



**Please Support SB21-124 by Sen Lee & Rep Weissman
Creation of an F2 for Felony Murder**

“Wrong Place at the Wrong Time” is the Wrong Approach

Almost without exception, Colorado’s criminal sentencing system is based on a person’s level of responsibility for the crime they’ve been convicted of committing. Felony Murder, a holdover from British common law, is an inconsistent and unjust outlier that flouts this system.

What is Felony Murder?

- Felony Murder is one of six ways a person can be convicted of first-degree murder in Colorado. However, it is the only way a person can be convicted of first-degree murder without the prosecution having to prove that the defendant had some level of intent to cause a death.
- Because Felony Murder is a class one felony, it carries a **mandatory sentence of life in prison without the possibility of parole—in every case, no matter what.**

The Problem

- Felony Murder is inconsistent with the rest of our criminal sentencing system because a person can be imprisoned for life **without ever having an intent for someone to die** during their crime.
- It is **unjust** to sentence a person who had no intent for murder as harshly as someone who specifically intended to kill another person.
- Unbelievably, a person can currently be convicted of Felony Murder if the death is caused by **anyone**, including someone who wasn’t even an original participant in the crime.
- The current affirmative defense is so difficult and complicated to qualify for that it is virtually impossible for anyone to use as a defense, including the least culpable defendants.
- The mandatory life sentence and ease of proof gives prosecutors unfair leverage and takes away judicial discretion in sentencing.

What the Bill Does

- Requires that one of the participants in the crime – not just anyone – cause the death.
- Makes Felony Murder a class two felony, which does not require a sentence of life without parole.
- Allows for a wide range of punishments, between 16 and 48 years in prison, so judges can use their discretion to sentence defendants based on their true level of responsibility in each case.
- Amends the affirmative defense to make it more accessible to defendants who truly had no role in the circumstances that led to the death.
- Makes conforming amendments to relevant juvenile sentencing provisions.

What the Bill Does Not Do

- The bill **does not** create a “get-out-of-jail-free card.” The maximum sentence is still a significant 48 years, and mandatory prison applies.
- The bill **will not** result in unreasonably lenient sentences for those that don’t deserve one.
- The bill **does not** retroactively change sentences currently being served.

Endorsements for SB21-124:

District Attorneys Champagne (6th Judicial District), Dougherty (20th Judicial District), King (1st Judicial District), Mason (17th Judicial District), McCann (2nd District), McCollum (5th Judicial District), and McLaughlin (8th Judicial District)

