

CHAPTER 96

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 11-1180

BY REPRESENTATIVE(S) Levy, Casso, Court, Duran, Fischer, Kagan, Labuda, Lee, Massey, McCann, Nikkel, Pabon, Schafer S., Solano, Todd, Vigil, Waller, Wilson, Fields, Gardner B., Hullinghorst, Pace;
also SENATOR(S) Guzman, Boyd, Foster, Giron, Hodge, Hudak, Nicholson, Steadman, Tochtrop, Williams S.

AN ACT

CONCERNING USING INDIVIDUALIZED ASSESSMENTS TO AID JUDGES IN IMPOSING CRIMINAL SENTENCES THAT REDUCE THE LIKELIHOOD OF CRIMINAL OFFENDERS COMMITTING ADDITIONAL CRIMINAL ACTS.

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

SECTION 1. 18-1-102.5 (1) (c) and (1) (d), Colorado Revised Statutes, are amended, and the said 18-1-102.5 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

18-1-102.5. Purposes of code with respect to sentencing. (1) The purposes of this code with respect to sentencing are:

(c) To prevent crime and promote respect for the law by providing an effective deterrent to others likely to commit similar offenses; ~~and~~

(d) To promote rehabilitation by encouraging correctional programs that elicit the voluntary cooperation and participation of convicted offenders; AND

(e) TO SELECT A SENTENCE, A SENTENCE LENGTH, AND A LEVEL OF SUPERVISION THAT ADDRESSES THE OFFENDER'S INDIVIDUAL CHARACTERISTICS AND REDUCES THE POTENTIAL THAT THE OFFENDER WILL ENGAGE IN CRIMINAL CONDUCT AFTER COMPLETING HIS OR HER SENTENCE.

SECTION 2. 16-11-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

16-11-102. Presentence or probation investigation. (1.9) EACH PRESENTENCE

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

REPORT SHALL ALSO:

(a) INCLUDE THE RESULTS OF AN ACTUARIAL ASSESSMENT OF THE OFFENDER'S CRIMINOLOGICAL RISKS AND NEEDS;

(b) PROVIDE SUFFICIENT INFORMATION TO ALLOW THE COURT TO CONSIDER:

(I) WHETHER THE OFFENDER IS A SUITABLE CANDIDATE FOR A SENTENCING OPTION THAT DOES NOT INVOLVE INCARCERATION OR A COMBINATION OF SENTENCING OPTIONS THAT DOES NOT INVOLVE INCARCERATION; AND

(II) THE APPROPRIATE CONDITIONS TO IMPOSE IF A DEFENDANT IS SENTENCED TO PROBATION;

(c) DESCRIBE THE PROJECTED COSTS, IF KNOWN, THAT ARE ASSOCIATED WITH EACH SENTENCING OPTION THAT IS AVAILABLE TO THE COURT; AND

(d) SET FORTH THE PURPOSES OF TITLE 18, C.R.S., WITH RESPECT TO SENTENCING, AS SUCH PURPOSES ARE DESCRIBED IN SECTION 18-1-102.5, C.R.S.

SECTION 3. The introductory portion to 18-1.3-203 (1), Colorado Revised Statutes, is amended to read:

18-1.3-203. Criteria for granting probation. (1) The court, subject to the provisions of this title and title 16, C.R.S., AND HAVING CONSIDERED THE PURPOSES OF SENTENCING DESCRIBED IN SECTION 18-1-102.5, C.R.S., in its discretion may grant probation to a defendant unless, having regard to the nature and circumstances of the offense and to the history and character of the defendant, it is satisfied that imprisonment is the more appropriate sentence for the protection of the public because:

SECTION 4. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 8, 2011