

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB22-1257 be amended as follows:

1 Amend reengrossed bill, page 16, strike lines 9 through 15 and substitute:
2 "ANY OTHER WEAPON THAT IS SUBJECT TO THIS ARTICLE 12. UPON RECEIPT
3 OF A PETITION PURSUANT TO THIS SECTION, A COURT SHALL SET A HEARING
4 TO DETERMINE WHETHER THERE IS GOOD CAUSE FOR THE PERSON TO
5 POSSESS, USE, OR CARRY A FIREARM AS DEFINED IN SECTION
6 18-1-901(3)(h) OR ANY OTHER WEAPON THAT IS SUBJECT TO THIS ARTICLE
7 12. AT ANY HEARING HELD PURSUANT TO THIS SECTION, THE DISTRICT
8 ATTORNEY'S OFFICE MAY PRESENT EVIDENCE AS TO THE FACTORS IN
9 18-12-108(3)(b)(I) THROUGH (3)(b)(VI). THE DISTRICT ATTORNEY'S
10 OFFICE SHALL NOTIFY A VICTIM OF A CRIME AS DEFINED IN SECTION
11 24-4.1-302(1) OF THE HEARING AND THE HEARING IS A CRITICAL STAGE AS
12 DEFINED IN SECTION 24-4.1-302(2). IF THE COURT FINDS, UPON THE
13 REQUEST OF THE PERSON AND BY A PREPONDERANCE OF THE EVIDENCE
14 THERE IS GOOD CAUSE FOR THE PERSON TO POSSESS, USE, OR CARRY A
15 FIREARM AS DEFINED IN SECTION 18-1-901(3)(h) OR ANY OTHER WEAPON
16 THAT IS SUBJECT TO THIS ARTICLE 12, THE COURT MAY ENTER AN ORDER
17 DETERMINING THAT SUBSECTION (3)(a) OF THIS SECTION DOES NOT APPLY
18 TO THE PERSON. IN DETERMINING WHETHER THERE IS GOOD CAUSE, THE
19 COURT SHALL CONSIDER THE FOLLOWING COMMUNITY SAFETY FACTORS:
20 (I) THE NATURE AND CIRCUMSTANCES OF THE OFFENSE FOR WHICH
21 THE PERSON WAS ADJUDICATED;
22 (II) WHETHER THE PERSON IS OTHERWISE PROHIBITED FROM
23 POSSESSING, USING, OR CARRYING A FIREARM UNDER STATE OR FEDERAL
24 LAW;
25 (III) ANY PRIOR OR SUBSEQUENT ADJUDICATIONS OR
26 CONVICTIONS;
27 (IV) THE VICTIM'S INPUT IF THE ADJUDICATION WAS OF A FELONY
28 CRIME AS DEFINED IN SECTION 24-4.1-302(1);
29 (V) THE LENGTH OF TIME THAT HAS ELAPSED SINCE THE
30 COMPLETION OF THE PERSON'S SENTENCE; AND
31 (VI) ANY OTHER FACTOR THAT ASSISTS THE COURT IN
32 DETERMINING WHETHER GRANTING THE ORDER WOULD BE CONTRARY TO
33 COMMUNITY SAFETY."

34 Page 20, after line 12 insert:

35 "(iii) ANY FELONY FOR DISTRIBUTION, MANUFACTURE, OR
36 POSSESSION WITH INTENT TO DISTRIBUTE IN VIOLATION OF ARTICLE 18 OF
37 TITLE 18; AND
38 (jjj) AGGRAVATED MOTOR VEHICLE THEFT IN THE FIRST DEGREE OR
39 AGGRAVATED MOTOR VEHICLE THEFT IN THE SECOND DEGREE IN
40 VIOLATION OF SECTION 18-4-409."

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