HB1187_L.005   Amendment No. _____
                          HB23-1187
                    HOUSE FLOOR AMENDMENT
Second Reading   BY REPRESENTATIVE Amabile

1   Amend the Judiciary Committee Report, dated February 22, 2023, page
2   1, after line 6 insert:

3   "Page 11 of the printed bill, after line 21 insert:

4   "(8) IF A DEFENDANT, WHO IS SENTENCED TO INCARCERATION,
5   LEARNS THAT THE DEFENDANT IS PREGNANT FOLLOWING THE SENTENCING
6   HEARING, OR A POSTPARTUM DEFENDANT EXPERIENCES CHANGES TO THE
7   DEFENDANT'S POSTPARTUM CONDITION FOLLOWING THE SENTENCING
8   HEARING, THIS SECTION DOES NOT PRECLUDE THE PREGNANT OR
9   POSTPARTUM DEFENDANT FROM REQUESTING RECONSIDERATION OF THE
10   SENTENCE PURSUANT TO RULE 35 (b) OF THE RULES OF CRIMINAL
11   PROCEDURE. DURING THE RECONSIDERATION HEARING, THIS SECTION
12   APPLIES.".".

13   Page 1 of the report, after line 8 insert:

14   "Page 16 of the bill, after line 8 insert:

15   "**SECTION 7.** In Colorado Revised Statutes, 18-1.3-203,**amend**
16   (2) introductory portion; and **add** (2)(o) as follows:
17   **18-1.3-203. Criteria for granting probation.** (2) The following
18   factors, or the converse ~~thereof where~~ WHEN appropriate, while not
19   controlling the discretion of the court, ~~shall~~ MUST be accorded weight in
20   making determinations called for by subsection (1) of this section:
21   (o) THE DEFENDANT IS A PREGNANT OR POSTPARTUM DEFENDANT,
22   AS DEFINED IN SECTION 18-1.3-103.7.".

23   Renumber succeeding sections accordingly.".

24   Page 2 of the report, after line 20 insert:

25   "Page 25 of the bill, after line 10 insert:

26   "(8) IF A JUVENILE, WHO IS SENTENCED TO DETENTION OR
27   COMMITMENT, LEARNS THAT THE JUVENILE IS PREGNANT FOLLOWING THE
28   SENTENCING HEARING, OR A POSTPARTUM JUVENILE EXPERIENCES
29   CHANGES TO THE JUVENILE'S POSTPARTUM CONDITION FOLLOWING THE
30   SENTENCING HEARING, THIS SECTION DOES NOT PRECLUDE THE PREGNANT
31   OR POSTPARTUM JUVENILE FROM REQUESTING RECONSIDERATION OF THE
32   SENTENCE PURSUANT TO RULE 35 (b) OF THE RULES OF CRIMINAL
33   PROCEDURE. DURING THE RECONSIDERATION HEARING, THIS SECTION
34   APPLIES.".".

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