

SENATE COMMITTEE OF REFERENCE AMENDMENT  
Committee on Judiciary.

SB25-189 be amended as follows:

- 1    Amend printed bill, page 2, line 8, strike "sentencing hearing" and  
2    substitute "~~sentencing hearing~~ HABITUAL PROCEEDING".
- 3    Page 2, line 9, strike "convictions." and substitute "convictions,".
- 4    Page 2, strike lines 14 through 20 and substitute:  
5    "~~16-6-201, C.R.S.~~ WHETHER THE CONVICTIONS WERE SEPARATELY  
6    BROUGHT AND TRIED, AND WHETHER THE CONVICTIONS AROSE OUT OF  
7    SEPARATE AND DISTINCT CRIMINAL EPISODES. THE HABITUAL PROCEEDING  
8    MUST BE CONDUCTED BEFORE THE SAME JURY IMPANELED TO TRY THE  
9    SUBSTANTIVE OFFENSE; EXCEPT THAT, WHEN NECESSARY AND AS  
10   CONSTITUTIONALLY PERMISSIBLE, A NEW JURY MAY BE IMPANELED. IF A  
11   NEW JURY IS IMPANELED THE COURT SHALL HOLD THE HABITUAL  
12   PROCEEDING AS SOON AS PRACTICABLE.".
- 13   Page 2, line 24, strike "hearing" and substitute "~~hearing~~ HABITUAL  
14   PROCEEDING".
- 15   Page 2, line 25, strike "alleged." and substitute "alleged, WHETHER THE  
16   CONVICTIONS WERE SEPARATELY BROUGHT AND TRIED, AND WHETHER THE  
17   CONVICTIONS AROSE OUT OF SEPARATE AND DISTINCT CRIMINAL  
18   EPISODES.".
- 19   Page 3, line 9, strike "alleged." and substitute "alleged, THE CONVICTIONS  
20   WERE SEPARATELY BROUGHT AND TRIED, AND THE CONVICTIONS AROSE  
21   OUT OF SEPARATE AND DISTINCT CRIMINAL EPISODES.".
- 22   Page 3, strike lines 26 and 27 and substitute "CONVICTED AS ALLEGED,  
23   THE CONVICTIONS WERE SEPARATELY BROUGHT AND TRIED, AND THE  
24   CONVICTIONS AROSE OUT OF SEPARATE AND DISTINCT CRIMINAL EPISODES.  
25   IF, DURING THE TRIAL ON THE SUBSTANTIVE OFFENSE, THE JURY HAS  
26   HEARD THE DEFENDANT ADMIT A PREVIOUS CONVICTION,".
- 27   Page 4, strike lines 1 and 2.
- 28   Page 4, line 3, strike "PREVIOUSLY CONVICTED,".
- 29   Page 4, lines 24 and 25, strike "sentencing hearings" and substitute  
30   "habitual proceedings".

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