

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 18, 2023
Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

HB23-1187 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, page 6, strike lines 13 through 18.
- 2 Page 6, strike lines 19 through 27 and substitute:
 - 3 "(3) (a) THERE IS A REBUTTABLE PRESUMPTION AGAINST
 - 4 DETENTION AND INCARCERATION OF A PREGNANT OR POSTPARTUM
 - 5 DEFENDANT IF THE DEFENDANT PROVIDES THE COURT AND DISTRICT
 - 6 ATTORNEY WITH NOTICE OF THE DEFENDANT'S STATUS AS A PREGNANT OR
 - 7 POSTPARTUM DEFENDANT AT EACH APPLICABLE STAGE OF THE
 - 8 PROCEEDINGS. SUBJECT TO SUBSECTION (5) OF THIS SECTION AND IF THE
 - 9 COURT DECIDES TO DETAIN OR INCARCERATE THE PREGNANT OR
 - 10 POSTPARTUM DEFENDANT AFTER WEIGHING THE APPLICABLE LEGAL
 - 11 STANDARDS AND CONSIDERATIONS SET FORTH IN SUBSECTIONS (3)(a)(I) TO
 - 12 (3)(a)(VI) OF THIS SECTION, THE COURT SHALL MAKE SPECIFIC FINDINGS
 - 13 ON THE RECORD THAT THE RISK TO PUBLIC SAFETY OR ANY OTHER FACTOR
 - 14 THE COURT IS REQUIRED TO CONSIDER IS SUBSTANTIAL ENOUGH TO
 - 15 OUTWEIGH THE RISK OF INCARCERATION. THE COURT SHALL APPLY THE
 - 16 REBUTTABLE".
- 17 Page 7, line 13, strike "AN UNACCOMPANIED FURLOUGH OR".
- 18 Page 11, strike line 6 and substitute "EXECUTION."
- 19 Page 11, strike lines 7 through 12.
- 20 Reletter succeeding paragraph accordingly.
- 21 Page 12, line 24, strike "DEFENDANT, AS" and substitute "DEFENDANT

- 1 WHO HAS COMPLIED WITH THE NOTICE REQUIREMENT SET FORTH".
- 2 Page 12, line 25, strike "DEFINED".
- 3 Page 14, strike line 8 and substitute "IF THE DEFENDANT COMPLIED WITH
4 THE NOTICE REQUIREMENT SET FORTH IN SECTION 18-1.3-103.7".
- 5 Page 17, strike lines 22 through 26.
- 6 Page 17, strike line 27 and substitute:
- 7 "(3) (a) THERE IS A REBUTTABLE PRESUMPTION AGAINST
8 DETENTION AND COMMITMENT OF A PREGNANT OR POSTPARTUM JUVENILE
9 IF THE JUVENILE PROVIDES THE COURT AND DISTRICT ATTORNEY WITH
10 NOTICE OF THE JUVENILE'S STATUS AS A PREGNANT OR POSTPARTUM
11 JUVENILE AT EACH APPLICABLE STAGE OF THE PROCEEDINGS. SUBJECT TO
12 SUBSECTION (5) OF THIS SECTION AND IF THE COURT DECIDES TO DETAIN
13 OR COMMIT THE PREGNANT OR POSTPARTUM JUVENILE AFTER WEIGHING
14 THE APPLICABLE LEGAL STANDARDS AND CONSIDERATIONS SET FORTH IN
15 SUBSECTIONS (3)(a)(I) TO (3)(a)(VI) OF THIS SECTION, THE COURT SHALL
16 MAKE SPECIFIC FINDINGS ON THE RECORD THAT THE RISK TO PUBLIC
17 SAFETY OR ANY OTHER FACTOR THE COURT IS REQUIRED TO CONSIDER IS
18 SUBSTANTIAL ENOUGH TO OUTWEIGH THE RISK OF DETENTION OR
19 COMMITMENT. THE COURT SHALL APPLY THE REBUTTABLE".
- 20 Page 18, strike lines 1 through 8.
- 21 Page 18, line 21, strike "AN UNACCOMPANIED FURLOUGH OR" and
22 substitute "A".
- 23 Page 22, strike lines 12 through 18.
- 24 Reletter succeeding paragraph accordingly.
- 25 Page 23, line 19, strike "16-4-103 OR 19-2.5-1118.5." and substitute
26 "16-4-103. IF THE JUVENILE IS A PREGNANT OR POSTPARTUM JUVENILE
27 WHO HAS COMPLIED WITH THE NOTICE REQUIREMENT SET FORTH IN
28 SECTION 19-2.5-1118.5, THE JUDGE OR MAGISTRATE SHALL CONSIDER THE
29 JUVENILE'S PREGNANCY OR POSTPARTUM STATUS IN DETERMINING THE
30 CONDITIONS OF RELEASE."
- 31 Before "PRESUMPTION" insert "REBUTTABLE" on: **Page 9**, line 25; **Page**
32 **10**, line 24; **Page 21**, line 3; and **Page 22**, line 2.

1 Strike "OR UNACCOMPANIED FURLOUGH" on: **Page 10**, lines 3 and 6; **Page**
2 **11**, line 19; **Page 21**, lines 8 and 11; and **Page 22**, line 24.

3 Strike "EXECUTION OR UNACCOMPANIED FURLOUGH" and substitute
4 "EXECUTION" on: **Page 10**, line 14; **Page 11**, 22 and 23, and 24; **Page 21**,
5 line 19; **Page 22**, lines 10 and 11; and **Page 23**, lines 1, and 2 and 3.

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