

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 30, 2021

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB21-1209 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, strike lines 2 through 19.
- 2 Page 3, strike lines 1 through 10.
- 3 Renumber succeeding sections accordingly.
- 4 Page 4, line 6, strike "and" and substitute "**and**".
- 5 Page 4, line 16, strike "COMMITTED." and substitute "COMMITTED; AND".
- 6 Page 4, after line 16 insert:
 - 7 "(e) COLORADO IS COMMITTED TO PROVIDING VICTIMS THE
 - 8 OPPORTUNITY TO BE ADVISED AND HEARD REGARDING THE RELEASE OF
 - 9 OFFENDERS WHO HAVE COMMITTED SERIOUS CRIMES AS WELL AS THE
 - 10 OPPORTUNITY TO ENGAGE IN RESTORATIVE JUSTICE PRACTICES UPON
 - 11 REQUEST OF A VICTIM OR VICTIM'S IMMEDIATE FAMILY."
- 12 Page 4, line 23, after "CRIME" insert "AND HAS SERVED MORE THAN
- 13 TWENTY OR THIRTY CALENDAR YEARS IF SENTENCED TO THE DEPARTMENT
- 14 OF CORRECTIONS,".
- 15 Page 5, line 2, strike "(1)(a)(I)(B), (1)(a)(I)(C), and (4)(a)" and substitute
- 16 "(1)(a)(I)(B), and (1)(a)(I)(C) and **add** (1)(a)(IV)".

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

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

5 Page 6, after line 3 insert:

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

19 Page 6, strike lines 4 through 20.

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

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

22 Page 8, after line 3 insert:

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



1 Page 8, before line 4 insert:

2 "SECTION 4. In Colorado Revised Statutes, 17-22.5-403.7,
3 amend (1)(a) and (2) as follows:

4 **17-22.5-403.7. Parole eligibility - youthful offender - juvenile**
5 **offender convicted as adult - definition.** (1) As used in this section,
6 "inmate" means a person:

7 (a) (I) Who is convicted as an adult of a ~~class 1~~ felony following
8 direct filing of an information or indictment in the district court pursuant
9 to section 19-2-517; ~~C.R.S.~~; or

10 (II) Who is convicted as an adult of a ~~class 1~~ felony following
11 transfer of proceedings to the district court pursuant to section 19-2-518;
12 ~~C.R.S.~~; and OR

13 (III) WHO IS CONVICTED AS AN ADULT OF A FELONY OFFENSE AND
14 SENTENCED TO THE DEPARTMENT WHEN THE OFFENSE FOR WHICH THE
15 PERSON CONVICTED WAS COMMITTED WHEN THE PERSON WAS EIGHTEEN
16 YEARS OF AGE OR OLDER BUT LESS THAN TWENTY-ONE YEARS OF AGE; AND

17 (2) After considering any relevant evidence presented by any
18 person or agency and considering the presumptions set forth in section
19 17-34-102 (8), the governor may grant parole to an inmate prior to the
20 inmate's parole eligibility date if, in the governor's opinion, extraordinary
21 mitigating circumstances exist and the inmate's release from institutional
22 custody is compatible with the safety and welfare of society. HOWEVER,
23 NOTHING IN THIS SECTION GRANTS THE GOVERNOR THE AUTHORITY TO
24 GRANT EARLY PAROLE PURSUANT TO THE PROVISIONS OF THIS SECTION TO
25 AN INMATE SERVING A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF
26 PAROLE."

27 Renumber succeeding section accordingly.

28 Page 1, line 102, strike "TWENTY-FIVE" and substitute "TWENTY-ONE".

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