

CHAPTER 214

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 21-1016

BY REPRESENTATIVE(S) Ortiz and Lynch, Bennett, Bird, Cutter, Daugherty, Duran, Esgar, Exum, Froelich, Gray, Hooton, Jackson, Lontine, McLachlan, Michaelson Jenet, Mullica, Ricks, Roberts, Sandridge, Sirota, Sullivan, Titone, Valdez D., Van Beber, Weissman, Young, Amabile, Gonzales-Gutierrez, McCluskie, Pico, Garnett;
also SENATOR(S) Garcia and Gardner, Bridges, Buckner, Cooke, Danielson, Donovan, Fields, Ginal, Gonzales, Hansen, Hisey, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Liston, Moreno, Priola, Rankin, Scott, Simpson, Sonnenberg, Story, Winter.

AN ACT

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

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

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

16-7-207.5. Court's duty to inform defendants with current or prior military service on first appearance in court and on pleas of guilty. (1) At the first appearance of a defendant in court or upon arraignment, whichever is first in time, the court shall ascertain whether the defendant is serving in the United States armed forces or is a veteran of such forces. The court shall inform any such defendant that ~~he or she~~ THE DEFENDANT may be entitled to receive mental health treatment, substance use disorder treatment, or other services as a veteran. IF THE JURISDICTION DOES NOT HAVE A VETERANS TREATMENT COURT, THE COURT SHALL INFORM THE DEFENDANT OF THE POSSIBILITY OF PETITIONING TO TRANSFER PROBATION SUPERVISION AFTER A PLEA OR SENTENCE IN A CASE TO A JURISDICTION WITH A VETERANS TREATMENT COURT PURSUANT TO SECTION 18-1.3-202.5.

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

18-1.3-202.5. Veterans court probation supervision. (1) IF THE DEFENDANT IS A VETERAN OR IS CURRENTLY SERVING IN THE UNITED STATES ARMED FORCES AND IS SUFFERING FROM A DIAGNOSABLE MENTAL HEALTH CONDITION THAT IS RELATED TO THE VETERAN'S MILITARY SERVICE AND THE JURISDICTION OF TRIAL DOES NOT HAVE A VETERANS TREATMENT COURT, THE DEFENDANT, WITH THE CONSENT OF THE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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.

Approved: June 7, 2021