

Initiative 2025-2026 #33
Penalties for Theft and Motor Vehicle Theft

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Be it Enacted by the People of the state of Colorado:

SECTION 1. In Colorado Revised Statutes, 18-4-401, **amend** (2)(b), (2)(c), and (2)(f), and (2)(i); **repeal** (2)(e); and **add** (2)(b.6), (2)(k), (2.5), (2.6), and (3.5) as follows:

18-4-401. Theft.

(2) Theft is:

(b) A ~~petty offense~~ CLASS 2 MISDEMEANOR if the value of the thing involved is less than three hundred dollars;

(b.6) A CLASS 1 MISDEMEANOR IF THE VALUE OF THE THING INVOLVED IS LESS THAN THREE HUNDRED DOLLARS AND THE PERSON HAS PREVIOUSLY BEEN CONVICTED FOR ANY CRIME ENUMERATED IN SUBSECTION (2) AND IS CONVICTED AND SENTENCED FOR A VIOLATION OF THIS SUBSECTION (2) COMMITTED AFTER JANUARY 1, 2027;

(c) A class 2 1 misdemeanor if the value of the thing involved is three hundred dollars or more but less than one thousand dollars;

~~(e) A class 1 misdemeanor if the value of the thing involved is one thousand dollars or more but less than two thousand dollars;~~

(f) A class 6 felony if the value of the thing involved is ~~two~~ ONE thousand dollars or more but less than five thousand dollars;

(i) A class 3 felony if the value of the thing involved is one hundred thousand dollars or more but less than one million dollars; ~~and~~

(k) A CLASS 6 FELONY FOR ANY INDIVIDUAL CONVICTED AND SENTENCED FOR A VIOLATION OF SUBSECTION (2)(b), (2)(b.6), OR (2)(c) COMMITTED AFTER JANUARY 1, 2027 WHO HAS TWICE BEEN PREVIOUSLY CONVICTED OF ANY VIOLATION OF THIS SUBSECTION (2); AND

(2.5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE 18, ANY PERSON CONVICTED OF A CLASS 1 MISDEMEANOR VIOLATION OF SUBSECTION (2) SHALL BE SENTENCED TO NO FEWER THAN SEVEN DAYS IMPRISONMENT.

(2.6) ANY PERSON WHO ACTS IN CONCERT WITH TWO OR MORE PERSONS TO TAKE, ATTEMPT TO TAKE, DAMAGE, OR DESTROY ANY PROPERTY, IN THE COMMISSION OR ATTEMPTED COMMISSION OF A FELONY SHALL BE PUNISHED BY AN ADDITIONAL AND CONSECUTIVE TERM OF IMPRISONMENT OF ONE, TWO, OR THREE YEARS.

SECTION 2. In Colorado revised statutes, 18-4-409, **amend** (3)(f); and **add** (8) as follows:

18-4-409. Motor vehicle theft – definitions.

(3) A person commits motor vehicle theft in the second degree if the person knowingly obtains, exercises control over, receives, or retains the motor vehicle of another person; and the person knows or should reasonably have known that the act was without authorization or was by threat or deception; and:

(f) The person or a participant causes ~~one thousand dollars or more~~ property damage, including property damage to the motor vehicle involved, in the course of obtaining control over, in the exercise of control of, in the course of receiving, or in the course of retaining the motor vehicle;

(8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE 18, ANY PERSON CONVICTED OF A VIOLATION OF THIS SECTION 409 SHALL BE SENTENCED TO:

(a) A MINIMUM OF 60 DAYS IMPRISONMENT IF THE DEFENDANT HAS NOT BEEN PREVIOUSLY CONVICTED FOR A VIOLATION OF THIS SECTION 409 OR SECTION 18-4-409.5; OR

(b) A MINIMUM OF 120 DAYS IMPRISONMENT IF THE DEFENDANT HAS BEEN PREVIOUSLY CONVICTED FOR A VIOLATION OF THIS SECTION 409 OR SECTION 18-4-409.5. THE COURT SHALL NOT SET ASIDE OR SUSPEND THIS MINIMUM SENTENCE.

SECTION 3. In Colorado revised statutes, 18-4-409.5, **add** (4) as follows:

18-4-409.5. Unauthorized use of a motor vehicle – definition.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE 18, ANY PERSON CONVICTED OF A VIOLATION OF THIS SECTION 409.5 WHERE THE VEHICLE WAS RECOVERED BY LAW ENFORCEMENT SHALL BE SENTENCED TO:

(a) A MINIMUM OF 60 DAYS IMPRISONMENT IF THE DEFENDANT HAS NOT BEEN PREVIOUSLY CONVICTED FOR A VIOLATION OF THIS SECTION 409.5 OR SECTION 18-4-409; OR

(b) A MINIMUM OF 120 DAYS IMPRISONMENT IF THE DEFENDANT HAS BEEN PREVIOUSLY CONVICTED FOR A VIOLATION OF THIS SECTION 409.5 OR SECTION 18-4-409. THE COURT SHALL NOT SET ASIDE OR SUSPEND THIS MINIMUM SENTENCE.