

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 20, 2016
Date

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 printed bill, page 3, line 22, after "C.R.S.," insert "OR PURSUANT
2 TO EITHER OF THESE SECTIONS AS THEY EXISTED PRIOR TO THEIR REPEAL
3 AND REENACTMENT, WITH AMENDMENTS, BY HOUSE BILL 96-1005,".

4 Page 4, strike lines 1 and 2 and substitute:
5 "SENTENCE;
6 (II) HAS NOT BEEN RELEASED ON PAROLE;
7 (III) HAS NOT BEEN CONVICTED OF A SEX OFFENSE, AS DEFINED IN
8 SECTION 16-11.7-102 (3), C.R.S.; AND
9 (IV) HAS NOT BEEN DETERMINED TO SUFFER FROM A SERIOUS
10 MENTAL ILLNESS BY THE DEPARTMENT.".

11 Page 5, strike lines 3 through 8 and substitute:
12 "(3) THE DEPARTMENT MAY MAKE RESTORATIVE JUSTICE
13 PRACTICES, AS DEFINED IN SECTION 18-1-901 (3) (o.5), C.R.S., AVAILABLE
14 TO ANY VICTIM OF ANY OFFENDER WHO PETITIONS FOR PLACEMENT IN THE
15 SPECIALIZED PROGRAM, AS MAY BE APPROPRIATE, BUT ONLY IF REQUESTED
16 BY THE VICTIM AND THE VICTIM HAS REGISTERED WITH THE DEPARTMENT
17 OF CORRECTIONS REQUESTING NOTICE OF VICTIMS' RIGHTS PURSUANT TO
18 THE PROVISIONS OF PART 3 OF ARTICLE 4.1 OF TITLE 24, C.R.S.".

19 Page 5, line 16, strike "SECTION" and substitute "SECTIONS".

- 1 Page 5, strike line 17 and substitute "24-4.1-302.5 (1) (q) AND 24-4.1-303
2 (14), C.R.S."
- 3 Page 5, line 24, strike "TWO" and substitute "THREE".
- 4 Page 6, line 11, after "C.R.S.," insert "OR PURSUANT TO EITHER OF THESE
5 SECTIONS AS THEY EXISTED PRIOR TO THEIR REPEAL AND REENACTMENT,
6 WITH AMENDMENTS, BY HOUSE BILL 96-1005,".
- 7 Page 6, strike line 13 and substitute "IMPLEMENT THE SPECIALIZED
8 PROGRAM WITHIN OR IN CONJUNCTION WITH A".
- 9 Page 6, line 14, strike "SECURITY".
- 10 Page 6, line 17, after "SECURE" insert "OR LESS RESTRICTIVE".
- 11 Page 6, line 21, strike "TEENAGE".
- 12 Page 6, line 23, strike "THE BEST AND MOST" and substitute "BEST AND".
- 13 Page 6, after line 26 insert:
14 "(3) THE DEPARTMENT SHALL NOT ALLOW ANY PARTICIPATING
15 OFFENDER TO COMPLETE THE SPECIALIZED PROGRAM IN LESS THAN THREE
16 YEARS."
- 17 Renumber succeeding subsections accordingly.
- 18 Page 6, strike line 27 and substitute:
19 "(4) THE DEPARTMENT MAY MAKE RESTORATIVE JUSTICE
20 PRACTICES, AS DEFINED IN SECTION 18-1-901 (3) (o.5), C.R.S., AVAILABLE
21 TO ANY VICTIM OF ANY OFFENDER WHO PETITIONS FOR PLACEMENT IN THE
22 SPECIALIZED PROGRAM, AS MAY BE APPROPRIATE, BUT ONLY IF REQUESTED
23 BY THE VICTIM AND THE VICTIM HAS REGISTERED WITH THE DEPARTMENT
24 OF CORRECTIONS REQUESTING NOTICE OF VICTIMS' RIGHTS PURSUANT TO
25 THE PROVISIONS OF PART 3 OF ARTICLE 4.1 OF TITLE 24, C.R.S."
- 26 Page 7, strike lines 1 through 4.
- 27 Page 7, line 6, strike "DECEMBER 31, 2016." and substitute "AUGUST 10,
28 2017."

- 1 Page 7, line 8, strike "MARCH 31, 2017." and substitute "NOVEMBER 10,
2 2017."
- 3 Page 7, line 9, strike "CANNOT BE" and substitute "IS NOT".
- 4 Page 7, line 11, strike "JANUARY 31, 2017," and substitute "NOVEMBER
5 30, 2017,".
- 6 Page 7, line 13, strike "(4)" and substitute "(5)" and strike "JUNE 30,
7 2017." and substitute "DECEMBER 1, 2017.".
- 8 Page 7, line 14, strike "(5)" and substitute "(6) (a)".
- 9 Page 7, after line 18 insert:
10 "(b) AN OFFENDER WHO IS TERMINATED FROM THE SPECIALIZED
11 PROGRAM MAY NOT RE-PETITION FOR PLACEMENT IN THE SPECIALIZED
12 PROGRAM SOONER THAN THREE YEARS FROM THE DATE OF SUCH
13 TERMINATION.".
- 14 Page 8, strike lines 3 through 7.
- 15 Page 9, line 18, strike "17-34-102 (7)," and substitute "17-34-102 (8),".
- 16 Page 9, strike lines 22 through 25.
- 17 Page 9, line 26, strike "19-2-518, C.R.S.,".
- 18 Page 10, line 10, strike "APPROPRIATE." and substitute "THE BOARD
19 CONSIDERS MAKING A RECOMMENDATION FOR EARLY PAROLE, AT WHICH
20 HEARING ANY VICTIM MUST HAVE THE OPPORTUNITY TO BE HEARD,
21 PURSUANT TO SECTION 24-4.1-302.5 (1) (j), C.R.S.".
- 22 Page 10, line 13, strike "17-34-102 (7)," and substitute "17-34-102 (8),".
- 23 Page 10, line 19, strike "SECTION" and substitute "SECTIONS".
- 24 Page 10, strike line 20 and substitute "(1) (j) AND 24-4.1-303 (14), C.R.S.,
25 AND TO THE DISTRICT ATTORNEY'S OFFICE THAT".
- 26 Page 10, line 26, strike "17-34-102 (7)," and substitute "17-34-102 (8),".

1 Page 11, line 11, strike "APPROPRIATE." and substitute "THE BOARD
2 CONSIDERS MAKING A RECOMMENDATION FOR EARLY PAROLE, AT WHICH
3 HEARING ANY VICTIM MUST HAVE THE OPPORTUNITY TO BE HEARD,
4 PURSUANT TO SECTION 24-4.1-302.5 (1) (j), C.R.S."

5 Page 11, line 14, strike "17-34-102 (7)," and substitute "17-34-102 (8),".

6 Page 11, line 20, strike "SECTION" and substitute "SECTIONS".

7 Page 11, line 21, strike line 21 and substitute "(1) (j) AND 24-4.1-303 (14),
8 C.R.S., AND TO THE DISTRICT ATTORNEY'S OFFICE THAT".

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