

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0547.01 Michael Dohr x4347

**HOUSE BILL 21-1016**

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**HOUSE SPONSORSHIP**

**Ortiz and Lynch,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Judiciary

**Senate Committees**

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**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.**

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**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.

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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 THE DEFENDANT may be entitled to receive mental health treatment,  
11 substance use disorder treatment, or other services as a veteran. IF THE  
12 JURISDICTION DOES NOT HAVE A VETERANS TREATMENT COURT, THE  
13 COURT SHALL INFORM THE DEFENDANT OF THE POSSIBILITY OF  
14 PETITIONING TO TRANSFER PROBATION SUPERVISION AFTER A PLEA OR  
15 SENTENCE IN A CASE TO A JURISDICTION WITH A VETERANS TREATMENT  
16 COURT PURSUANT TO SECTION 18-1.3-202.5.

17 **SECTION 2.** In Colorado Revised Statutes, **add** 18-1.3-202.5 as  
18 follows:

19 **18-1.3-202.5. Veterans court probation supervision.** (1) IF THE

1 DEFENDANT IS A VETERAN WHO IS SUFFERING FROM A DIAGNOSABLE  
2 MENTAL HEALTH CONDITION THAT IS RELATED TO THE VETERAN'S  
3 MILITARY SERVICE AND THE JURISDICTION OF TRIAL DOES NOT HAVE A  
4 VETERANS TREATMENT COURT, THE DEFENDANT, WITH THE CONSENT OF  
5 THE DISTRICT ATTORNEY AND ANY VICTIM IN A VICTIM'S RIGHTS CASE,  
6 MAY PETITION THE COURT TO TRANSFER THE SUPERVISION OF ANY POST  
7 DISPOSITION OF THE CASE TO A JURISDICTION WITH A VETERANS  
8 TREATMENT COURT.

9 (2) A DEFENDANT FILING A PETITION PURSUANT TO SUBSECTION (1)  
10 OF THIS SECTION MUST IDENTIFY THE JURISDICTION WHERE THE  
11 SUPERVISION OF THE PROBATION IN THE CASE MAY BE TRANSFERRED AND  
12 THE SERVICES OR SUPPORTS AVAILABLE IN THAT JURISDICTION'S VETERANS  
13 TREATMENT COURT THAT THE DEFENDANT IS SEEKING TO ACCESS.

14 (3) WHEN A COURT RECEIVES A PETITION PURSUANT TO  
15 SUBSECTION (1) OF THIS SECTION, THE COURT SHALL CONFER WITH THE  
16 JUDGE ADMINISTERING THE VETERANS TREATMENT COURT IN THE  
17 JURISDICTION IDENTIFIED IN THE PETITION AND THE DISTRICT ATTORNEY  
18 OF THE JURISDICTION IDENTIFIED IN THE PETITION. THE COURT MAY GRANT  
19 THE PETITION TO TRANSFER THE SUPERVISION OF PROBATION IN THE CASE  
20 IF THE VETERANS TREATMENT COURT AND THE DISTRICT ATTORNEY IN THE  
21 HOSTING JURISDICTION CONSENT TO THE TRANSFER AND THAT  
22 JURISDICTION HAS THE CURRENT ABILITY TO PROVIDE THE RESOURCES AND  
23 SUPPORT NECESSARY TO RESPONSIBLY ACCEPT THE TRANSFER.

24 (4) IF THE HOST JURISDICTION FILES A MOTION FOR REVOCATION  
25 OF THE VETERANS TREATMENT COURT PROGRAM PROBATION, THE HOST  
26 JURISDICTION SHALL CONDUCT THE REVOCATION HEARING. IF PROBATION  
27 IS REVOKED, THE HOST JURISDICTION SHALL REFER THE MATTER TO THE

1 ORIGINAL JURISDICTION FOR RESENTENCING.

2 (5) NOTHING IN THIS SECTION PROHIBITS THE HOST JURISDICTION  
3 FROM UTILIZING PROGRAM POLICIES RELATED TO MINOR VIOLATIONS THAT  
4 ARE TYPICALLY ADDRESSED THROUGH GRADUATED SANCTIONS.

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