

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Coleman

1 Amend Coleman floor amendment (HB1249_L.129), page 1, line 28,
2 strike "(1) WHEN THE".

3 Page 1, strike lines 29 through 36.

4 Page 2, strike line 1 and substitute:

5 "(1)(a) THERE IS A PRESUMPTION THAT A CHILD TEN YEARS OF AGE
6 OR OLDER BUT UNDER THIRTEEN YEARS OF AGE SHALL NOT BE
7 PROSECUTED AND INSTEAD SHALL BE REFERRED TO THE LOCAL
8 COLLABORATIVE MANAGEMENT PROGRAM CREATED PURSUANT TO
9 SECTION 24-1.9-102 WHEN THE JUVENILE COURT DETERMINES THERE IS
10 PROBABLE CAUSE TO BELIEVE THAT THE ALLEGED CONDUCT OF THE CHILD
11 CONSTITUTES:

12 (I) A VIOLATION OF SECTION 18-3-402; OR

13 (II) ONE OF THE FOLLOWING CRIMES, BUT ONLY IF THE CHILD'S
14 INTENTIONAL CONDUCT DIRECTLY RESULTED IN SERIOUS BODILY INJURY
15 TO A VICTIM TO FURTHER THE COMMISSION OF THE CHARGED CRIME:

16 (A) FIRST DEGREE ASSAULT, AS DESCRIBED IN SECTION 18-3-202;

17 (B) FIRST DEGREE KIDNAPPING, AS DESCRIBED IN SECTION
18 18-3-301;

19 (C) SECOND DEGREE KIDNAPPING, AS DESCRIBED IN SECTION
20 18-3-302;

21 (D) AGGRAVATED ROBBERY, AS DESCRIBED IN SECTION 18-4-302;

22 (E) FIRST DEGREE BURGLARY, AS DESCRIBED IN SECTION 18-4-202;

23 OR

24 (F) FIRST DEGREE ARSON, AS DESCRIBED IN SECTION 18-4-102;

25 (b) THE PRESUMPTION DESCRIBED IN SUBSECTION (1)(a) OF THIS
26 SECTION MAY BE REBUTTED BY CLEAR AND CONVINCING EVIDENCE THAT
27 THE CHILD POSES A SUBSTANTIAL RISK TO ANOTHER AND THE LOCAL
28 COLLABORATIVE MANAGEMENT PROGRAM WOULD BE INSUFFICIENT TO
29 PROTECT AGAINST SUCH RISK."

30 Page 2, line 10, strike "SUBSECTION (1)" and substitute "SUBSECTION
31 (1)(a)".

32 Page 3, line 14, strike "SUBSECTION (1)" and substitute "SUBSECTION
33 (1)(a)".

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