

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

**INTRODUCED**

LLS NO. 07-0494.01 Michael Dohr

**HOUSE BILL 07-1137**

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**HOUSE SPONSORSHIP**

**McNulty,**

**SENATE SPONSORSHIP**

**Penry,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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 15 years of incarceration on a defendant who commits a sex assault against a child who is 14 years of age or younger and 7 or more years younger than the defendant.

Makes a conforming amendment.

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.*

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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) IF THE SEX  
5 OFFENDER COMMITTED ANY OF THE FOLLOWING ACTS UPON A CHILD WHO  
6 WAS FOURTEEN YEARS OF AGE OR YOUNGER AND SEVEN OR MORE YEARS  
7 YOUNGER THAN THE SEX OFFENDER AT THE TIME OF THE OFFENSE, THE  
8 DISTRICT COURT SHALL SENTENCE THE SEX OFFENDER TO THE CUSTODY OF  
9 THE DEPARTMENT FOR AN INDETERMINATE TERM OF AT LEAST FIFTEEN  
10 YEARS AND A MAXIMUM OF THE SEX OFFENDER'S NATURAL LIFE:

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

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

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

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

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

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

22           **18-1.3-1004. Indeterminate sentence.** (2) (a) The district court  
23 having jurisdiction, based on consideration of the evaluation conducted  
24 pursuant to section 16-11.7-104, C.R.S., and the factors specified in  
25 section 18-1.3-203, may sentence a sex offender to probation for an  
26 indeterminate period of at least ten years for a class 4 felony or twenty

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

14 **SECTION 3. Effective date.** This act shall take effect July 1,  
15 2007.

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