

HOUSE COMMITTEE OF REFERENCE AMENDMENT
Committee on Judiciary.

HB21-1209 be amended as follows:

1 Amend printed bill, page 5, line 2, strike "(4)(a)" and substitute "(4)(a);
2 and **add** (1)(a)(IV)".

3 Page 5, line 15, strike "AGE," and substitute "AGE AND THAT SENTENCE IS
4 NOT A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE,".

5 Page 5, line 20, strike "If" and substitute "EXCEPT AS PROVIDED IN
6 SUBSECTION (1)(a)(IV) OF THIS SECTION, if".

7 Page 6, after line 3 insert:

8 "(IV) IF THE FELONY THE PERSON WAS CHARGED WITH WAS
9 MURDER IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-102, WITH
10 THE POSSIBLE PENALTY OF LIFE WITHOUT THE POSSIBILITY OF PAROLE, AND
11 THE PERSON WAS EIGHTEEN YEARS OF AGE OR OLDER BUT LESS THAN
12 TWENTY-ONE YEARS OF AGE AT THE TIME OF THE COMMISSION OF THE
13 OFFENSE, AND THE PERSON ENTERED A PLEA OF GUILTY TO A LESSER
14 FELONY OFFENSE AND RECEIVED A DETERMINATE SENTENCE TO THE
15 DEPARTMENT WITH THE POSSIBILITY OF PAROLE, THEN THE OFFENDER MAY
16 ONLY PETITION FOR PLACEMENT IN THE SPECIALIZED PROGRAM AFTER
17 SERVING THIRTY CALENDAR YEARS OF HIS OR HER SENTENCE AND THE
18 OFFENDER MAY ONLY BE RELEASED ON EARLY PAROLE PURSUANT TO THE
19 PROVISIONS OF SECTION 17-22.5.403.7 (2) AFTER SERVING THIRTY-FIVE
20 CALENDAR YEARS.".

21 Page 6, line 22, strike "(8)(b)" and substitute "(8)(b); and **add** (8)(c)".

22 Page 7, line 20, after "(8)(b)" insert "AND (8)(c)".

23 Page 8, after line 3 insert:

24 "(c) IF THE FELONY THE PERSON WAS CHARGED WITH WAS MURDER
25 IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-102, WITH THE
26 POSSIBLE PENALTY OF LIFE WITHOUT THE POSSIBILITY OF PAROLE, AND THE
27 PERSON WAS EIGHTEEN YEARS OF AGE OR OLDER BUT LESS THAN
28 TWENTY-ONE YEARS OF AGE AT THE TIME OF THE COMMISSION OF THE
29 OFFENSE, AND THE PERSON ENTERED A PLEA OF GUILTY TO A LESSER
30 FELONY OFFENSE AND RECEIVED A DETERMINATE SENTENCE TO THE
31 DEPARTMENT WITH THE POSSIBILITY OF PAROLE, AND THE OFFENDER HAS
32 SERVED THIRTY-FIVE CALENDAR YEARS OF HIS OR HER SENTENCE AND
33 SUCCESSFULLY COMPLETED THE PROGRAM, UNLESS REBUTTED BY
34 RELEVANT EVIDENCE, THE PRESUMPTIONS DESCRIBED IN SUBSECTIONS
35 (8)(a)(I) AND (8)(a)(II) OF THIS SECTION APPLY.".

*** *** *** ***