

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 18, 2023
Date

Committee on Judiciary.

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

HB23-1293 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 2, after line 27, insert:
- 2 "SECTION 3. In Colorado Revised Statutes, 16-8-115, amend
- 3 (3)(c) as follows:
- 4 **16-8-115. Release from commitment after verdict of not guilty**
- 5 **by reason of insanity or not guilty by reason of impaired mental**
- 6 **condition.** (3) (c) A defendant who has been conditionally released
- 7 remains under the supervision of the department of human services until
- 8 the committing court enters a final order of unconditional release. When
- 9 a defendant fails to comply with any conditions of his release requiring
- 10 him to establish, maintain, and reside at a specific residence and his
- 11 whereabouts have therefore become unknown to the authorities charged
- 12 with his supervision or when the defendant leaves the state of Colorado
- 13 without the consent of the committing court, the defendant's absence from
- 14 supervision shall constitute ~~escape~~ UNAUTHORIZED ABSENCE, as defined
- 15 in section ~~18-8-208, C.R.S.~~ 18-8-208.2. Such offense occurs in the county
- 16 in which the defendant is authorized to reside."
- 17 Renumber succeeding sections accordingly.
- 18 Page 3, line 15, strike "(1)(f.5)(I)" and substitute "(1)(f.5)(I), (2)(c)(I),".
- 19 Page 3, after line 25 insert:
- 20 "(2) (c) (I) If a defendant is convicted of assault in the second
- 21 degree pursuant to ~~paragraph (c.5) of subsection (1) of this section or~~
- 22 ~~paragraph (b.5) of this subsection (2)~~ SUBSECTION (2)(b.5) OF THIS
- 23 SECTION, except with respect to sexual assault or sexual assault in the first
- 24 degree as it existed prior to July 1, 2000, the court shall sentence the
- 25 defendant in accordance with the provisions of section 18-1.3-406. A

1 defendant convicted of assault in the second degree pursuant to paragraph
2 (b.5) of this subsection (2) with respect to sexual assault or sexual assault
3 in the first degree as it existed prior to July 1, 2000, shall be sentenced in
4 accordance with section 18-1.3-401 (8)(e) or (8)(e.5).".

5

6 Page 3, line 26, strike "(2) (c)".

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