

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB23-1293 be amended as follows:

1 Amend printed bill, page 2, after line 27, insert:

2 "SECTION 3. In Colorado Revised Statutes, 16-8-115, amend
3 (3)(c) as follows:

4 **16-8-115. Release from commitment after verdict of not guilty**
5 **by reason of insanity or not guilty by reason of impaired mental**
6 **condition.** (3) (c) A defendant who has been conditionally released
7 remains under the supervision of the department of human services until
8 the committing court enters a final order of unconditional release. When
9 a defendant fails to comply with any conditions of his release requiring
10 him to establish, maintain, and reside at a specific residence and his
11 whereabouts have therefore become unknown to the authorities charged
12 with his supervision or when the defendant leaves the state of Colorado
13 without the consent of the committing court, the defendant's absence from
14 supervision shall constitute ~~escape~~ UNAUTHORIZED ABSENCE, as defined
15 in section ~~18-8-208, C.R.S.~~ 18-8-208.2. Such offense occurs in the county
16 in which the defendant is authorized to reside."

17 Renumber succeeding sections accordingly.

18 Page 3, line 15, strike "(1)(f.5)(I)" and substitute "(1)(f.5)(I), (2)(c)(I),".

19 Page 3, after line 25 insert:

20 "(2) (c) (I) If a defendant is convicted of assault in the second
21 degree pursuant to ~~paragraph (c.5) of subsection (1) of this section or~~
22 ~~paragraph (b.5) of this subsection (2)~~ SUBSECTION (2)(b.5) OF THIS
23 SECTION, except with respect to sexual assault or sexual assault in the first
24 degree as it existed prior to July 1, 2000, the court shall sentence the
25 defendant in accordance with the provisions of section 18-1.3-406. A
26 defendant convicted of assault in the second degree pursuant to paragraph
27 (b.5) of this subsection (2) with respect to sexual assault or sexual assault
28 in the first degree as it existed prior to July 1, 2000, shall be sentenced in
29 accordance with section 18-1.3-401 (8)(e) or (8)(e.5).".

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31 Page 3, line 26, strike "(2) (c)".

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