

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0547.01 Michael Dohr x4347

HOUSE BILL 21-1016

HOUSE SPONSORSHIP

Ortiz and Lynch,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE AUTHORITY TO TRANSFER JURISDICTION OF A
102 VETERAN DEFENDANT'S CASE TO A JURISDICTION WITH A
103 VETERAN'S SPECIALITY COURT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, a court must inquire at the defendant's first appearance whether the defendant is a veteran. If the jurisdiction does not have a veteran's speciality court, the bill requires the court to inform a veteran defendant of the possibility of petitioning to transfer the case to a jurisdiction with a veteran's speciality court.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The bill allows a veteran defendant to petition to transfer the case to a jurisdiction with a veteran's speciality court if the jurisdiction does not have a veteran's speciality court. The petition must include the jurisdiction that the defendant is seeking to have the case transferred to and a description of the services or supports the defendant is seeking to access from the veteran's speciality court in that jurisdiction. After receiving a petition, the court must consult with the chief judge of the jurisdiction with the veteran's speciality court and administrator of that court, if any. The court shall grant the petition to transfer the case if the veteran's speciality court in that jurisdiction has the capacity to provide services and supports to the defendant.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 16-7-207.5, **amend**
3 (1) as follows:

4 **16-7-207.5. Court's duty to inform defendants with current or**
5 **prior military service on first appearance in court and on pleas of**
6 **guilty.** (1) At the first appearance of a defendant in court or upon
7 arraignment, whichever is first in time, the court shall ascertain whether
8 the defendant is serving in the United States armed forces or is a veteran
9 of such forces. The court shall inform any such defendant that he or she
10 may be entitled to receive mental health treatment, substance use disorder
11 treatment, or other services as a veteran. IF THE JURISDICTION DOES NOT
12 HAVE A VETERAN'S SPECIALITY COURT, THE COURT SHALL INFORM THE
13 DEFENDANT OF THE POSSIBILITY OF PETITIONING TO TRANSFER THE CASE
14 TO A JURISDICTION WITH A VETERAN'S SPECIALITY COURT PURSUANT TO
15 SECTION 18-1-202 (15).

16 **SECTION 2.** In Colorado Revised Statutes, 18-1-202, **add** (15)
17 as follows:

18 **18-1-202. Place of trial - applicability.** (15) (a) IF THE
19 DEFENDANT IS A VETERAN AND THE JURISDICTION OF TRIAL DOES NOT

1 HAVE A VETERAN'S SPECIALITY COURT, THE DEFENDANT MAY PETITION
2 THE COURT TO TRANSFER THE CASE TO A JURISDICTION WITH A VETERAN'S
3 SPECIALITY COURT.

4 (b) A DEFENDANT FILING A PETITION PURSUANT TO THIS
5 SUBSECTION (15) MUST IDENTIFY THE JURISDICTION TO TRANSFER THE
6 CASE TO AND THE SERVICES OR SUPPORTS AVAILABLE IN THAT
7 JURISDICTION'S VETERAN'S SPECIALITY COURT THAT THE DEFENDANT IS
8 SEEKING TO ACCESS.

9 (c) WHEN A COURT RECEIVES A PETITION PURSUANT TO THIS
10 SUBSECTION (15), THE COURT SHALL CONFER WITH THE CHIEF JUDGE OF
11 THE JURISDICTION IDENTIFIED IN THE PETITION AND, IF ANY, THE
12 ADMINISTRATOR OF THE VETERAN'S SPECIALITY COURT IN THAT
13 JURISDICTION. THE COURT SHALL GRANT THE PETITION TO TRANSFER THE
14 CASE IF THE VETERAN'S SPECIALITY COURT IN THAT JURISDICTION HAS THE
15 CAPACITY TO PROVIDE SERVICES AND SUPPORTS TO THE DEFENDANT.

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