

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0041.01 Richard Sweetman x4333

HOUSE BILL 18-1078

HOUSE SPONSORSHIP

Landgraf,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING COURT PROGRAMS FOR DEFENDANTS WHO HAVE SERVED
102 IN THE ARMED FORCES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

At the first appearance of a defendant in court or upon arraignment, and before accepting a plea of guilty or nolo contendere, the court shall ascertain whether the defendant is currently serving in the United States armed forces or is a veteran of such forces. The court shall inform any such defendant that he or she may be entitled to receive mental health treatment, substance use disorder treatment, or other

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

services.

Under current law, the chief judge of a judicial district may establish an appropriate program for the treatment of veterans and members of the military. The bill states that, in establishing any such program, the chief judge, in collaboration with the probation department, the district attorney, and the state public defender, shall establish program guidelines and eligibility criteria that are agreed upon by these parties to be most appropriate for the jurisdiction creating the program.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 16-7-207.5 as
3 follows:

4 **16-7-207.5. Court's duty to inform defendants with current or**
5 **prior military service on first appearance in court and on pleas of**

6 **guilty.** (1) AT THE FIRST APPEARANCE OF A DEFENDANT IN COURT OR
7 UPON ARRAIGNMENT, WHICHEVER IS FIRST IN TIME, THE COURT SHALL
8 ASCERTAIN WHETHER THE DEFENDANT IS SERVING IN THE UNITED STATES
9 ARMED FORCES OR IS A VETERAN OF SUCH FORCES. THE COURT SHALL
10 INFORM ANY SUCH DEFENDANT THAT HE OR SHE MAY BE ENTITLED TO
11 RECEIVE MENTAL HEALTH TREATMENT, SUBSTANCE USE DISORDER
12 TREATMENT, OR OTHER SERVICES IF THE COURT DETERMINES THAT SUCH
13 TREATMENT OR SERVICES ARE APPLICABLE AND A PRESENTENCE REPORT
14 HAS BEEN PREPARED IN THE CASE.

15 (2) THE COURT SHALL NOT ACCEPT A PLEA OF GUILTY OR NOLO
16 CONTENDERE WITHOUT FIRST DETERMINING WHETHER THE DEFENDANT IS
17 SERVING IN THE UNITED STATES ARMED FORCES OR IS A VETERAN OF SUCH
18 FORCES AND, IF SO, INFORMING THE DEFENDANT AS DESCRIBED IN
19 SUBSECTION (1) OF THIS SECTION.

20 (3) THIS SECTION APPLIES TO PROSECUTIONS FOR VIOLATIONS OF
21 MUNICIPAL CHARTERS AND PROSECUTIONS FOR VIOLATIONS OF MUNICIPAL

1 ORDINANCES, EXCEPT FOR TRAFFIC INFRACTIONS FOR WHICH THE PENALTY
2 IS ONLY A FINE AND ARREST IS PROHIBITED AND FOR WHICH A COURT
3 SHALL NOT ISSUE A BENCH WARRANT, INCLUDING A WARRANT FOR
4 FAILURE TO APPEAR.

5 **SECTION 2.** In Colorado Revised Statutes, **amend** 13-5-144 as
6 follows:

7 **13-5-144. Chief judge - veterans treatment court authority.**

8 The chief judge of a judicial district may establish an appropriate program
9 for the treatment of veterans and members of the military. IN
10 ESTABLISHING ANY SUCH PROGRAM, THE CHIEF JUDGE, IN COLLABORATION
11 WITH THE PROBATION DEPARTMENT, THE DISTRICT ATTORNEY, AND THE
12 STATE PUBLIC DEFENDER, SHALL ESTABLISH PROGRAM GUIDELINES AND
13 ELIGIBILITY CRITERIA THAT ARE AGREED UPON BY THESE PARTIES TO BE
14 MOST APPROPRIATE FOR THE JURISDICTION CREATING THE PROGRAM.

15 **SECTION 3. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2018 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.