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Colorado General Assembly

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MEMORANDUM

To: Suzanne Taheri and Michael Fields

From: Legislative Council Staff and Office of Legislative Legal Services

Date: June 3, 2025

Subject: Proposed initiative measure 2025-2026 #91, concerning penalties for theft and motor vehicle theft

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments and questions to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments and questions intended to aid designated representatives, and the proponents they represent, in determining the language of their proposal and to avail the public of the contents of the proposal. Our first objective is to be sure we understand your intended purposes of the proposal. We hope that the comments and questions in this memorandum provide a basis for discussion and understanding of the proposal. Discussion between designated representatives or their legal representatives and employees of the Colorado Legislative Council and the Office of Legislative Legal Services is encouraged during review and comment meetings, but comments or discussion from anyone else is not permitted.

Earlier versions of this proposed initiative, proposed initiatives 2025-2026 #33 and 2025-2026 #88, were submitted by the same designated representatives, were the subject of memoranda dated February 24, 2025, and May 6, 2025, and were discussed at public meetings on February 28, 2025, and May 9, 2025. The comments and questions raised in this memorandum do not include comments and questions that were addressed in the earlier memoranda or at the earlier meetings except as necessary to fully understand the issues raised by the revised proposed

initiative. Prior comments and questions that are not restated in this memorandum continue to be relevant and are considered part of this memorandum.

Purposes

The major purposes of the proposed amendments to the Colorado Revised Statutes appear to be:

1. To increase the penalty for theft involving less than three hundred dollars;
2. To increase the penalty for certain theft when the person has previous theft convictions;
3. To impose a mandatory minimum sentence for certain theft convictions;
4. To increase the theft penalty when the defendant acts in conspiracy or concert in the commission of the theft;
5. To eliminate the one-thousand-dollar property damage threshold in the element of causing property damage to the vehicle in motor vehicle theft in the second degree; and
6. To impose mandatory minimum periods of imprisonment for motor vehicle theft convictions and unauthorized use of a motor vehicle convictions without eligibility for parole, early release, or alternative sentencing, if the defendant has been previously convicted for motor vehicle theft or unauthorized use of a motor vehicle.

Substantive Comments and Questions

The substance of the proposed initiative raises the following question:

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?

Technical Comments

The following comments address technical issues raised by the form of the proposed initiative. These comments will be read aloud at the public hearing only if the designated representatives so request. You will have the opportunity to ask questions about these comments at the review and comment hearing. Please consider revising the proposed initiative as follows:

1. In section 7 of the proposed initiative, the text of section 16-15-102 (1)(a)(VII) is missing a portion of the current law. The proposed initiative reads "... as defined in section 18-4-401 (8), ~~C.R.S.~~ ..."; however, it is necessary to leave in and strike the language you want to omit. Therefore, it should instead read "... as defined in ~~section 18-4-401 (5), C.R.S.~~ SECTION 18-4-401 (8) ..."
2. In section 12 of the proposed initiative, the headnote for section 26-2-305 is missing. Please insert the headnote: "**Fraudulent act - penalties.**"