

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 12, 2023
Date

Committee on Public & Behavioral Health & Human Services.

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

HB23-1268 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 10, after line 4 insert:

2 "SECTION 3. In Colorado Revised Statutes, 18-6-801, amend
3 (1)(a) and (1)(b) as follows:

4 **18-6-801. Domestic violence - sentencing.** (1) (a) In addition to
5 any sentence that is imposed upon a person for violation of any criminal
6 law under this ~~title~~ TITLE 18, any person who is convicted of any crime,
7 the underlying factual basis of which has been found by the court on the
8 record to include an act of domestic violence, as defined in section
9 18-6-800.3 (1), or any crime against property, whether or not such crime
10 is a felony, when such crime is used as a method of coercion, control,
11 punishment, intimidation, or revenge directed against a person with whom
12 the actor is or has been involved in an intimate relationship shall be
13 ordered to complete a treatment program and a treatment evaluation that
14 conform with the standards adopted by the domestic violence offender
15 management board as required by section 16-11.8-103 (4); ~~C.R.S.~~
16 EXCEPT A PERSON GRANTED PROBATION WHOSE SUPERVISION IS
17 TRANSFERRED TO ANOTHER STATE PURSUANT TO THE INTERSTATE
18 COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS SHALL FOLLOW THE
19 REQUIREMENTS FOR A TREATMENT EVALUATION AND A TREATMENT
20 PROGRAM OF THE STATE WHERE THE PERSON IS BEING SUPERVISED.
21 EXCEPT FOR A PERSON GRANTED PROBATION WHOSE SUPERVISION IS
22 TRANSFERRED PURSUANT TO THE INTERSTATE COMPACT FOR THE
23 SUPERVISION OF ADULT OFFENDERS, if an intake evaluation conducted by
24 an approved treatment program provider discloses that sentencing to a
25 treatment program would be inappropriate, the person shall be referred
26 back to the court for alternative disposition.

27 (b) The court may order a treatment evaluation to be conducted

1 prior to sentencing if a treatment evaluation would assist the court in
2 determining an appropriate sentence. The person ordered to undergo such
3 evaluation shall be required to pay the cost of the treatment evaluation. If
4 such treatment evaluation recommends treatment, and if the court so
5 finds, the person shall be ordered to complete a treatment program that
6 conforms with the standards adopted by the domestic violence offender
7 management board as required by section 16-11.8-103 (4); ~~C.R.S.~~;
8 EXCEPT A PERSON GRANTED PROBATION WHOSE SUPERVISION IS
9 TRANSFERRED TO ANOTHER STATE PURSUANT TO THE INTERSTATE
10 COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS SHALL FOLLOW THE
11 REQUIREMENTS FOR A TREATMENT EVALUATION AND A TREATMENT
12 PROGRAM OF THE STATE WHERE THE PERSON IS BEING SUPERVISED."

13 Renumber succeeding section accordingly.

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