

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 27, 2018

Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB18-1131 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, line 2, strike "24-33.5-521" and substitute
- 2 "13-3-117".
  
- 3 Page 2, line 4, strike "**24-33.5-521.**" and substitute "**13-3-117.**".
  
- 4 Page 2, line 5, strike "DIVISION, IN".
  
- 5 Page 2, line 6, strike "CONSULTATION WITH THE" and strike
- 6 "ADMINISTRATOR," and substitute "ADMINISTRATOR".
  
- 7 Page 2, line 9, after "LET" insert "MUNICIPAL COURTS," and strike
- 8 "COURTS AND" and substitute "COURTS, AND".
  
- 9 Page 2, strike lines 15 and 16 and substitute:
- 10 "(a) ELIMINATE THE TIME AND EXPENSE OF TRANSPORTING
- 11 DEFENDANTS AND PRISONERS HELD IN JAILS, PRISONS, AND MENTAL
- 12 HEALTH FACILITIES TO AND FROM PROCEEDINGS AT WHICH THEIR PHYSICAL
- 13 PRESENCE IS NOT REQUIRED;
- 14 (b) FACILITATE JUDICIAL PROCEEDINGS IN DISTRICTS AND
- 15 MUNICIPALITIES WHERE COURT DOCKETS ARE OVERLY FULL; AND
- 16 (c) ALLOW EXPERT WITNESSES TO TESTIFY."
  
- 17 Strike page 3.

- 1 Page 4, strike lines 1 through 3.
- 2 Renumber succeeding subsections accordingly.
- 3 Page 4, line 15, strike "DIVISION" and substitute "STATE COURT  
4 ADMINISTRATOR".
- 5 Page 4, line 16, after "SECTION." add "THE MUNICIPALITIES OF EACH  
6 MUNICIPAL COURT, IF THEY CHOOSE TO PARTICIPATE IN THE TELEJUSTICE  
7 PROGRAM AT THEIR DISCRETION, ARE RESPONSIBLE FOR THE COSTS OF  
8 INSTALLING AND MAINTAINING SOFTWARE AND EQUIPMENT COMPATIBLE  
9 WITH THE TELEPHONIC OR INTERNET-BASED SOFTWARE USED BY THE  
10 COUNTY COURTS AND DISTRICT COURTS.".
- 11 Page 4, line 17, strike "COUNTY COURTS" and substitute "MUNICIPAL  
12 COURTS, COUNTY COURTS,".
- 13 Page 4, line 20, after "REQUIRED." add "HOWEVER, THE COURT RETAINS  
14 COMPLETE DISCRETION OVER THE USE OF TECHNOLOGY DESCRIBED IN THIS  
15 SECTION, SUBJECT TO CONSTITUTIONAL LIMITATIONS AND ANY RULES  
16 PROMULGATED BY THE COLORADO SUPREME COURT.".
- 17 Page 4, after line 20 insert:  
18 "(4) FOR THE PURPOSE OF THIS SECTION, IN DETERMINING  
19 WHETHER THE PROCEEDING IS ONE AT WHICH THE PHYSICAL PRESENCE OF  
20 THE DEFENDANT OR PRISONER IS NOT REQUIRED, THE COURT SHALL GIVE  
21 DEFENDANT'S COUNSEL AN OPPORTUNITY TO BE HEARD. FURTHER, IF THE  
22 DEFENDANT'S PHYSICAL PRESENCE IS DETERMINED NOT TO BE REQUIRED,  
23 THE COURT SHALL ALLOW COUNSEL THE OPPORTUNITY TO CONSULT WITH  
24 THE DEFENDANT CONFIDENTIALLY BEFORE THE HEARING.  
25 (5) NOTHING IN THIS SECTION REQUIRES THE DIVISION OF YOUTH  
26 SERVICES WITHIN THE DEPARTMENT OF HUMAN SERVICES TO UTILIZE THE  
27 TELEJUSTICE PROGRAM.".
- 28 Page 4, lines 23 and 24, strike "COUNTY JAILS" and substitute "JAILS,  
29 PRISONS, AND MENTAL HEALTH FACILITIES".
- 30 Page 4, line 26, strike "REQUIRED AND" and substitute "REQUIRED,".
- 31 Page 4, strike line 27 and substitute "DISTRICTS AND MUNICIPALITIES  
32 WHERE COURT DOCKETS ARE OVERLY FULL, AND TO ALLOW EXPERT

- 1 WITNESSES TO TESTIFY, EACH MUNICIPAL COURT, EACH COUNTY".
- 2 Page 5, strike lines 1 through 3 and substitute "COURT, AND EACH  
3 DISTRICT COURT IN THE STATE IS ENCOURAGED TO UTILIZE THE  
4 TELEJUSTICE PROGRAM ESTABLISHED WITHIN THE OFFICE OF THE STATE  
5 COURT ADMINISTRATOR PURSUANT TO SECTION 13-3-117."
- 6 Page 5, line 6, strike "**division of criminal justice**" and substitute "**state  
7 court administrator**".
- 8 Page 5, line 7, strike "24-33.5-521," and substitute "13-3-117,".
- 9 Page 5, strike lines 8 and 9 and substitute "NOVEMBER 1, 2018, THE  
10 COMMISSION SHALL REPORT TO THE OFFICE OF THE STATE COURT  
11 ADMINISTRATOR. THE REPORT".
- 12 Page 5, line 15, strike "24-33.5-521." and substitute "13-3-117.".
- 13 Page 6, strike line 1 and substitute "13-3-117.".

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