

SB189\_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB25-189 be amended as follows:

- 1 Amend printed bill, page 2, line 8, strike "sentencing hearing" and  
2 substitute "~~sentencing hearing~~ HABITUAL PROCEEDING".
  
- 3 Page 2, line 9, strike "convictions." and substitute "convictions,".
  
- 4 Page 2, strike lines 14 through 20 and substitute:  
5 "~~16-6-201, C.R.S.~~ WHETHER THE CONVICTIONS WERE SEPARATELY  
6 BROUGHT AND TRIED, AND WHETHER THE CONVICTIONS AROSE OUT OF  
7 SEPARATE AND DISTINCT CRIMINAL EPISODES. THE HABITUAL PROCEEDING  
8 MUST BE CONDUCTED BEFORE THE SAME JURY IMPANELED TO TRY THE  
9 SUBSTANTIVE OFFENSE; EXCEPT THAT, WHEN NECESSARY AND AS  
10 CONSTITUTIONALLY PERMISSIBLE, A NEW JURY MAY BE IMPANELED. IF A  
11 NEW JURY IS IMPANELED THE COURT SHALL HOLD THE HABITUAL  
12 PROCEEDING AS SOON AS PRACTICABLE.".
  
- 13 Page 2, line 24, strike "hearing" and substitute "~~hearing~~ HABITUAL  
14 PROCEEDING".
  
- 15 Page 2, line 25, strike "alleged." and substitute "alleged, WHETHER THE  
16 CONVICTIONS WERE SEPARATELY BROUGHT AND TRIED, AND WHETHER THE  
17 CONVICTIONS AROSE OUT OF SEPARATE AND DISTINCT CRIMINAL  
18 EPISODES.".
  
- 19 Page 3, line 9, strike "alleged." and substitute "alleged, THE CONVICTIONS  
20 WERE SEPARATELY BROUGHT AND TRIED, AND THE CONVICTIONS AROSE  
21 OUT OF SEPARATE AND DISTINCT CRIMINAL EPISODES.".
  
- 22 Page 3, strike lines 26 and 27 and substitute "CONVICTED AS ALLEGED,  
23 THE CONVICTIONS WERE SEPARATELY BROUGHT AND TRIED, AND THE  
24 CONVICTIONS AROSE OUT OF SEPARATE AND DISTINCT CRIMINAL EPISODES.  
25 IF, DURING THE TRIAL ON THE SUBSTANTIVE OFFENSE, THE JURY HAS  
26 HEARD THE DEFENDANT ADMIT A PREVIOUS CONVICTION,".
  
- 27 Page 4, strike lines 1 and 2.
  
- 28 Page 4, line 3, strike "PREVIOUSLY CONVICTED,".
  
- 29 Page 4, lines 24 and 25, strike "sentencing hearings" and substitute  
30 "habitual proceedings".

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