

CHAPTER 306

CRIMINAL LAW AND PROCEDURE

SENATE BILL 10-159

BY SENATOR(S) Foster, Boyd, Newell;
also REPRESENTATIVE(S) Miklosi, Apuan, Court, Kagan, Labuda, Pace, Todd, Vigil, Carroll T.

AN ACT**CONCERNING DEFENDANT'S STATEMENTS AT A COMMUNITY CORRECTIONS HEARING.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 27 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-27-103.5. Statements relating to a transitional referral to community corrections. (1) PURSUANT TO THE PROVISIONS OF SECTION 24-4.1-302.5 (1) (j.5), C.R.S., A VICTIM SHALL HAVE THE RIGHT TO PROVIDE A WRITTEN VICTIM IMPACT STATEMENT AND A SEPARATE ORAL STATEMENT TO A COMMUNITY CORRECTIONS BOARD CONSIDERING AN OFFENDER'S TRANSITIONAL REFERRAL TO COMMUNITY CORRECTIONS.

(2) (a) (I) A COMMUNITY CORRECTIONS BOARD SHALL ALLOW, WITHIN THE PARAMETERS SET BY THE BOARD, AN OFFENDER WHO IS UNDER CONSIDERATION FOR TRANSITIONAL PLACEMENT IN A COMMUNITY CORRECTIONS PROGRAM UNDER THE BOARD'S JURISDICTION TO PROVIDE A WRITTEN STATEMENT TO THE COMMUNITY CORRECTIONS BOARD CONCERNING THE OFFENDER'S TRANSITION PLAN AND COMMUNITY SUPPORT AND THE APPROPRIATENESS OF PLACING THE OFFENDER IN A COMMUNITY CORRECTIONS PROGRAM.

(II) IF AN OFFENDER ELECTS TO SUBMIT A WRITTEN STATEMENT TO A COMMUNITY CORRECTIONS BOARD PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), AND THE OFFENDER PROVIDES A WRITTEN STATEMENT TO THE DEPARTMENT PURSUANT TO THE PROCEDURES AND TIME FRAME ESTABLISHED BY THE DEPARTMENT, THE DEPARTMENT SHALL INCLUDE THE STATEMENT WITH ANY REFERRAL TO A COMMUNITY CORRECTIONS BOARD CONSIDERING THE OFFENDER'S

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

TRANSITIONAL REFERRAL TO A COMMUNITY CORRECTIONS PROGRAM.

(b) A COMMUNITY CORRECTIONS BOARD MAY ALLOW, WITHIN THE PARAMETERS SET BY THE BOARD, AN OFFENDER TO DESIGNATE A PERSON OTHER THAN THE OFFENDER TO SUBMIT A WRITTEN STATEMENT OR GIVE AN ORAL STATEMENT ON THE OFFENDER'S BEHALF TO A COMMUNITY CORRECTIONS BOARD CONSIDERING THE OFFENDER'S TRANSITIONAL REFERRAL TO A COMMUNITY CORRECTIONS PROGRAM.

(3) A COMMUNITY CORRECTIONS BOARD SHALL DEVELOP WRITTEN POLICIES AND PROCEDURES CONSISTENT WITH THE PROVISIONS OF THIS SECTION AND SECTION 24-4.1-302.5 (1) (j.5), C.R.S., THAT ARE AVAILABLE TO THE PUBLIC CONCERNING THE PARAMETERS FOR WRITTEN AND ORAL STATEMENTS BY VICTIMS AND THE PERMISSIBILITY OF AND THE PARAMETERS FOR A WRITTEN OR ORAL STATEMENT BY A PERSON DESIGNATED BY AN OFFENDER.

(4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THE DEPARTMENT OR A COMMUNITY CORRECTIONS BOARD TO PROVIDE TRANSPORTATION OR MAKE ARRANGEMENTS FOR THE APPEARANCE AT A COMMUNITY CORRECTIONS HEARING OF AN OFFENDER OR, IF PERMITTED BY A COMMUNITY CORRECTIONS BOARD, THE PERSON DESIGNATED BY THE OFFENDER PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION TO GIVE AN ORAL STATEMENT OR TO SUBMIT A WRITTEN STATEMENT ON THE OFFENDER'S BEHALF.

(5) THE DEPARTMENT SHALL NOT BE REQUIRED TO PROVIDE NOTICE TO ANY PERSON, OTHER THAN A REGISTERED VICTIM, OF A COMMUNITY CORRECTIONS BOARD HEARING RELATING TO THE OFFENDER.

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 27, 2010