

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 10-0414.01 Michael Dohr

HOUSE BILL 10-1373

HOUSE SPONSORSHIP

Carroll T.,

SENATE SPONSORSHIP

Hudak,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO SENTENCING PROVISIONS FOR ESCAPE**
102 **CRIMES.**

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>.)

Under current law, a person who commits an escape crime is subject to a mandatory consecutive prison sentence. The bill limits that requirement to those persons who commit an escape crime while on inmate status, which is defined as being under sentence to the department of corrections or in the physical custody of any local or state law

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.*

SENATE
3rd Reading Unam ended
May 10, 2010

SENATE
2nd Reading Unam ended
May 7, 2010

HOUSE
3rd Reading Unam ended
April 26, 2010

HOUSE
Am ended 2nd Reading
April 23, 2010

enforcement agency while being held on or convicted of a felony.

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

2 **SECTION 1.** 18-8-208.1 (1) and (5), Colorado Revised Statutes,
3 are amended, and the said 18-8-208.1 is further amended BY THE
4 ADDITION OF A NEW SUBSECTION, to read:

5 **18-8-208.1. Attempt to escape.** (1) EXCEPT AS OTHERWISE
6 PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, if a person, while in
7 custody or confinement following conviction of a felony, knowingly
8 attempts to escape from said custody or confinement, he OR SHE commits
9 a class 4 felony. The sentence imposed pursuant to this subsection (1)
10 shall run consecutively with any sentences being served by the offender.

11 (1.5) IF A PERSON, WHILE IN CUSTODY OR CONFINEMENT
12 FOLLOWING CONVICTION OF A FELONY AND EITHER SERVING A DIRECT
13 SENTENCE TO A COMMUNITY CORRECTIONS PROGRAM PURSUANT TO
14 SECTION 18-1.3-301, OR HAVING BEEN PLACED IN AN INTENSIVE
15 SUPERVISION PAROLE PROGRAM PURSUANT TO SECTION 17-27.5-101,
16 C.R.S., KNOWINGLY ATTEMPTS TO ESCAPE FROM HIS OR HER CUSTODY OR
17 CONFINEMENT, HE OR SHE COMMITS A CLASS 5 FELONY. THE SENTENCE
18 IMPOSED PURSUANT TO THIS SUBSECTION (1.5) MAY RUN CONCURRENTLY
19 OR CONSECUTIVELY WITH ANY SENTENCE BEING SERVED BY THE
20 OFFENDER.

21 (5) The sentences imposed by ~~subsections (1) and (2)~~
22 SUBSECTIONS (1), (1.5), AND (2) of this section and the minimum
23 sentences imposed by subsections (3) and (4) of this section shall be
24 mandatory, and the court shall not grant probation or a suspended
25 sentence, in whole or in part; except that the court may grant a suspended

1 sentence if the court is sentencing a person to the youthful offender
2 system pursuant to section 18-1.3-407.

3 **SECTION 2.** 18-8-209, Colorado Revised Statutes, is amended
4 to read:

5 **18-8-209. Concurrent and consecutive sentences.** (1) EXCEPT
6 AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, any
7 sentence imposed following conviction of an offense under sections
8 18-8-201 to 18-8-208 or section 18-8-211 shall run consecutively and not
9 concurrently with any sentence which the offender was serving at the time
10 of the conduct prohibited by those sections.

11 (2) IF AN OFFENDER WAS SERVING A DIRECT SENTENCE TO A
12 COMMUNITY CORRECTIONS PROGRAM PURSUANT TO SECTION 18-1.3-301
13 OR WAS IN AN INTENSIVE SUPERVISION PAROLE PROGRAM PURSUANT TO
14 SECTION 17-27.5-101, C.R.S., AT THE TIME HE OR SHE COMMITTED AN
15 OFFENSE SPECIFIED IN SECTION 18-8-201 OR 18-8-208, THE SENTENCE
16 IMPOSED FOLLOWING A CONVICTION OF SAID OFFENSE MAY RUN
17 CONCURRENTLY WITH ANY SENTENCE THE OFFENDER WAS SERVING AT THE
18 TIME HE OR SHE COMMITTED SAID OFFENSE.

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