

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB20-1152 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 18-12-108, amend
4 (5) and (6)(c)(II); and add (5.5) as follows:

5 **18-12-108. Possession of weapons by previous offenders -**
6 **definition.** (5) (a) A second or subsequent offense ~~under paragraphs (b)~~
7 ~~and (c) of subsection (2) and paragraphs (b) and (c) of subsection (4)~~
8 PURSUANT TO SUBSECTIONS (2)(b), (2)(c), (4)(b), AND (4)(c) of this
9 section is a class 4 felony.

10 (b) ANY SENTENCE IMPOSED PURSUANT TO THIS SUBSECTION (5)
11 RUNS CONSECUTIVELY WITH ANY PRIOR SENTENCES BEING SERVED BY THE
12 OFFENDER.

13 (5.5) (a) THE COURT SHALL SENTENCE AN ADULT CONVICTED OF A
14 SECOND OR SUBSEQUENT OFFENSE PURSUANT TO THIS SECTION TO THE
15 DEPARTMENT OF CORRECTIONS FOR A TERM OF INCARCERATION.

16 (b) AS USED IN THIS SUBSECTION (5.5), "ADULT" MEANS A PERSON
17 WHO IS EIGHTEEN YEARS OF AGE OR OLDER AT THE TIME OF THE
18 COMMISSION OF THE OFFENSE OR A PERSON UNDER EIGHTEEN YEARS OF
19 AGE AT THE TIME OF THE COMMISSION OF THE OFFENSE WHO IS CONVICTED
20 AS AN ADULT FOLLOWING DIRECT FILING OF AN INFORMATION OR
21 INDICTMENT IN THE DISTRICT COURT PURSUANT TO SECTION 19-2-517 OR
22 TRANSFER OF PROCEEDINGS TO THE DISTRICT COURT PURSUANT TO
23 SECTION 19-2-518.

24 (6) (c) The written statement shall provide that:

25 (II) A CONVICTION FOR A violation of this section ~~may~~ WILL result
26 in a sentence of imprisonment ~~or fine, or both~~ AND MAY ALSO RESULT IN
27 A FINE.

28 **SECTION 2. Potential appropriation.** Pursuant to section
29 2-2-703, C.R.S., any bill that results in a net increase in periods of
30 imprisonment in state correctional facilities must include an appropriation
31 of money that is sufficient to cover any increased capital construction, any
32 operational costs, and increased parole costs that are the result of the bill
33 for the department of corrections in each of the first five years following
34 the effective date of the bill. Because this act may increase periods of
35 imprisonment, this act may require a five-year appropriation.

36 **SECTION 3. Act subject to petition - effective date -**
37 **applicability.** (1) This act takes effect September 1, 2020; except that,
38 if a referendum petition is filed pursuant to section 1 (3) of article V of
39 the state constitution against this act or an item, section, or part of this act
40 within the ninety-day period after final adjournment of the general

1 assembly, then the act, item, section, or part will not take effect unless
2 approved by the people at the general election to be held in November
3 2020 and, in such case, will take effect on the date of the official
4 declaration of the vote thereon by the governor.

5 (2) This act applies to offenses committed on or after the
6 applicable effective date of this act."

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