SECTION 11.** In Colorado Revised Statutes, 18-1.3-401, **amend**
7 (1)(a)(V)(A.1) and (4)(a); and **add** (1)(a)(V)(F) and (1)(a)(V.5) as
8 follows:

9 **18-1.3-401. Felonies classified - presumptive penalties.**
10 (1) (a) (V) (A.1) SUBJECT TO THE PROVISIONS OF SUBSECTION
11 (1)(a)(V)(F) OF THIS SECTION, as to any person sentenced for a felony
12 committed on or after July 1, 2018, AND PRIOR TO JULY 1, 2019, felonies
13 are divided into six classes that are distinguished from one another by the
14 following presumptive ranges of penalties that are authorized upon
15 conviction:

16	Class	Minimum	Maximum	Mandatory Period
17		Sentence	Sentence	of Parole
18	1	Life imprisonment	Death	None
19	2	Eight years	Twenty-four years	Five years if the offense
20		imprisonment	imprisonment	is a crime of violence
21				as described in section
22				18-1.3-406 (2)
23				Three years if the offense
24				is not a crime of
25				violence as described
26				in section 18-1.3-406
27				(2)

1	3	Four years	Twelve years	Three years
2		imprisonment	imprisonment	
3	4	Two years	Six years	Three years
4		imprisonment	imprisonment	
5	5	One year	Three years	Two years
6		imprisonment	imprisonment	
7	6	One year	Eighteen months	One year
8		imprisonment	imprisonment	

9 (F) NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY,
10 THE MAXIMUM SENTENCE FOR A CLASS 1 FELONY THAT IS CHARGED AFTER
11 JULY 1, 2019, IS LIFE IMPRISONMENT.

12 (V.5) (A) AS TO ANY PERSON SENTENCED FOR A FELONY FOR AN
13 OFFENSE COMMITTED ON OR AFTER JULY 1, 2019, FELONIES ARE DIVIDED
14 INTO SIX CLASSES THAT ARE DISTINGUISHED FROM ONE ANOTHER BY THE
15 FOLLOWING PRESUMPTIVE RANGES OF PENALTIES THAT ARE AUTHORIZED
16 UPON CONVICTION:

17	CLASS	MINIMUM	MAXIMUM	MANDATORY
18		SENTENCE	SENTENCE	PERIOD
19				OF PAROLE
20	1	LIFE IMPRISONMENT		NONE
21	2	EIGHT YEARS	TWENTY-FOUR YEARS	FIVE YEARS IF THE
22		IMPRISONMENT	IMPRISONMENT	OFFENSE IS A
23				CRIME OF
24				VIOLENCE AS
25				DESCRIBED IN
26				SECTION
27				18-1.3-406 (2)

1				THREE YEARS IF
2				THE OFFENSE IS
3				NOT A CRIME OF
4				VIOLENCE AS
5				DESCRIBED IN
6				SECTION
7				18-1.3-406 (2)
8	3	FOUR YEARS	TWELVE YEARS	THREE YEARS
9		IMPRISONMENT	IMPRISONMENT	
10	4	TWO YEARS	SIX YEARS	THREE YEARS
11		IMPRISONMENT	IMPRISONMENT	
12	5	ONE YEAR	THREE YEARS	TWO YEARS
13		IMPRISONMENT	IMPRISONMENT	
14	6	ONE YEAR	EIGHTEEN MONTHS	ONE YEAR
15		IMPRISONMENT	IMPRISONMENT	

16 (B) ANY PERSON WHO IS PAROLED PURSUANT TO SECTION
17 17-22.5-403, OR ANY PERSON WHO IS NOT PAROLED AND IS DISCHARGED
18 PURSUANT TO LAW, SHALL BE SUBJECT TO THE MANDATORY PERIOD OF
19 PAROLE ESTABLISHED PURSUANT TO SUBSECTION (1)(a)(V.5)(A) OF THIS
20 SECTION. SUCH MANDATORY PERIOD OF PAROLE MAY NOT BE WAIVED BY
21 THE OFFENDER OR WAIVED OR SUSPENDED BY THE COURT AND SHALL BE
22 SUBJECT TO THE PROVISIONS OF SECTION 17-22.5-403 (8), WHICH PERMITS
23 THE STATE BOARD OF PAROLE TO DISCHARGE THE OFFENDER AT ANY TIME
24 DURING THE TERM OF PAROLE UPON A DETERMINATION THAT THE
25 OFFENDER HAS BEEN SUFFICIENTLY REHABILITATED AND REINTEGRATED
26 INTO SOCIETY AND CAN NO LONGER BENEFIT FROM PAROLE SUPERVISION.

27 (C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION

1 (1)(a)(V.5)(A) OF THIS SECTION, ANY PERSON SENTENCED FOR A SEX
2 OFFENSE, AS DEFINED IN SECTION 18-1.3-1003 (5), COMMITTED ON OR
3 AFTER JULY 1, 2019, SHALL BE SENTENCED PURSUANT TO THE PROVISIONS
4 OF PART 10 OF THIS ARTICLE 1.3.

5 (D) ANY PERSON SENTENCED FOR A FELONY CONVICTION ENTERED
6 ON OR AFTER JULY 1, 2019, INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS
7 DEFINED IN SECTION 16-22-102 (9), OR FOR A FELONY COMMITTED ON OR
8 AFTER JULY 1, 2019, THE UNDERLYING FACTUAL BASIS OF WHICH
9 INVOLVED UNLAWFUL SEXUAL BEHAVIOR, AND WHO IS NOT SUBJECT TO
10 THE PROVISIONS OF PART 10 OF THIS ARTICLE 1.3, SHALL BE SUBJECT TO
11 THE MANDATORY PERIOD OF PAROLE SPECIFIED IN SUBSECTION
12 (1)(a)(V.5)(A) OF THIS SECTION.

13 (E) THE MANDATORY PERIOD OF PAROLE IMPOSED PURSUANT TO
14 SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION SHALL COMMENCE
15 IMMEDIATELY UPON THE DISCHARGE OF AN OFFENDER FROM
16 IMPRISONMENT IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS.
17 IF THE OFFENDER HAS BEEN GRANTED RELEASE TO PAROLE SUPERVISION
18 BY THE STATE BOARD OF PAROLE, THE OFFENDER SHALL BE DEEMED TO
19 HAVE DISCHARGED THE OFFENDER'S SENTENCE TO IMPRISONMENT
20 PROVIDED FOR IN SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION IN THE
21 SAME MANNER AS IF SUCH SENTENCE WERE DISCHARGED PURSUANT TO
22 LAW; EXCEPT THAT THE SENTENCE TO IMPRISONMENT FOR ANY PERSON
23 SENTENCED AS A SEX OFFENDER PURSUANT TO PART 10 OF THIS ARTICLE
24 1.3 SHALL NOT BE DEEMED DISCHARGED ON RELEASE OF SAID PERSON ON
25 PAROLE. WHEN AN OFFENDER IS RELEASED BY THE STATE BOARD OF
26 PAROLE OR RELEASED BECAUSE THE OFFENDER'S SENTENCE WAS
27 DISCHARGED PURSUANT TO LAW, THE MANDATORY PERIOD OF PAROLE

1 SHALL BE SERVED BY SUCH OFFENDER. AN OFFENDER SENTENCED FOR A
2 NONVIOLENT FELONY OFFENSE, AS DEFINED IN SECTION 17-22.5-405 (5),
3 MAY RECEIVE EARNED TIME PURSUANT TO SECTION 17-22.5-405 WHILE
4 SERVING A MANDATORY PAROLE PERIOD IN ACCORDANCE WITH THIS
5 SECTION, BUT NOT WHILE SUCH OFFENDER IS REINCARCERATED AFTER A
6 REVOCATION OF THE MANDATORY PERIOD OF PAROLE. AN OFFENDER
7 SHALL BE ELIGIBLE TO RECEIVE EARNED TIME WHILE ON PAROLE OR AFTER
8 REPAROLE FOLLOWING A PAROLE REVOCATION. THE OFFENDER SHALL NOT
9 BE ELIGIBLE FOR EARNED TIME WHILE THE OFFENDER IS REINCARCERATED
10 AFTER REVOCATION OF THE MANDATORY PERIOD OF PAROLE PURSUANT TO
11 THIS SUBSECTION (1)(a)(V.5).

12 (F) IF AN OFFENDER IS SENTENCED CONSECUTIVELY FOR THE
13 COMMISSION OF TWO OR MORE FELONY OFFENSES PURSUANT TO
14 SUBSECTION (1)(a)(V.5)(A) OF THIS SECTION, THE MANDATORY PERIOD OF
15 PAROLE FOR SUCH OFFENDER SHALL BE THE MANDATORY PERIOD OF
16 PAROLE ESTABLISHED FOR THE HIGHEST CLASS FELONY OF WHICH SUCH
17 OFFENDER HAS BEEN CONVICTED.

18 (4) (a) (I) A person who has been convicted of a class 1 felony
19 shall be punished by life imprisonment in the department of corrections
20 unless THE OFFENSE WAS CHARGED PRIOR TO JULY 1, 2019, AND a
21 proceeding held to determine sentence according to the procedure set
22 forth in section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102, results in a
23 verdict that requires imposition of the death penalty, in which event such
24 person shall be sentenced to death.

25 (II) A PERSON WHO HAS BEEN CONVICTED OF A CLASS 1 FELONY
26 SHALL BE PUNISHED BY LIFE IMPRISONMENT IN DEPARTMENT OF
27 CORRECTIONS IF THE OFFENSE WAS COMMITTED DURING A PERIOD OF TIME

1 WHEN COLORADO'S DEATH PENALTY WAS UNCONSTITUTIONAL.

2 (III) As to any person sentenced for a class 1 felony, for an act
3 committed on or after July 1, 1985, and before July 1, 1990, life
4 imprisonment shall mean imprisonment without the possibility of parole
5 for forty calendar years. As to any person sentenced for a class 1 felony,
6 for an act committed on or after July 1, 1990, life imprisonment shall
7 mean imprisonment without the possibility of parole.

8 **SECTION 12.** In Colorado Revised Statutes, 18-1.3-801, **amend**
9 (1)(e) as follows:

10 **18-1.3-801. Punishment for habitual criminals.** (1)(e) Nothing
11 in this subsection (1) is to be construed to prohibit a person convicted of
12 a class 1 felony from being sentenced pursuant to section 18-1.3-1201,
13 FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2019, OR PURSUANT TO
14 SECTION 18-1.3-1302, FOR AN OFFENSE CHARGED PRIOR TO JULY 1, 2019,
15 or SECTION 18-1.4-102.

16 **SECTION 13.** In Colorado Revised Statutes, 18-1.3-1201, **add**
17 (9) as follows:

18 **18-1.3-1201. Imposition of sentence in class 1 felonies -**
19 **appellate review - applicability.** (9) THIS SECTION ONLY APPLIES TO
20 OFFENSES CHARGED PRIOR TO JULY 1, 2019.

21 **SECTION 14.** In Colorado Revised Statutes, 18-1.3-1302, **add**
22 (8) as follows:

23 **18-1.3-1302. Imposition of sentences in class 1 felonies for**
24 **crimes committed on or after July 1, 1988, and prior to September**
25 **20, 1991 - appellate review.** (8) THIS SECTION ONLY APPLIES TO
26 OFFENSES CHARGED PRIOR TO JULY 1, 2019.

27 **SECTION 15.** In Colorado Revised Statutes, 18-3-107, **amend**

1 (3) as follows:

2 **18-3-107. First degree murder of a peace officer, firefighter,**
3 **or emergency medical service provider - legislative declaration.** (3) A
4 person convicted of first degree murder of a peace officer, firefighter, or
5 emergency medical service provider shall be punished by life
6 imprisonment without the possibility of parole for the rest of his or her
7 natural life, unless THE OFFENSE WAS CHARGED PRIOR TO JULY 1, 2019,
8 AND a proceeding held to determine sentence according to the procedure
9 set forth in section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102 results in a
10 verdict that requires imposition of the death penalty, in which event the
11 person shall be sentenced to death. Nothing in this subsection (3) is
12 construed as limiting the power of the governor to grant reprieves,
13 commutations, and pardons pursuant to section 7 of article IV of the
14 Colorado constitution.

15 **SECTION 16. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.