

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0547.01 Michael Dohr x4347

HOUSE BILL 21-1016

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House Committees
Judiciary

Senate Committees
State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY TO TRANSFER JURISDICTION OF A**
102 **VETERAN DEFENDANT'S CASE TO A JURISDICTION WITH A**
103 **VETERAN'S SPECIALITY COURT.**

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>.)

Under current law, a court must inquire at the defendant's first appearance whether the defendant is a veteran. If the jurisdiction does not have a veteran's speciality court, the bill requires the court to inform a veteran defendant of the possibility of petitioning to transfer the case to a jurisdiction with a veteran's speciality court.

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.

SENATE
3rd Reading Unamended
May 3, 2021

SENATE
Amended 2nd Reading
April 30, 2021

HOUSE
3rd Reading Unamended
April 12, 2021

HOUSE
Amended 2nd Reading
April 9, 2021

The bill allows a veteran defendant to petition to transfer the case to a jurisdiction with a veteran's speciality court if the jurisdiction does not have a veteran's speciality court. The petition must include the jurisdiction that the defendant is seeking to have the case transferred to and a description of the services or supports the defendant is seeking to access from the veteran's speciality court in that jurisdiction. After receiving a petition, the court must consult with the chief judge of the jurisdiction with the veteran's speciality court and administrator of that court, if any. The court shall grant the petition to transfer the case if the veteran's speciality court in that jurisdiction has the capacity to provide services and supports to the defendant.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-7-207.5, **amend**
3 (1) as 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 upon
7 arraignment, whichever is first in time, the court shall ascertain whether
8 the defendant is serving in the United States armed forces or is a veteran
9 of such forces. The court shall inform any such defendant that ~~he or she~~
10 THE DEFENDANT may be entitled to receive mental health treatment,
11 substance use disorder treatment, or other services as a veteran. IF THE
12 JURISDICTION DOES NOT HAVE A VETERANS TREATMENT COURT, THE
13 COURT SHALL INFORM THE DEFENDANT OF THE POSSIBILITY OF
14 PETITIONING TO TRANSFER PROBATION SUPERVISION AFTER A PLEA OR
15 SENTENCE IN A CASE TO A JURISDICTION WITH A VETERANS TREATMENT
16 COURT PURSUANT TO SECTION 18-1.3-202.5.

17 **SECTION 2.** In Colorado Revised Statutes, **add** 18-1.3-202.5 as
18 follows:

19 **18-1.3-202.5. Veterans court probation supervision.** (1) IF THE

1 DEFENDANT IS A VETERAN WHO IS CURRENTLY SERVING IN THE UNITED
2 STATES ARMED FORCES AND WHO IS SUFFERING FROM A DIAGNOSABLE
3 MENTAL HEALTH CONDITION THAT IS RELATED TO THE VETERAN'S
4 MILITARY SERVICE AND THE JURISDICTION OF TRIAL DOES NOT HAVE A
5 VETERANS TREATMENT COURT, THE DEFENDANT, WITH THE CONSENT OF
6 THE DISTRICT ATTORNEY AND ANY VICTIM IN A VICTIM'S RIGHTS CASE,
7 MAY PETITION THE COURT TO TRANSFER THE SUPERVISION OF ANY POST
8 DISPOSITION OF THE CASE TO A JURISDICTION WITH A VETERANS
9 TREATMENT COURT.

10 (2) A DEFENDANT FILING A PETITION PURSUANT TO SUBSECTION (1)
11 OF THIS SECTION MUST IDENTIFY THE JURISDICTION WHERE THE
12 SUPERVISION OF THE PROBATION IN THE CASE MAY BE TRANSFERRED AND
13 THE SERVICES OR SUPPORTS AVAILABLE IN THAT JURISDICTION'S VETERANS
14 TREATMENT COURT THAT THE DEFENDANT IS SEEKING TO ACCESS.

15 (3) WHEN A COURT RECEIVES A PETITION PURSUANT TO
16 SUBSECTION (1) OF THIS SECTION, THE COURT SHALL CONFER WITH THE
17 JUDGE ADMINISTERING THE VETERANS TREATMENT COURT IN THE
18 JURISDICTION IDENTIFIED IN THE PETITION AND THE DISTRICT ATTORNEY
19 OF THE JURISDICTION IDENTIFIED IN THE PETITION. THE COURT MAY GRANT
20 THE PETITION TO TRANSFER THE SUPERVISION OF PROBATION IN THE CASE
21 IF THE VETERANS TREATMENT COURT AND THE DISTRICT ATTORNEY IN THE
22 HOSTING JURISDICTION CONSENT TO THE TRANSFER AND THAT
23 JURISDICTION HAS THE CURRENT ABILITY TO PROVIDE THE RESOURCES AND
24 SUPPORT NECESSARY TO RESPONSIBLY ACCEPT THE TRANSFER.

25 (4) IF THE HOST JURISDICTION FILES A MOTION FOR REVOCATION
26 OF THE VETERANS TREATMENT COURT PROGRAM PROBATION, THE HOST
27 JURISDICTION SHALL CONDUCT THE REVOCATION HEARING. IF PROBATION

1 IS REVOKED, THE HOST JURISDICTION SHALL REFER THE MATTER TO THE
2 ORIGINAL JURISDICTION FOR RESENTENCING.

3 (5) NOTHING IN THIS SECTION PROHIBITS THE HOST JURISDICTION
4 FROM UTILIZING PROGRAM POLICIES RELATED TO MINOR VIOLATIONS THAT
5 ARE TYPICALLY ADDRESSED THROUGH GRADUATED SANCTIONS.

6 **SECTION 3. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly; except
9 that, if a referendum petition is filed pursuant to section 1 (3) of article V
10 of the state constitution against this act or an item, section, or part of this
11 act within such period, then the act, item, section, or part will not take
12 effect unless approved by the people at the general election to be held in
13 November 2022 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.