

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 3, 2016
Date

Committee on Judiciary.

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

HB16-1027 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, line 6, strike "adult," and substitute "adult OR
- 2 AT-RISK ELDER,".

- 3 Page 2, line 7, strike "adult," and substitute "adult OR AT-RISK ELDER,".

- 4 Page 2, line 12, strike "three" and substitute "~~three~~ FOURTEEN".

- 5 Page 2, line 15, strike "deposition." and substitute "deposition; EXCEPT
- 6 THAT FOR GOOD CAUSE SHOWN, THE COURT MAY PERMIT THE FILING OF A
- 7 MOTION REQUESTING A RECORDED DEPOSITION LESS THAN FOURTEEN
- 8 DAYS PRIOR TO TAKING THE DEPOSITION.".

- 9 Page 2, line 24, after "DEPOSITION" insert "TO TAKE PLACE WITHIN
- 10 FOURTEEN DAYS".

- 11 Page 2, line 25, strike "FINDINGS" and substitute "FINDINGS, EXCEPT FOR
- 12 GOOD CAUSE SHOWN BY THE PROSECUTION IF THE MOTION ASKS FOR THE
- 13 DEPOSITION TO BE TAKEN IN LESS THAN FOURTEEN DAYS,", and strike "OR
- 14 WITNESS".

- 15 Page 3, line 1, strike "ELDERS" and substitute "ELDER VICTIMS".

- 16 Page 3, line 5, strike "WITNESS." and substitute "WITNESS OR AT-RISK

1 ELDER WITNESS."
2 Page 3, lines 7 through 9, strike "THE COURT MAY, BUT IS NOT REQUIRED
3 TO, ACCEPT EVIDENCE IN SUPPORT OF, AND IN OPPOSITION TO, THE MOTION
4 FOR A DEPOSITION."

5 Page 3, after line 12 insert:

6 "(III) BOTH THE PROSECUTION AND THE DEFENDANT SHALL
7 PROVIDE ALL AVAILABLE DISCOVERY NO LATER THAN FIVE DAYS BEFORE
8 THE SCHEDULED DEPOSITION. IF THE DISCOVERY HAS NOT BEEN PROVIDED
9 AS SET FORTH IN THIS SUBPARAGRAPH (III), EITHER PARTY MAY FILE A
10 MOTION WITH THE COURT TO RESCHEDULE THE DEPOSITION IN ORDER TO
11 OBTAIN THE NECESSARY DISCOVERY TO ADEQUATELY PREPARE FOR THE
12 DEPOSITION."

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