

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

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Date

May 5, 2016

Committee on Judiciary.

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

SB16-180 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill, page 4, strike lines 1 through 21 and substitute
- 2 "REFERRED TO WITHIN THIS SECTION AS THE "SPECIALIZED PROGRAM" AS
- 3 FOLLOWS:
- 4 (I) IF THE FELONY OF WHICH THE PERSON WAS CONVICTED WAS
- 5 NOT MURDER IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-102,
- 6 C.R.S., THEN THE OFFENDER MAY PETITION FOR PLACEMENT IN THE
- 7 SPECIALIZED PROGRAM AFTER SERVING TWENTY YEARS OF HIS OR HER
- 8 SENTENCE IF HE OR SHE:
- 9 (A) HAS NOT BEEN RELEASED ON PAROLE;
- 10 (B) HAS NOT BEEN CONVICTED OF A SEX OFFENSE, AS DEFINED IN
- 11 SECTION 16-11.7-102 (3), C.R.S.;
- 12 (C) IS NOT IN A TREATMENT PROGRAM WITHIN THE DEPARTMENT
- 13 FOR A SERIOUS MENTAL ILLNESS;
- 14 (D) IS NOT CONVICTED OF MURDER IN THE FIRST DEGREE AS
- 15 DESCRIBED IN SECTION 18-3-102 (1) (a), (1) (c), (1) (d), (1) (e), OR (1) (f),
- 16 C.R.S., WHICH OFFENSE WAS COMMITTED WHILE THE OFFENDER WAS AT
- 17 LEAST SEVENTEEN YEARS OF AGE;
- 18 (E) HAS OBTAINED, AT A MINIMUM, A HIGH SCHOOL DIPLOMA OR
- 19 HAS SUCCESSFULLY PASSED A HIGH SCHOOL EQUIVALENCY EXAMINATION,
- 20 AS DEFINED IN SECTION 22-33-102 (8.5), C.R.S.;
- 21 (F) HAS PARTICIPATED IN PROGRAMS OFFERED TO HIM OR HER BY
- 22 THE DEPARTMENT AND DEMONSTRATED RESPONSIBILITY AND
- 23 COMMITMENT IN THOSE PROGRAMS;
- 24 (G) HAS DEMONSTRATED POSITIVE GROWTH AND CHANGE
- 25 THROUGH INCREASING DEVELOPMENTAL MATURITY AND QUANTIFIABLE

1 GOOD BEHAVIOR DURING THE COURSE OF HIS OR HER INCARCERATION; AND  
2 (H) HAS ACCEPTED RESPONSIBILITY FOR THE CRIMINAL BEHAVIOR  
3 UNDERLYING THE OFFENSE FOR WHICH HE OR SHE WAS CONVICTED.

4 (II) IF THE FELONY OF WHICH THE PERSON WAS CONVICTED WAS  
5 MURDER IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-102 (1) (b),  
6 C.R.S., THEN THE OFFENDER MAY PETITION FOR PLACEMENT IN THE  
7 SPECIALIZED PROGRAM AFTER SERVING TWENTY YEARS OF HIS OR HER  
8 SENTENCE IF HE OR SHE SATISFIES THE CRITERIA DESCRIBED IN  
9 SUB-SUBPARAGRAPHS (A), (B), (C), (D), (E), (F), (G), AND (H) OF  
10 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

11 (III) IF THE FELONY OF WHICH THE PERSON WAS CONVICTED WAS  
12 MURDER IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-102,  
13 C.R.S., BUT WAS NOT MURDER IN THE FIRST DEGREE, AS DESCRIBED IN  
14 SECTION 18-3-102 (1) (b), C.R.S., THEN THE OFFENDER MAY PETITION FOR  
15 PLACEMENT IN THE SPECIALIZED PROGRAM AFTER SERVING  
16 TWENTY-SEVEN YEARS OF HIS OR HER SENTENCE IF HE OR SHE SATISFIES  
17 THE CRITERIA DESCRIBED IN SUB-SUBPARAGRAPHS (A), (B), (C), (D), (E),  
18 (F), (G), AND (H) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).".

19 Page 7, line 12, strike "A LESS SECURE OR LESS RESTRICTIVE".

20 Page 9, line 3, after "PROGRAM," insert "UNLESS REBUTTED BY RELEVANT  
21 EVIDENCE,".

22 Page 10, line 18, after "CONSIDERING" insert "ANY RELEVANT EVIDENCE  
23 PRESENTED BY ANY PERSON OR AGENCY AND CONSIDERING".

24 Page 11, line 26, after "CONSIDERING" insert "ANY RELEVANT EVIDENCE  
25 PRESENTED BY ANY PERSON OR AGENCY AND CONSIDERING".

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