

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 1, 2017  
Date

Committee on Judiciary.

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

SB17-051 be amended as follows, and as so amended, be referred to the Committee on State, Veterans, & Military Affairs with favorable recommendation:

- 1 Amend printed bill, page 2, line 3, after "(1)(hh)," insert "(2)(j.5),".
- 2 Page 3, after line 19 insert:
  - 3 "(j.5) Any court-ordered modification of the terms and conditions
  - 4 of probation as described in section 18-1.3-204 ~~C.R.S.~~ OR 19-2-925 and
  - 5 as outlined in section 24-4.1-303 (13.5)(a);".
- 6 Page 3, line 20, after "FULL" insert "PAROLE".
- 7 Page 5, line 4, after "FULL" insert "PAROLE".
- 8 Page 5, strike lines 13 through 24 and substitute "THE VICTIM OR THE  
9 VICTIM'S DESIGNEE SHALL NOTIFY THE COMMUNITY CORRECTIONS BOARD  
10 WITHIN A REASONABLE TIME THAT THE VICTIM IS UNAVAILABLE TO  
11 ATTEND THE PROCEEDING BUT WOULD LIKE TO MAKE A STATEMENT.  
12 WITHIN ITS RESOURCES, THE COMMUNITY CORRECTIONS BOARD SHALL  
13 ARRANGE FOR AND PROVIDE THE MEANS FOR THE VICTIM TO ADDRESS THE  
14 BOARD, WHICH MEANS MAY INCLUDE, BUT NEED NOT BE LIMITED TO,  
15 APPEARING BY PHONE OR VIA SIMILAR TECHNOLOGY."
- 16 Renumber succeeding subparagraphs accordingly.
- 17 Page 6, line 16, after "(12)(g)," insert "(12)(h),".

1 Page 6, strike line 17 and substitute "(13.5)(a)(V), (13.5)(a)(VIII),  
2 (13.5)(a)(IX), (14)(c), (14)(d), (14)(h), (14.2) introductory portion,  
3 (14.2)(e),".

4 Page 6, line 19, after "(12)(g.5)," insert "(12)(j), (14)(j), (14)(k),".

5 Page 6, line 27, strike "CONSIDERED." and substitute "CONSIDERED AND  
6 STATE THE BASIS FOR THE COURT'S DECISION.".

7 Page 7, line 21, after "PROBATION." insert "FOR BOTH PROBATION  
8 REVOCATION HEARINGS AND REQUESTS FOR EARLY TERMINATION, IT IS  
9 THE RESPONSIBILITY OF THE PROBATION DEPARTMENT TO NOTIFY THE  
10 VICTIM IF THE VICTIM HAS REQUESTED POST-SENTENCING NOTIFICATION.".

11 Page 8, after line 5 insert:

12 "(h) The right to receive information from the probation  
13 department concerning information outlined in subsection (13.5) of this  
14 section regarding a person convicted of a crime against the victim; ~~and~~

15 (j) THE RIGHT TO BE INFORMED OF A REQUEST FOR PROGRESSION  
16 FOR A PERSON WHO IS CHARGED WITH OR CONVICTED OF A CRIME AGAINST  
17 THE VICTIM AND WHO IS IN THE CUSTODY OF THE STATE MENTAL HEALTH  
18 HOSPITAL.".

19 Page 8, line 14, after "SECTION 24-4.1-302.5 (1)(d)." insert "IF A HEARING  
20 IS NOT SCHEDULED AND THE COURT HAS REVIEWED A WRITTEN MOTION  
21 FOR EARLY TERMINATION OF PROBATION AND IS CONSIDERING GRANTING  
22 THE MOTION WITHOUT A HEARING, THE COURT SHALL INFORM THE  
23 PROBATION DEPARTMENT AND THE DISTRICT ATTORNEY'S OFFICE, AND THE  
24 PROBATION DEPARTMENT SHALL NOTIFY AND RECEIVE INPUT FROM THE  
25 VICTIM TO GIVE TO THE COURT BEFORE THE COURT RULES ON THE  
26 MOTION.".

27 Page 9, strike lines 13 through 27 and substitute:

28 "(IX) Any court-ordered modification of the terms and conditions  
29 of probation as described in section 18-1.3-204 ~~C.R.S.~~ OR 19-2-925.

30 (14) Upon receipt of a written victim impact statement as  
31 provided in section 24-4.1-302.5 (1)(j.5), the department of corrections  
32 shall include the statement with any referral made by the department of  
33 corrections or a district court to place an offender in a public or private

1 community corrections facility or program. Upon written request of a  
2 victim, the department of corrections or the public or private local  
3 corrections authorities shall notify the victim of the following information  
4 regarding any person who was charged with or convicted of a crime  
5 against the victim:

6 (c) Any release of such person on furlough or work release or to  
7 a community correctional facility or other program, OR STATUTORY  
8 DISCHARGE in advance of such release;

9 (d) Any scheduled parole hearings OR FULL BOARD REVIEWS  
10 regarding ~~such~~ THE person and any changes in the scheduling of such  
11 hearings, INCLUDING NOTIFICATION OF THE VICTIM'S RIGHT TO BE PRESENT  
12 AND HEARD AT SUCH HEARINGS;

13 (h) The death of the person while in custody or while under the  
14 jurisdiction of the state of Colorado concerning the crime; ~~and~~

15 (j) ANY DECISION BY THE PAROLE BOARD OR ANY DECISION BY THE  
16 GOVERNOR TO COMMUTE THE SENTENCE OF THE PERSON OR PARDON THE  
17 PERSON; AND

18 (k) THE DATE, TIME, AND LOCATION OF A SCHEDULED  
19 EXECUTION."

20 Strike pages 10 and 11.

21 Page 12, strike lines 1 and 2.

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