

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0719.01 Ken Fowler x2372

SENATE BILL 26-096

SENATE SPONSORSHIP

Hinrichsen,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING JUSTICE-INVOLVED VETERANS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill allows defendant veterans to request an eligibility assessment to determine if they are eligible for veteran deferred sentencing. The bill states the offenses eligible and the requirements that must be met by veteran defendants to qualify for veteran deferred sentencing. The bill establishes what a court must include in a veteran defendant's deferred sentence and establishes what a veteran defendant must do to complete their deferred sentence and when they are eligible for discharge from probation and for dismissal of their charges.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

The bill requires courts to consider veteran status, when disclosed, when considering the sentence of a veteran defendant. The bill requires law enforcement, courts, and corrections personnel to receive training regarding justice-involved veterans. The bill requires courts to track and report the number of veteran defendants receiving, completing, declining, and denied veteran-deferred sentences. The bill requires the division of criminal justice in the department of public safety to develop a plan to track and evaluate outcomes of veteran defendants who receive veteran-deferred sentences.

The bill requires the department of corrections (department) to create a veteran identification process that must be implemented in all offender diagnostic centers that allows the department to record which offenders are veterans. The bill requires that veteran offenders be considered, when appropriate, for correctional facility veteran housing units and veteran services and have their veteran status be considered in structuring their rehabilitation program.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Over 330,000 veterans live in Colorado, many of whom have
5 experienced combat and returned home with "invisible injuries" such as
6 PTSD, traumatic brain injury, substance use disorder, military sexual
7 trauma, and other trauma-related conditions;

8 (b) Research has found a significant correlation between military-
9 service-related invisible injuries and aggressive, self-destructive behavior,
10 increased suicide risk, and involvement with the criminal justice system,
11 leading to disproportionate incarceration levels of veterans;

12 (c) A study found that 87% of incarcerated veterans have
13 experienced trauma and 39% screened positive for PTSD, compared to
14 6% of the civilian population;

15 (d) Colorado has established a veterans court program to help
16 justice-involved veterans and active-duty military members address

1 service-related trauma through rehabilitation, treatment, and peer support;

2 (e) Only 5 of Colorado's 23 judicial districts have veterans court
3 programs, meaning only 10% to 15% of Colorado justice-involved
4 veterans have access to a veterans court program, leaving many
5 justice-involved veterans, especially those in rural areas, without support;

6 (f) Establishing veteran-deferred sentencing and sentence
7 mitigation options in courts statewide will close the justice-involved
8 veterans support gap by helping eligible veterans with military-
9 service-related injuries across the state receive treatment, thereby
10 reducing recidivism, enhancing public safety, and helping veterans be
11 successful in their communities, all while saving taxpayer money on jail
12 and prison beds; and

13 (g) Establishing a standardized process to identify veterans at
14 department of corrections diagnostic centers is a critical gateway to
15 rehabilitation, continuity of care, and public safety, and a failure to
16 identify veterans early results in higher correctional costs, increased
17 medical and mental health expenditures, and missed opportunities for
18 diversion, programming, treatment, and reentry planning.

19 **SECTION 2.** In Colorado Revised Statutes, **add** 18-1.3-103.8 as
20 follows:

21 **18-1.3-103.8. Justice-involved veterans - eligibility assessment**
22 **- deferred sentencing - discharge and dismissal - data collection and**
23 **evaluation - sentence mitigation - training - legislative declaration -**
24 **definitions.**

25 (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
26 OTHERWISE REQUIRES:

27 (a) "APPLICABLE CONDITION" MEANS SUBSTANCE USE DISORDER,

1 MILITARY SEXUAL TRAUMA, TRAUMATIC BRAIN INJURY, POST-TRAUMATIC
2 STRESS DISORDER, OR OTHER MENTAL HEALTH CONDITION THAT IS
3 RELATED TO AN INDIVIDUAL'S MILITARY SERVICE IN SOME MANNER,
4 INCLUDING PSYCHOLOGICAL EFFECTS FROM A VETERAN'S TIME IN SERVICE
5 OR A PERIOD OF FAMILY SEPARATION RELATED TO DEPLOYMENT.

6 (b) "ELIGIBLE OFFENSE" MEANS A FELONY OR MISDEMEANOR
7 EXCEPT FOR A FELONY OR MISDEMEANOR THAT IS A CRIME OF VIOLENCE AS
8 DESCRIBED IN SECTION 18-1.3-406.

9 (c) "VETERAN" MEANS A PERSON WHO ACTIVELY SERVED OR IS
10 SERVING IN THE UNITED STATES ARMED FORCES. "VETERAN" INCLUDES A
11 PERSON WHO SERVED OR IS SERVING IN THE NATIONAL GUARD OR AS A
12 RESERVIST.

13 (2) **Eligibility assessment.**

14 (a) BEFORE BEING SENTENCED, A VETERAN WHO IS CONVICTED OF
15 AN ELIGIBLE OFFENSE MAY REQUEST THAT THE COURT CONDUCT AN
16 ELIGIBILITY ASSESSMENT TO DETERMINE WHETHER THE DEFENDANT IS
17 ELIGIBLE FOR A DEFERRED SENTENCE PURSUANT TO THIS SECTION.

18 (b) A DEFENDANT WHO IS A HABITUAL OFFENDER AS DESCRIBED IN
19 SECTION 18-1.3-801 IS NOT ELIGIBLE FOR A DEFERRED SENTENCE.

20 (c) UPON MAKING AN ELIGIBILITY ASSESSMENT REQUEST, THE
21 DEFENDANT MUST RELEASE OR AUTHORIZE ACCESS TO MILITARY SERVICE
22 REPORTS AND RECORDS RELATING TO AN ALLEGED APPLICABLE CONDITION
23 STEMMING FROM SERVICE IN THE UNITED STATES ARMED FORCES. THE
24 COURT SHALL FILE THESE RECORDS AS CONFIDENTIAL, AND THE RECORDS
25 MUST REMAIN SEALED PURSUANT TO SECTION 24-72-705 (1)(a). THE
26 DEFENDANT, THROUGH EXISTING RECORDS OR A LICENSED PROFESSIONAL
27 EVALUATION, HAS THE BURDEN TO ESTABLISH THE DIAGNOSIS OF THE

1 APPLICABLE CONDITION AND THE CONDITION'S CONNECTION TO MILITARY
2 SERVICE. THE COURT, ON ITS OWN MOTION OR THE PROSECUTOR'S MOTION
3 WITH NOTICE TO DEFENSE COUNSEL, MAY ORDER THE DEFENDANT TO
4 FURNISH TO THE COURT FOR IN CAMERA REVIEW AND TO THE PROSECUTOR
5 COPIES OF ALL MEDICAL AND MILITARY SERVICE REPORTS AND RECORDS
6 PREVIOUSLY OR SUBSEQUENTLY MADE CONCERNING THE DEFENDANT'S
7 CONDITION AND THE CONDITION'S CONNECTION TO MILITARY SERVICE.

8 (d) A DEFENDANT IS ELIGIBLE FOR DEFERRED SENTENCING
9 PURSUANT TO THIS SECTION IF THE VETERAN DEFENDANT'S CHARGED
10 OFFENSE IS AN ELIGIBLE OFFENSE, THE VETERAN DEFENDANT HAS FILED
11 THE REQUIRED DOCUMENTS, THE DEFENDANT IS NOT A HABITUAL
12 OFFENDER AS DESCRIBED IN SECTION 18-1.3-801, AND THE COURT
13 DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT:

14 (I) THE DEFENDANT SUFFERS FROM AN APPLICABLE CONDITION;

15 (II) THE CONDITION STEMS FROM THE DEFENDANT'S SERVICE IN
16 THE UNITED STATES ARMED FORCES; AND

17 (III) THE OFFENSE WAS COMMITTED AS A RESULT OF THE
18 APPLICABLE CONDITION.

19 (e) WITHIN FOURTEEN DAYS AFTER A COURT'S ELIGIBILITY
20 ASSESSMENT FINDING, EITHER PARTY MAY FILE A CHALLENGE AND
21 REQUEST A HEARING ON THE DEFENDANT'S ELIGIBILITY FOR DEFERRED
22 SENTENCING.

23 (3) **Deferred sentencing.**

24 (a) WHEN A COURT FINDS A DEFENDANT ELIGIBLE FOR DEFERRED
25 SENTENCING AND THE DEFENDANT IS FOUND GUILTY AT TRIAL OR UPON A
26 PLEA OF GUILTY, THE COURT SHALL:

27 (I) DEFER FURTHER PROCEEDINGS AND PLACE A DEFENDANT WHO

1 IS ELIGIBLE FOR DEFERRED SENTENCING ON PROBATION ON REASONABLE
2 CONDITIONS AND FOR A PERIOD NOT TO EXCEED THE MAXIMUM PERIOD
3 PROVIDED BY LAW;

4 (II) IMPOSE CONDITIONS THAT INCLUDE TREATMENT, SERVICES,
5 REHABILITATION, OR EDUCATION SUFFICIENT SO THAT, IF COMPLETED, THE
6 DEFENDANT WOULD BE ELIGIBLE FOR DISCHARGE FROM PROBATION AND
7 DISMISSAL OF CHARGES PURSUANT TO THIS SECTION;

8 (III) ORDER A MENTAL HEALTH ASSESSMENT CONDUCTED BY A
9 LICENSED MENTAL HEALTH PROFESSIONAL; AND

10 (IV) ORDER COMPLETION OF A CASE PLAN CREATED BY THE
11 PRESIDING JUDGE IN COLLABORATION WITH A VETERANS JUSTICE
12 OUTREACH SPECIALIST FROM THE UNITED STATES DEPARTMENT OF
13 VETERANS AFFAIRS AND THE PROBATION OFFICER ASSIGNED TO THE CASE
14 THAT INCORPORATES THE RECOMMENDATIONS CONTAINED IN THE
15 LICENSED MENTAL HEALTH PROFESSIONAL'S ASSESSMENT.

16 (b) THE COURT MAY ORDER A DEFENDANT TO ATTEND A
17 TREATMENT PROGRAM AS A CONDITION OF PROBATION FOR A PERIOD UP TO
18 THE MAXIMUM ALLOWABLE PERIOD PROVIDED BY LAW.

19 (c) IF THE COURT DETERMINES THAT A DEFENDANT IS ELIGIBLE FOR
20 A DEFERRED SENTENCE BUT THE DEFENDANT HAS PREVIOUSLY RECEIVED
21 A DEFERRED SENTENCE PURSUANT TO THIS SECTION FOR A FELONY
22 OFFENSE, THE COURT MAY IMPOSE A DEFERRED SENTENCE OR SENTENCE
23 THE DEFENDANT AS OTHERWISE PROVIDED IN LAW.

24 (d) IF A DEFENDANT VIOLATES A CONDITION OF THEIR PROBATION,
25 THE COURT MAY ENTER AN ADJUDICATION OF GUILT AND PROCEED AS
26 OTHERWISE PROVIDED IN LAW.

27 (e) IF AVAILABLE, THE DEFENDANT'S PROBATION MAY BE

1 SUPERVISED BY A VETERANS COURT PROGRAM PURSUANT TO SECTION
2 18-1.3-202.5. A VETERANS COURT PROGRAM SHALL TIMELY
3 COMMUNICATE A DEFENDANT'S SUCCESSFUL OR UNSUCCESSFUL
4 COMPLETION OF THE PROGRAM TO THE COURT OF ORIGINAL JURISDICTION
5 FOR FURTHER ACTION.

6 (4) **Discharge and dismissal.**

7 (a) UPON THE EXPIRATION OF THE PERIOD OF A DEFENDANT'S
8 PROBATION, THE COURT SHALL HOLD A HEARING TO DISCHARGE THE
9 DEFENDANT FROM PROBATION AND DETERMINE WHETHER TO DISMISS THE
10 PROCEEDINGS AGAINST A DEFENDANT WHO RECEIVED A DEFERRED
11 SENTENCE PURSUANT TO THIS SECTION. THE HEARING MUST BE
12 SCHEDULED SO THAT THE PARTIES HAVE ADEQUATE TIME TO PREPARE AND
13 PRESENT ARGUMENTS REGARDING THE ISSUE OF DISMISSAL. THE PARTIES
14 MAY SUBMIT WRITTEN ARGUMENTS TO THE COURT PRIOR TO THE DATE OF
15 THE HEARING AND MAKE ORAL ARGUMENTS BEFORE THE COURT AT THE
16 HEARING.

17 (b) THE PROSECUTION SHALL PROVIDE NOTICE TO ANY
18 IDENTIFIABLE VICTIM OF THE OFFENSE AT LEAST FOURTEEN DAYS BEFORE
19 THE HEARING IS HELD. THE VICTIM MAY SUBMIT AN ORAL OR WRITTEN
20 STATEMENT TO THE COURT AT THE TIME OF THE HEARING DESCRIBING THE
21 HARM THEY SUFFERED AS A RESULT OF THE CRIME AND THE VICTIM'S
22 RECOMMENDATION ON WHETHER THE DISMISSAL SHOULD BE GRANTED OR
23 DENIED. THE JUDGE SHALL CONSIDER THE VICTIM'S STATEMENT WHEN
24 MAKING THE DECISION. IF THE VICTIM NOTIFIES THE PROSECUTOR OF AN
25 OBJECTION TO DISMISSAL AND IS NOT PRESENT AT THE HEARING, THE
26 PROSECUTOR SHALL MAKE THE VICTIM'S OBJECTION KNOWN TO THE
27 COURT.

1 (c) AFTER THE HEARING DESCRIBED IN SUBSECTION (5)(a) OF THIS
2 SECTION, THE COURT SHALL DISMISS THE PROCEEDINGS AGAINST THE
3 DEFENDANT IF THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE
4 THAT THE DEFENDANT:

5 (I) SUCCESSFULLY COMPLETED PROBATION;

6 (II) SUCCESSFULLY COMPLETED COURT-ORDERED TREATMENT,
7 SERVICES, OR EDUCATION TO ADDRESS THE APPLICABLE CONDITION
8 CAUSED BY MILITARY SERVICE;

9 (III) DOES NOT REPRESENT A DANGER TO THE HEALTH OR SAFETY
10 OF A VICTIM OR OTHERS; AND

11 (IV) HAS DEMONSTRATED SIGNIFICANT BENEFIT FROM
12 COURT-ORDERED EDUCATION, TREATMENT, OR REHABILITATION TO
13 CLEARLY SHOW THAT A DISCHARGE AND DISMISSAL IS IN THE INTERESTS
14 OF JUSTICE.

15 (d) IN DETERMINING THE INTERESTS OF JUSTICE, THE COURT MAY
16 CONSIDER, AMONG OTHER FACTORS, THE FOLLOWING:

17 (I) THE DEFENDANT'S COMPLETION AND DEGREE OF PARTICIPATION
18 IN EDUCATION, TREATMENT, OR REHABILITATION AS ORDERED BY THE
19 COURT;

20 (II) THE DEFENDANT'S PROGRESS IN FORMAL EDUCATION;

21 (III) THE DEFENDANT'S DEVELOPMENT OF CAREER POTENTIAL;

22 (IV) THE DEFENDANT'S LEADERSHIP AND PERSONAL
23 RESPONSIBILITY EFFORTS;

24 (V) COMMUNITY SERVICE COMPLETED BY THE DEFENDANT;

25 (VI) THE LEVEL OF HARM TO THE COMMUNITY FROM THE OFFENSE;

26 (VII) THE LEVEL OF HARM TO THE VICTIM FROM THE OFFENSE; OR

27 (VIII) THE STATEMENT OF THE VICTIM, IF ANY.

1 (e) IF THE COURT FINDS THAT THE DEFENDANT DOES NOT QUALIFY
2 FOR DISCHARGE AND DISMISSAL PURSUANT TO THIS SECTION, THE COURT
3 SHALL ENTER AN ADJUDICATION OF GUILT AND PROCEED AS OTHERWISE
4 PROVIDED IN LAW.

5 (f) IF THE COURT FINDS THE DEFENDANT QUALIFIES FOR DISMISSAL,
6 THE COURT SHALL DISMISS THE CHARGES AGAINST THE DEFENDANT.

7 **(5) Data collection and evaluation.**

8 (a) EACH JUDICIAL DISTRICT SHALL TRACK AND REPORT ANNUALLY
9 TO THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC
10 SAFETY THE NUMBER OF VETERAN DEFENDANTS RECEIVING,
11 SUCCESSFULLY COMPLETING, DECLINING, AND DENIED A VETERAN
12 DEFERRED SENTENCE. ALL DATA COLLECTED AND REPORTED MUST BE
13 CATEGORIZED BY RACE, ETHNICITY, GENDER, AGE, MILITARY DISCHARGE
14 CHARACTERIZATION, AND OFFENSE TYPE.

15 (b) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
16 PUBLIC SAFETY SHALL DEVELOP AND IMPLEMENT A PLAN FOR TRACKING
17 OUTCOMES AMONG VETERANS WHO RECEIVE A VETERAN-DEFERRED
18 SENTENCE, INCLUDING RECIDIVISM, HOUSING STATUS, AND EMPLOYMENT
19 STATUS.

20 (c) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
21 PUBLIC SAFETY SHALL DEVELOP A PLAN FOR OUTGOING EVALUATIONS BY
22 VETERAN DEFENDANTS WHO RECEIVED A VETERAN-DEFERRED SENTENCE.

23 **(6) Sentencing mitigation.**

24 (a) AT ARRAIGNMENT, THE COURT SHALL NOTIFY A DEFENDANT
25 THAT VETERAN STATUS MAY HAVE MITIGATION VALUE IN SENTENCING.

26 (b) BEFORE SENTENCING, THE COURT SHALL OFFER A DEFENDANT
27 THE ABILITY TO COMMUNICATE THEIR VETERAN STATUS THROUGH

1 COUNSEL OR BY OTHER MEANS, AVOIDING THE NEED FOR
2 SELF-IDENTIFICATION OF VETERAN STATUS IN OPEN COURT. IF A
3 DEFENDANT COMMUNICATES THEIR VETERAN STATUS TO THE COURT PRIOR
4 TO SENTENCING AND THE DEFENDANT'S CONVICTION IS A MISDEMEANOR
5 OR FELONY OTHER THAN A CLASS 1 FELONY OR AN OFFENSE THAT
6 REQUIRES SEX OFFENDER REGISTRATION PURSUANT TO SECTION
7 16-22-103, THE COURT SHALL CONSIDER THE DEFENDANT'S VETERAN
8 STATUS AS A MITIGATING FACTOR WHEN DETERMINING THE DEFENDANT'S
9 SENTENCE.

10 (c) BEFORE SENTENCING, A VETERAN DEFENDANT MAY PRESENT
11 PROOF TO THE COURT THAT THE DEFENDANT HAS, SINCE THE COMMISSION
12 OF THE OFFENSE, ENGAGED IN SUBSTANTIAL REHABILITATIVE EFFORTS.

13 (d) IF PROVIDED, THE COURT SHALL CONSIDER INDIVIDUAL MERIT
14 EARNED DURING SERVICE, OVERSEAS DEPLOYMENT, EXPOSURE TO
15 DANGER, AND SERVICE-CONNECTED DISABILITY RATINGS WHEN
16 DETERMINING A VETERAN DEFENDANT'S SENTENCE. WHEN CONSIDERING
17 MULTIPLE FACTORS, THE COURT SHALL GIVE ADDITIONAL CREDIT FOR
18 EACH FACTOR. VETERAN STATUS SHALL NOT BE USED AS AN AGGREGATING
19 FACTOR IN SENTENCING DECISIONS BY THE COURT. THE COURT SHALL
20 CONSIDER VETERAN STATUS IN ADDITION TO ANY OTHER EXISTING
21 MITIGATION FACTOR PROVIDED FOR MENTAL HEALTH CONDITIONS. THE
22 COURT SHALL NOT TREAT OTHER TRAUMA SUFFERED BY A VETERAN AS A
23 DENIAL OF THE EXISTENCE OF MILITARY TRAUMA.

24 (7) **Training.** LAW ENFORCEMENT, COURTS, AND CORRECTIONS
25 PERSONNEL SHALL TRAIN ALL THEIR EMPLOYEES ON VETERAN
26 INVOLVEMENT WITH THE CRIMINAL-JUSTICE SYSTEM AND VETERAN
27 EXPOSURE TO VIOLENCE AND TRAUMA. TRAINING MUST INCLUDE TRAINING

1 ON MILITARY SEXUAL TRAUMA.

2 **SECTION 3.** In Colorado Revised Statutes, 17-40-101, **add** (5)
3 as follows:

4 **17-40-101. Definitions.**

5 As used in this article 40, unless the context otherwise requires:

6 (5) "VETERAN" MEANS A PERSON WHO ACTIVELY SERVED IN THE
7 UNITED STATES ARMED FORCES AND WHO WAS DISCHARGED OR RELEASED
8 UNDER CONDITIONS OTHER THAN DISHONORABLE, IN ACCORDANCE WITH
9 U.S.C. TITLE 38, AS AMENDED. "VETERAN" INCLUDES A PERSON SERVING
10 OR WHO SERVED IN THE NATIONAL GUARD OR AS A RESERVIST.

11 **SECTION 4.** In Colorado Revised Statutes, 17-40-103, **amend**
12 (1) introductory portion as follows:

13 **17-40-103. Examination of offenders - report.**

14 (1) ~~As soon as possible after July 1, 1974,~~ Each offender entering
15 the diagnostic center ~~shall~~ MUST receive appropriate diagnostic services,
16 and each offender's treatment and employment needs shall be identified.
17 Information provided pursuant to ~~section~~ SECTIONS 17-40-103.5 AND
18 17-40-104 shall be considered in structuring the rehabilitation program.
19 An offender shall be assigned to the assessment program for a period not
20 to exceed sixty days; except that an offender may be held for an
21 additional thirty days upon approval of the executive director. Upon
22 completion of the recommended rehabilitation report, ~~it shall be~~
23 ~~transmitted by the superintendent~~ THE SUPERINTENDENT SHALL TRANSMIT
24 THE REPORT to the executive director, who, within fifteen days, shall
25 cause the offender to be:

26 **SECTION 5.** In Colorado Revised Statutes, **add** 17-40-103.5 as
27 follows:

1 **17-40-103.5. Veteran identification process - veteran**
2 **placement, programming, and services - report.**

3 (1) THE DEPARTMENT SHALL CREATE A STANDARDIZED PROCESS
4 TO IDENTIFY WHICH OFFENDERS ARE VETERANS. THE STANDARDIZED
5 VETERAN IDENTIFICATION PROCESS MAY INCLUDE:

- 6 (a) DIRECT INTAKE QUESTIONING;
- 7 (b) DATA VERIFICATION WITH THE COLORADO DEPARTMENT OF
8 MILITARY AND VETERANS AFFAIRS AND VETERANS JUSTICE OUTREACH IN
9 THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS; OR
- 10 (c) OFFENDER MILITARY DOCUMENT REVIEW.

11 (2) THE DEPARTMENT SHALL IMPLEMENT IN EACH DIAGNOSTIC
12 CENTER OPERATED BY THE DEPARTMENT THE STANDARDIZED VETERAN
13 IDENTIFICATION PROCESS THAT ALL OFFENDERS MUST PARTAKE IN WHILE
14 RECEIVING DIAGNOSTIC SERVICES.

15 (3) THE DEPARTMENT SHALL DESIGNATE VETERAN OFFENDERS AS
16 VETERANS IN THEIR RECOMMENDED REHABILITATION REPORT.

17 (4) THE DEPARTMENT SHALL INCLUDE VETERAN-SPECIFIC SERVICES
18 IN VETERAN-OFFENDER-RECOMMENDED REHABILITATION REPORTS THAT
19 MAY INCLUDE VETERANS JUSTICE OUTREACH, TREATMENT AT A UNITED
20 STATES DEPARTMENT OF VETERANS AFFAIRS FACILITY, MENTAL HEALTH
21 SERVICES, SUBSTANCE USE TREATMENT, AND REENTRY PLANNING.

22 (5) WHEN APPROPRIATE, VETERAN OFFENDERS MUST BE
23 CONSIDERED FOR CORRECTIONAL FACILITY PLACEMENT IN DESIGNATED
24 VETERAN HOUSING UNITS OR VETERAN-FOCUSED PROGRAMMING.

25 (6) BEGINNING IN JANUARY 2028, AND IN JANUARY EVERY YEAR
26 THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS
27 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY

1 SECTION 2-7-203, INFORMATION CONCERNING THE NUMBER OF IDENTIFIED
2 INCARCERATED VETERANS, PARTICIPATION RATES IN CORRECTIONAL
3 FACILITY VETERAN HOUSING UNITS AND VETERAN SERVICES, AND
4 RECIDIVISM RATES FOR VETERAN OFFENDERS.

5 **SECTION 6.** In Colorado Revised Statutes, 24-72-705, **amend**
6 (1)(a)(III) and (1)(a)(IV); and **add** (1)(a)(V) as follows:

7 **24-72-705. Sealing criminal justice records other than**
8 **convictions - simplified process - applicability.**

9 (1) (a) On its own motion, the court shall order the defendant's
10 criminal justice records sealed when:

11 (III) The defendant completes a diversion agreement pursuant to
12 section 18-1.3-101 when a criminal case has been filed; ~~or~~

13 (IV) The defendant completes a deferred judgment and sentence
14 pursuant to section 18-1.3-102 and all counts are dismissed; OR

15 (V) THE DEFENDANT COMPLETES A DEFERRED SENTENCE
16 PURSUANT TO SECTION 18-1.3-103.8 AND ALL COUNTS ARE DISMISSED.

17 **SECTION 7. Act subject to petition - effective date -**
18 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
19 the expiration of the ninety-day period after final adjournment of the
20 general assembly (August 12, 2026, if adjournment sine die is on May 13,
21 2026); except that, if a referendum petition is filed pursuant to section 1
22 (3) of article V of the state constitution against this act or an item, section,
23 or part of this act within such period, then the act, item, section, or part
24 will not take effect unless approved by the people at the general election
25 to be held in November 2026 and, in such case, will take effect on the
26 date of the official declaration of the vote thereon by the governor.

1 (2) This act applies to cases in which charges are filed on or after
2 the applicable effective date of this act.