

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB26-015 be amended as follows:

1 Amend reengrossed bill, page 4, line 5, strike "PROBATION" and substitute  
2 "PROBATION, IN ADDITION TO THE REQUIREMENTS OF SECTION 18-1.3-1007  
3 (1)(a),".

4 Page 9, after line 3 insert:

5 "SECTION 10. In Colorado Revised Statutes, 18-1.3-202, **amend**  
6 (1)(a); and **add** (1)(c) as follows:

7 **18-1.3-202. Probationary power of court.**

8 (1) (a) When it appears to the satisfaction of the court that the  
9 ends of justice and the best interest of the public, as well as the defendant,  
10 will be served thereby, the court may grant the defendant probation for  
11 such period and upon such terms and conditions as it deems best. The  
12 length of probation shall be subject to the discretion of the court and may  
13 exceed the maximum period of incarceration authorized for the  
14 classification of the offense of which the defendant is convicted but shall  
15 not exceed five years for any misdemeanor or petty offense. If the court  
16 chooses to grant the defendant probation, the order placing the defendant  
17 on probation shall take effect upon entry and, if any appeal is brought,  
18 shall remain in effect pending review by an appellate court unless the  
19 court grants a stay of probation pursuant to section 16-4-201. Unless an  
20 appeal is filed that raises a claim that probation was granted contrary to  
21 the provisions of this title, the trial court shall retain jurisdiction of the  
22 case for the purpose of adjudicating complaints filed against the  
23 defendant that allege a violation of the terms and conditions of probation.  
24 In addition to imposing other conditions, the court has the power to  
25 commit the defendant to any jail operated by the county or city and county  
26 in which the offense was committed during such time or for such intervals  
27 within the period of probation as the court determines. Except as  
28 described in ~~subsection (1)(b)~~ SUBSECTIONS (1)(b) AND (1)(c) of this  
29 section, the aggregate length of any such commitment whether continuous  
30 or at designated intervals may not exceed ninety days for a felony, sixty  
31 days for a misdemeanor, or ten days for a petty offense unless it is a part  
32 of a work release program pursuant to section 18-1.3-207. That the  
33 defendant submit to commitment imposed under this section is deemed  
34 a condition of probation.

35 (c) FOR A DEFENDANT WHO IS CONVICTED OF AN OFFENSE  
36 DESCRIBED IN SECTION 18-7-402, THE AGGREGATE LENGTH OF ANY  
37 COMMITMENT TO A COUNTY JAIL IS DETERMINED AS PROVIDED IN SECTION  
38 18-7-402 (2)(d).".

39 Renumber succeeding sections accordingly.

\*\* \*\*\* \*\* \*\*\* \*\*