

HB1345_L.016

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB16-1345 be amended as follows:

1 Amend printed bill, page 3, after line 2 insert:

2 "SECTION 2. In Colorado Revised Statutes, 16-11.7-104, add
3 (3) as follows:

4 **16-11.7-104. Sex offenders - evaluation and identification**
5 **required.** (3) THE EVALUATION AND IDENTIFICATION DESCRIBED IN
6 SUBSECTION (1) OF THIS SECTION ARE NOT REQUIRED IF THE OFFENSE FOR
7 WHICH THE OFFENDER IS APPLYING FOR PROBATION IS NOT A SEXUAL
8 OFFENSE AND THE OFFENDER'S CRIMINAL HISTORY ONLY INCLUDES A
9 SENTENCE FOR A SEX OFFENSE, WHICH SENTENCE WAS COMPLETED MORE
10 THAN TEN YEARS PRIOR TO THE DATE OF THE OFFENSE FOR WHICH THE
11 OFFENDER IS APPLYING FOR PROBATION."

12 Renumber succeeding sections accordingly.

13 Page 4, after line 16 insert:

14 "SECTION 4. In Colorado Revised Statutes, 16-11-102, amend
15 (1) (b) (I) (B) and (1) (b) (I) (C); and add (1) (b) (I) (D) as follows:

16 **16-11-102. Presentence or probation investigation.**
17 (1) (b) (I) Each presentence report prepared regarding a sex offender, as
18 defined in section 16-11.7-102 (2), with respect to any offense committed
19 on or after January 1, 1996, shall contain the results of an evaluation and
20 identification conducted pursuant to article 11.7 of this title; except that:

21 (B) If the offense is a misdemeanor pursuant to title 42, C.R.S.,
22 or the history of sex-offending behavior was a misdemeanor sex offense
23 committed when the defendant was a juvenile, an evaluation and
24 identification conducted pursuant to article 11.7 of this title is not
25 required but may be ordered by the court; and

26 (C) If the court accepts a stipulation that the defendant will not be
27 sentenced to probation or if the defendant is already serving a sentence in
28 the department of corrections, an evaluation and identification conducted
29 pursuant to article 11.7 of this title is not required but may be ordered by
30 the court; AND

31 (D) IF THE OFFENSE FOR WHICH THE DEFENDANT IS APPLYING FOR
32 PROBATION IS NOT A SEX OFFENSE, AS DEFINED IN SECTION 16-11.7-102,
33 AND THE DEFENDANT'S CRIMINAL HISTORY INCLUDES PREVIOUSLY BEING
34 SENTENCED AS A SEX OFFENDER, AS DEFINED IN SECTION 16-11.7-102, IN



1 COLORADO OR IN ANOTHER JURISDICTION, WHICH SENTENCE WAS
2 COMPLETED MORE THAN TEN YEARS PRIOR TO THE DATE OF THE OFFENSE
3 FOR WHICH THE OFFENDER IS APPLYING FOR PROBATION, AN EVALUATION
4 AND IDENTIFICATION CONDUCTED PURSUANT TO ARTICLE 11.7 OF THIS
5 TITLE IS NOT REQUIRED BUT MAY BE ORDERED BY THE COURT.".

6 Renumber succeeding sections accordingly.

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