

HB1039 L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB17-1039 be amended as follows:

1 Amend printed bill, page 2, strike lines 2 through 15.

2 Strike pages 3 and 4.

3 Page 5, strike lines 1 through 12 and substitute:

4 "SECTION 1. In Colorado Revised Statutes, 16-7-202, amend
5 (1) as follows:

6 **16-7-202. Presence of defendant.** (1) If the offense charged is
7 a felony, a level 1 drug misdemeanor, or a class 1 misdemeanor or if the
8 maximum penalty for the offense charged is more than one year's
9 imprisonment, the defendant must be personally present for arraignment;
10 except that the court, for good cause shown, may accept a plea of not
11 guilty made by an attorney representing the defendant without requiring
12 the defendant to be personally present. In all prosecutions for lesser
13 offenses, the defendant may appear by his or her attorney who may enter
14 a plea on his or her behalf. If the defendant appears personally for a
15 charge that is not in title 42, C.R.S.; the court may advise the defendant
16 of the possibility that restorative justice practices may be part of a
17 sentence, if available in the jurisdiction. and requested by the victim who
18 has been informed about the restorative justice practices pursuant to
19 section 24-4.1-303 (11)(g), C.R.S.

20 **SECTION 2.** In Colorado Revised Statutes, 16-11-102, amend
21 (1.9) introductory portion; and add (1.9)(b.5) as follows:

22 **16-11-102. Presentence or probation investigation.** (1.9) Each
23 presentence report shall MUST also:

24 (b.5) INDICATE WHETHER THE OFFENDER MEETS THE MINIMUM
25 ELIGIBILITY REQUIREMENTS AS PROVIDED IN SECTIONS 18-1.3-104 (1)(b.5)
26 AND 18-1.3-204 (2)(a)(III.5) FOR PARTICIPATION IN RESTORATIVE JUSTICE
27 PRACTICES."

28 Page 5, strike lines 22 through 27.

29 Page 6, strike lines 1 through 16.

30 Renumber succeeding section accordingly.

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