

CHAPTER 76

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 09-1181

BY REPRESENTATIVE(S) McCann, Apuan, Court, Frangas, Gagliardi, Gardner B., Green, Kerr A., Kerr J., King S., Labuda, Liston, Looper, Massey, Nikkel, Primavera, Priola, Roberts, Ryden, Swalm, Todd, Benefield, Lambert, Vigil;
also SENATOR(S) Foster, Boyd, Groff, Newell, Williams.

AN ACT**CONCERNING THE RIGHT OF A VICTIM TO MAKE A STATEMENT AT A COMMUNITY CORRECTIONS HEARING.**

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

SECTION 1. 24-4.1-302.5 (1) (j.5), Colorado Revised Statutes, is amended to read:

24-4.1-302.5. Rights afforded to victims. (1) In order to preserve and protect a victim's rights to justice and due process, each victim of a crime shall have the following rights:

(j.5) (I) The right to provide a written victim impact statement, an oral victim impact statement, or both, that will be included with any referral made by the department of corrections or a district court to place an offender in a community corrections facility or program.

(II) For purposes of this paragraph (j.5), THE VICTIM SHALL HAVE THE RIGHT TO PROVIDE A SEPARATE ORAL STATEMENT TO the community corrections board considering ~~the~~ A TRANSITIONAL referral, BUT THE BOARD shall have discretion to ~~determine whether a victim may provide a separate oral statement to the board and to place reasonable parameters on the provision of an~~ VICTIM'S oral statement. ~~by the victim.~~ If a community corrections board denies the offender's referral to community corrections, the victim's right under this subparagraph (II) to provide an oral statement ~~at the discretion of the board~~ shall not take effect.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to community corrections hearings held on or after the applicable effective date of this act.

Approved: April 2, 2009