

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 14, 2017
Date

Committee on Judiciary.

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

HB17-1039 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike lines 2 through 15.

2 Strike pages 3 and 4.

3 Page 5, strike lines 1 through 12 and substitute:

4 "SECTION 1. In Colorado Revised Statutes, 16-7-202, **amend**
5 (1) as follows:

6 **16-7-202. Presence of defendant.** (1) If the offense charged is
7 a felony, a level 1 drug misdemeanor, or a class 1 misdemeanor or if the
8 maximum penalty for the offense charged is more than one year's
9 imprisonment, the defendant must be personally present for arraignment;
10 except that the court, for good cause shown, may accept a plea of not
11 guilty made by an attorney representing the defendant without requiring
12 the defendant to be personally present. In all prosecutions for lesser
13 offenses, the defendant may appear by his or her attorney who may enter
14 a plea on his or her behalf. If the defendant appears personally for a
15 charge that is not in title 42, ~~C.R.S.~~, the court may advise the defendant
16 of the possibility that restorative justice practices may be part of a
17 sentence, if available in the jurisdiction. ~~and requested by the victim who~~
18 ~~has been informed about the restorative justice practices pursuant to~~
19 ~~section 24-4.1-303(11)(g), C.R.S.~~

20 **SECTION 2.** In Colorado Revised Statutes, 16-11-102, **amend**
21 (1.9) introductory portion; and **add** (1.9)(b.5) as follows:

1 **16-11-102. Presentence or probation investigation.** (1.9) Each
2 presentence report ~~shall~~ MUST also:

3 (b.5) INDICATE WHETHER THE OFFENDER MEETS THE MINIMUM
4 ELIGIBILITY REQUIREMENTS AS PROVIDED IN SECTIONS 18-1.3-104 (1)(b.5)
5 AND 18-1.3-204 (2)(a)(III.5) FOR PARTICIPATION IN RESTORATIVE JUSTICE
6 PRACTICES."

7 Page 5, strike lines 18 through 27 and substitute:

8 "(f) TO CONSENT TO AN ASSESSMENT FOR SUITABILITY FOR
9 PARTICIPATION IN RESTORATIVE JUSTICE PRACTICES, INCLUDING
10 VICTIM-OFFENDER CONFERENCES."

11 Page 6, strike lines 1 through 16.

12 Renumber succeeding section accordingly.

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