

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0164.02 Michael Dohr x4347

HOUSE BILL 18-1408

HOUSE SPONSORSHIP

Michaelson Jenet and Benavidez,

SENATE SPONSORSHIP

Fields,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT THE COURT MAKE A FINDING OF
102 RAPE IF IT FINDS THAT AN ACT OF SEXUAL INTRUSION OR SEXUAL
103 PENETRATION OCCURRED.

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>.)

At the sentencing hearing for a defendant convicted of a crime in which an element of the crime is an act of sexual intrusion or sexual penetration, the court shall make specific findings of fact regarding the

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.

act. If the court finds that an act of sexual intrusion or sexual penetration occurred, the court shall enter a finding of rape and shall state the finding on the record.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-3-418 as
3 follows:

4 **18-3-418. Finding of rape - definition.** (1) AT THE SENTENCING
5 HEARING FOR A DEFENDANT CONVICTED OF AN OFFENSE LISTED IN SECTION
6 16-11.7-102 (3) IN WHICH AN ELEMENT OF THE CRIME IS AN ACT OF
7 SEXUAL INTRUSION OR SEXUAL PENETRATION, THE COURT SHALL MAKE
8 SPECIFIC FINDINGS OF FACT REGARDING THE ACT. IF THE COURT FINDS
9 THAT AN ACT OF SEXUAL INTRUSION OR SEXUAL PENETRATION OCCURRED,
10 THE COURT SHALL ENTER A FINDING OF RAPE AND SHALL STATE THE
11 FINDING ON THE RECORD.

12 (2) AS USED IN THIS SECTION, "CONVICTED" INCLUDES HAVING
13 RECEIVED A VERDICT OF GUILTY BY A JUDGE OR A JURY, HAVING PLEADED
14 GUILTY OR NOLO CONTENDERE, OR HAVING RECEIVED A DEFERRED
15 JUDGMENT OR SENTENCE.

16 **SECTION 2. Effective date - applicability.** This act takes effect
17 July 1, 2018, and applies to offenses committed on or after said date.

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