

SB098_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB16-098 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** part 15 to
4 article 1.3 of title 18 as follows:

5 PART 15
6 JUSTICE SAFETY VALVE ACT

7 **18-1.3-1501. Justice safety valve - mandatory minimums.**

8 (1) THE SHORT TITLE OF THIS PART 15 IS THE "JUSTICE SAFETY VALVE
9 ACT".

10 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN
11 SENTENCING A PERSON CONVICTED OF A VIOLATION FOR WHICH THERE IS
12 A MANDATORY MINIMUM SENTENCE, THE COURT MAY DEPART FROM THE
13 APPLICABLE MANDATORY MINIMUM SENTENCE IF THE COURT FINDS
14 SUBSTANTIAL AND COMPELLING REASONS ON THE RECORD, AFTER GIVING
15 DUE REGARD TO THE NATURE OF THE CRIME, THE HISTORY AND
16 CHARACTER OF THE DEFENDANT, AND HIS OR HER CHANCES OF
17 SUCCESSFUL REHABILITATION, THAT:

18 (a) IMPOSITION OF THE MANDATORY MINIMUM SENTENCE WOULD
19 RESULT IN SUBSTANTIAL INJUSTICE TO THE DEFENDANT; AND

20 (b) THE MANDATORY MINIMUM SENTENCE IS NOT NECESSARY FOR
21 THE PROTECTION OF THE PUBLIC.

22 (3) SUBSECTION (2) OF THIS SECTION DOES NOT APPLY IF THE
23 COURT FINDS THAT:

24 (a) THE INDIVIDUAL HAS A CONVICTION FOR THE SAME OFFENSE
25 DURING THE TEN-YEAR PERIOD PRIOR TO THE COMMISSION OF THE
26 OFFENSE;

27 (b) THE INDIVIDUAL INTENTIONALLY USED A FIREARM IN A
28 MANNER THAT CAUSED PHYSICAL INJURY DURING THE COMMISSION OF THE
29 OFFENSE; OR

30 (c) THE INDIVIDUAL WAS THE LEADER, MANAGER, OR SUPERVISOR
31 OF OTHERS IN A CONTINUING CRIMINAL ENTERPRISE.

32 **SECTION 2. Effective date - applicability.** This act takes effect
33 July 1, 2016, and applies to individuals sentenced on or after said date.

34 **SECTION 3. Safety clause.** The general assembly hereby finds,
35 determines, and declares that this act is necessary for the immediate
36 preservation of the public peace, health, and safety."

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