HOUSE COMMITTEE OF REFERENCE REPORT

			<u>April</u>	6, 2021
Chair of Cor	mmittee	Γ	ate	
Committee o	on <u>Judiciary</u> .			
After consideration following:	deration on the m	erits, the (Committee	recommends the
HB21-1016	be amended as fo the Committee recommendation:	of the		led, be referred to with favorable
Amend prin substitute:	ted bill, strike eve	erything bel	ow the ena	acting clause and
"SEC	CTION 1. In Colora	ado Revised	Statutes, 16	5-7-207.5, amend
(1) as follow	/s:			
	207.5. Court's dut	-		
	ry service on first			
• • • •	At the first appear			-
•	, whichever is first			
	nt is serving in the U			
	es. The court shall i	•		
	DANT may be entit			
	se disorder treatmen	•		
	N DOES NOT HAVE			*
	LL INFORM THE			
	TO TRANSFER PRO			
	NA CASE TO A JURIS		$TH \land VETE$	RANS TREATMENT
	UANT TO SECTION 1	8-1.3-202.5	5.	
follows:		8-1.3-202.5	5.	
10-1.	UANT TO SECTION 1 FION 2. In Colora	8-1.3-202.5 do Revised \$	5. Statutes, ad	l d 18-1.3-202.5 as
	UANT TO SECTION 1 FION 2. In Colorad 3-202.5. Veterans	8-1.3-202.5 do Revised S	5. Statutes, ad a tion supe r	d 18-1.3-202.5 as
DEFENDANT	UANT TO SECTION 1 FION 2. In Colora 3-202.5. Veterans IS A VETERAN WE	8-1.3-202.5 do Revised S court prob	5. Statutes, ad ation super RING FROM	d 18-1.3-202.5 as rvision. (1) If the A DIAGNOSABLE
DEFENDANT MENTAL HE	UANT TO SECTION 1 FION 2. In Colorad 3-202.5. Veterans IS A VETERAN WHALTH CONDITION	8-1.3-202.5 do Revised S court probs IO IS SUFFE	5. Statutes, ad ation super RING FROM ELATED TO	d 18-1.3-202.5 as rvision. (1) If the A DIAGNOSABLE THE VETERAN'S
DEFENDANT MENTAL HE MILITARY SE	UANT TO SECTION 1 FION 2. In Colora 3-202.5. Veterans IS A VETERAN WE	8-1.3-202.5 do Revised S court proba IO IS SUFFE THAT IS RI TRISDICTION	Statutes, ad ation super RING FROM ELATED TO OF TRIAL D	d 18-1.3-202.5 as rvision. (1) If the A DIAGNOSABLE O THE VETERAN'S DOES NOT HAVE A



THE DISTRICT ATTORNEY AND ANY VICTIM IN A VICTIM'S RIGHTS CASE, MAY PETITION THE COURT TO TRANSFER THE SUPERVISION OF ANY POST DISPOSITION OF THE CASE TO A JURISDICTION WITH A VETERANS TREATMENT COURT.

- (2) A DEFENDANT FILING A PETITION PURSUANT TO SUBSECTION (1) OF THIS SECTION MUST IDENTIFY THE JURISDICTION WHERE THE SUPERVISION OF THE PROBATION IN THE CASE MAY BE TRANSFERRED AND THE SERVICES OR SUPPORTS AVAILABLE IN THAT JURISDICTION'S VETERANS TREATMENT COURT THAT THE DEFENDANT IS SEEKING TO ACCESS.
- (3) When a court receives a petition pursuant to subsection (1) of this section, the court shall confer with the judge administering the veterans treatment court in the jurisdiction identified in the petition and the district attorney of the jurisdiction identified in the petition. The court may grant the petition to transfer the supervision of probation in the case if the veterans treatment court and the district attorney in the hosting jurisdiction consent to the transfer and that jurisdiction has the current ability to provide the resources and support necessary to responsibly accept the transfer.
- (4) If the host jurisdiction files a motion for revocation of the veterans treatment court program probation, the host jurisdiction shall conduct the revocation hearing. If probation is revoked, the host jurisdiction shall refer the matter to the original jurisdiction for resentencing.
- (5) NOTHING IN THIS SECTION PROHIBITS THE HOST JURISDICTION FROM UTILIZING PROGRAM POLICIES RELATED TO MINOR VIOLATIONS THAT ARE TYPICALLY ADDRESSED THROUGH GRADUATED SANCTIONS.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor."

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