

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB23-039 be amended as follows:

1 Amend printed bill, page 5, line 18, after "19-1-106." insert "If A
2 RESPONDENT VOLUNTARILY WAIVES THE RESPONDENT'S ATTENDANCE AND
3 PARTICIPATION, THE RESPONDENT WAIVES THE RESPONDENT'S ABILITY TO
4 CLAIM THAT THE RESPONDENT'S RIGHT TO ATTEND AND FULLY
5 PARTICIPATE IN ALL PROCEEDINGS WAS VIOLATED. IF THE RESPONDENT IS
6 REPRESENTED BY COUNSEL, COUNSEL SHALL MAKE DILIGENT EFFORTS TO
7 PROVIDE NOTICE TO THE RESPONDENT OF ALL HEARINGS.".

8 Page 5, line 23, strike "ATTENDANCE" and substitute "PERSONAL
9 ATTENDANCE OR ATTENDANCE THROUGH AUDIO-VISUAL COMMUNICATION
10 TECHNOLOGY".

11 Page 6, line 2, strike "ATTEND OR ATTEND" and substitute "ATTEND A
12 CONTESTED HEARING OR ATTEND ANY HEARING".

13 Page 6, line 6, after "TECHNOLOGY." insert "If A WRIT FOR APPEARANCE
14 THROUGH AUDIO-VISUAL COMMUNICATION TECHNOLOGY IS ISSUED, THE
15 COURT SHALL INCLUDE INFORMATION ON THE WRIT CONCERNING THE
16 MANNER BY WHICH THE RESPONDENT MAY APPEAR AND SHALL ENSURE
17 THE WRIT IS PROVIDED TO THE LITIGATION COORDINATOR AT THE FACILITY
18 OR JAIL WHERE THE RESPONDENT IS INCARCERATED. IF THE RESPONDENT
19 IS REPRESENTED BY COUNSEL, THE COURT MAY ORDER THE COUNSEL TO
20 INFORM THE LITIGATION COORDINATOR.".

21 Page 6, line 17, strike "SHALL" and substitute "SHALL, WHEN POSSIBLE,".

22 Page 7, line 1, strike "TECHNOLOGY." and substitute "TECHNOLOGY, SO
23 LONG AS THE REQUIREMENTS PURSUANT TO SUBSECTION (5.5)(b)(I) OF
24 THIS SECTION ARE SATISFIED.".

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