

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0391.01 Alana Rosen x2606

SENATE BILL 22-049

SENATE SPONSORSHIP

Fields and Gardner,

HOUSE SPONSORSHIP

Tipper and Carver,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING UPDATING THE "VICTIM RIGHTS ACT".

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>.)

The bill updates the "Victim Rights Act" (act). The purpose of the act is to ensure all victims of crimes are protected by law enforcement agencies, prosecutors, and judges.

The bill updates include:

- Allowing a victim or the victim's designees to appear in court proceedings in person, by phone, or virtually via video or audio technology, or similar technology;
- Requiring defendants to attend sentencing hearings to hear

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 victim's impact statement, unless the court excludes the defendant;

- Clarifying that a victim or the victim's designees have a right to consult with the prosecution after any crime against the victim has been charged, and the prosecutor shall explain the sentencing terms;
- Requiring the court to provide the victim or the victim's designees with translation or interpretation services as needed during all critical stages of the hearing;
- Clarifying that a victim or the victim's designees have a right to attend all parole board hearings;
- Requiring a court to order a bond hearing in any case that falls under the act; and
- Clarifying that more than one person can represent the interests of a victim who is deceased or incapacitated.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-4.1- 300.1 as
3 follows:

4 **24-4.1-300.1. Short title.** THE SHORT TITLE OF THIS PART 3 IS THE
5 "VICTIM RIGHTS ACT".

6 **SECTION 2.** In Colorado Revised Statutes, 24-4.1-302, **amend**
7 (2)(e.5) and (2)(k.3); and **add** (1)(nn) and (1)(oo) as follows:

8 **24-4.1-302. Definitions.** As used in this part 3, and for no other
9 purpose, including the expansion of the rights of any defendant:

10 (1) "Crime" means any of the following offenses, acts, and
11 violations as defined by the statutes of the state of Colorado, whether
12 committed by an adult or a juvenile:

13 (nn) FIRST DEGREE ARSON, IN VIOLATION OF SECTION 18-4-102;

14 (oo) CONTRIBUTING TO THE DELINQUENCY OF A MINOR, IN
15 VIOLATION OF SECTION 18-6-701 (1)(a).

16 (2) "Critical stages" means the following stages of the criminal
17 justice process:

1 (e.5) Any subpoena OR APPLICATION for records concerning the
2 victim's medical history; mental health; education; ~~or~~ victim's
3 compensation; OR RECORDS THAT ARE PERSONAL, CONFIDENTIAL, OR
4 PRIVILEGED PURSUANT TO SECTION 13-90-107;

5 (k.3) The filing of any complaint, summons, or warrant FILED by
6 the probation department; ~~for failure to report to probation or because the~~
7 ~~location of a person convicted of a crime is unknown;~~

8 **SECTION 3.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**
9 (1)(b), (1)(b.9), (1)(d)(I), (1)(d)(VII), (1)(d.5)(I), (1)(d.5)(III),
10 (1)(d.5)(IV), (1)(e), (1)(j), (1)(j.2), (1)(j.5)(I), (1)(j.5)(II), (1)(j.5)(III),
11 (1)(j.5)(V), and (1)(z); and **add** (1)(e.2) as follows:

12 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In
13 order to preserve and protect a victim's rights to justice and due process,
14 each victim of a crime has the following rights:

15 (b) The right to be informed of and BE present BY APPEARING IN
16 PERSON, BY PHONE, VIRTUALLY BY AUDIO OR VIDEO, OR SIMILAR
17 TECHNOLOGY for all critical stages of the criminal justice process as
18 specified in section 24-4.1-302 (2); except that the victim shall have the
19 right to be informed of, without being present for, the critical stages
20 described in section 24-4.1-302 (2)(a), (2)(a.5), (2)(a.7), (2)(e.5), (2)(k.3),
21 (2)(n), (2)(p), (2)(q), ~~and~~ (2)(u), AND (2)(v);

22 (b.9) The right to receive ~~a~~ AN UNREDACTED, free copy of the
23 initial incident report from the investigating law enforcement agency;
24 except that the release of a document associated with the investigation is
25 at the discretion of the law enforcement agency based on the status of the
26 case or security and safety concerns in a correctional facility, local jail, or
27 private contract prison as defined in section 17-1-102. ~~C.R.S.~~; THE

1 INITIAL INCIDENT REPORT MUST CONTAIN, AT A MINIMUM, THE VICTIM'S
2 NAME, THE OFFENDER'S NAME, THE DATE OF THE CRIME, THE CHARGES,
3 AND A SUMMARY OF THE INCIDENT SO THE VICTIM HAS SUFFICIENT DETAIL
4 TO HELP THE VICTIM WITH, INCLUDING BUT NOT LIMITED TO, INSURANCE
5 CLAIMS, EMPLOYER INTERCESSION, PROTECTION ORDERS, AND
6 LANDLORD-TENANT NOTIFICATION. THE INITIAL REPORT MAY REDACT THE
7 NAMES OF OTHER VICTIMS INVOLVED IN THE INCIDENT WHO ARE NOT
8 RELATED TO THE VICTIM REQUESTING THE REPORT.

9 (d) The right to be heard at any court proceeding:

10 (I) Involving the defendant's bond as specified in section
11 24-4.1-302 (2)(c). IF THERE IS A REQUEST TO DECREASE OR MODIFY THE
12 BOND OR BOND CONDITIONS, THE COURT SHALL SET A HEARING PURSUANT
13 TO SECTION 16-4-109 (1), AND THE DISTRICT ATTORNEY SHALL NOTIFY THE
14 VICTIM OF THE HEARING.

15 (VII) Involving ANY APPLICATION TO THE COURT FOR THE
16 ISSUANCE OF a subpoena for records concerning the victim's medical
17 history, mental health, education, or victim compensation, or any other
18 records that are PERSONAL, CONFIDENTIAL, OR privileged pursuant to
19 section 13-90-107;

20 (d.5) (I) If a victim or a victim's designee is unavailable to be
21 present for the critical stages described in ~~paragraph (d) of this subsection~~
22 ~~(I)~~ SUBSECTION (1)(d) OF THIS SECTION and the victim or the victim's
23 designee wishes to address the court, the right to request that the court,
24 within the court's resources, arrange and provide the means for the victim
25 and the victim's designee to provide input to the court beyond a written
26 victim impact statement, WHICH MAY INCLUDE, BUT NEED NOT BE LIMITED
27 TO, APPEARING BY PHONE, VIRTUALLY BY VIDEO OR AUDIO, OR SIMILAR

1 TECHNOLOGY.

2 (III) The victim or the victim's designee shall notify the district
3 attorney within a reasonable time that ~~he or she~~ THE VICTIM OR THE
4 VICTIM'S DESIGNEE is unavailable to attend the court hearing. The district
5 attorney's office shall then inform the court that the victim or the victim's
6 designee, due to ~~his or her~~ THE VICTIM'S OR THE VICTIM'S DESIGNEE'S
7 unavailability, is requesting the court to arrange for and provide the
8 means to address the court, which ~~may~~ MUST include but need not be
9 limited to appearing by phone, VIRTUALLY BY VIDEO OR AUDIO, or similar
10 technology. The district attorney shall inform the victim or the victim's
11 designee of the ~~court's decision regarding an alternate arrangement~~
12 AVAILABLE OPTIONS TO APPEAR REMOTELY.

13 (IV) This subsection (1)(d.5) applies to a victim who is
14 incarcerated or otherwise being held in a local county jail, the department
15 of corrections, or the division of youth services in the department of
16 human services, but is limited to participation by telephone OR APPEARING
17 VIRTUALLY BY VIDEO OR AUDIO, OR SIMILAR TECHNOLOGY.

18 (e) The right to consult with the prosecution after any crime
19 against the victim has been charged, PRIOR TO ANY PREFILE OR POST
20 FILING DIVERSION OFFER, prior to any disposition of the case, or prior to
21 any trial of the case, and the right to be informed of the final disposition
22 of the case. THE RIGHT TO CONSULT WITH THE PROSECUTION MUST
23 INCLUDE AN EXPLANATION TO THE VICTIM OF THE POSSIBILITY THAT THE
24 DEFENDANT MAY NOT SERVE THE DEFENDANT'S ENTIRE SENTENCE IN
25 PRISON BECAUSE THE DEFENDANT MAY RECEIVE GOOD TIME CREDITS OR
26 EARNED TIME WHILE INCARCERATED;

27 (e.2) THE RIGHT TO BE INFORMED IF A DISTRICT ATTORNEY GRANTS

1 EARLY TERMINATION TO AN OFFENDER PARTICIPATING IN A DIVERSION
2 PROGRAM AND THE DATE OF TERMINATION FROM THE DIVERSION
3 PROGRAM;

4 (j) The right to be informed of any proceeding at which any
5 postconviction release from confinement in a secure state correctional
6 facility is being considered for any person convicted of a crime against
7 the victim and the right to be PRESENT BY APPEARING IN PERSON, BY
8 PHONE, OR VIRTUALLY BY VIDEO OR AUDIO, OR SIMILAR TECHNOLOGY,
9 AND heard at any such proceeding or to provide written information.
10 ~~thereto~~. For purposes of this subsection (1), "proceeding" means
11 reconsideration of sentence, a parole hearing, a full parole board review,
12 REVOCATION HEARING, RESCISSION HEARING, commutation of sentence,
13 or consideration for placement in the specialized program developed by
14 the department of corrections pursuant to section 17-34-102.

15 (j.2) The right to be informed of any request for progression from
16 the state mental health hospital on behalf of a person in its custody as a
17 result of a criminal case involving the victim, and the right to be PRESENT
18 BY APPEARING IN PERSON, BY PHONE, OR VIRTUALLY BY VIDEO OR AUDIO,
19 OR SIMILAR TECHNOLOGY, AND heard at any hearing during which a court
20 considers such a request. For purposes of this subsection (1)(j.2), "request
21 for progression" includes any request for off-grounds or unsupervised
22 privileges, community placement, conditional release, unconditional
23 discharge, or a special furlough.

24 (j.5)(I) The right to provide a written victim impact statement that
25 ~~will~~ MUST be included with any referral made by the department of
26 corrections or a district court to place an offender in a community
27 corrections facility or program. A community corrections board may

1 allow a victim to provide an oral statement BY APPEARING IN PERSON, BY
2 PHONE, OR VIRTUALLY BY VIDEO OR AUDIO, OR SIMILAR TECHNOLOGY, to
3 the community corrections board when an offender is being considered
4 for a direct sentence to community corrections and may place reasonable
5 limits on the victim's oral statement.

6 (II) For purposes of this ~~paragraph~~ SUBSECTION (1)(j.5), the victim
7 shall have the right to provide a separate oral statement BY APPEARING IN
8 PERSON, BY PHONE, OR VIRTUALLY BY VIDEO OR AUDIO, OR SIMILAR
9 TECHNOLOGY, to the community corrections board considering a
10 transitional referral, but the board shall have discretion to place
11 reasonable parameters on the victim's oral statement. If a community
12 corrections board denies the offender's referral to community corrections,
13 the victim's right under this ~~subparagraph (II)~~ SUBSECTION (1)(j.5)(II) to
14 provide an oral statement ~~shall~~ MUST not take effect.

15 (III) For purposes of this subsection (1)(j.5), if a victim or a
16 victim's designee is unavailable to be present for a proceeding to consider
17 an offender for a direct sentence or transitional referral to community
18 corrections as described in subsection (1)(j.5)(I) of this section, and the
19 victim or the victim's designee wishes to address the community
20 corrections board, the victim or the victim's designee shall notify the
21 community corrections board within a reasonable time that the victim is
22 unavailable to attend the proceeding but would like to make a statement.
23 Within its resources, the community corrections board shall arrange for
24 and provide the means for the victim to address the board, which means
25 may include, but need not be limited to, appearing ~~by phone~~ IN PERSON,
26 BY PHONE, OR VIRTUALLY BY AUDIO OR VIDEO, or ~~via~~ similar technology.

27 (V) This subsection (1)(j.5) applies to a victim who is incarcerated

1 or otherwise being held in a local county jail, the department of
2 corrections, or the division of youth corrections in the department of
3 human services but is limited to participation by ~~phone~~ APPEARING IN
4 PERSON, BY PHONE, OR VIRTUALLY BY AUDIO OR VIDEO, or similar
5 technology.

6 (z) The right to be notified of a hearing concerning any motion
7 filed for or petition for sealing of records described in section 24-72-706
8 OR 24-72-709 or 24-72-710 filed by a defendant in the criminal case
9 whose crime falls under section 24-4.1-302 (1);

10 **SECTION 4.** In Colorado Revised Statutes, 24-4.1-303, **amend**
11 (2), (3.5), (4), (10)(b)(IV), (11)(b.7), (13.5)(a)(VI), (14.3), and (14.5)(b);
12 and **add** (1.5), (14.5)(a.5), (14.5)(d), and (14.5)(e) as follows:

13 **24-4.1-303. Procedures for ensuring rights of victims of**
14 **crimes.** (1.5) IF A CRIME VICTIM IS DECEASED OR INCAPACITATED, AS
15 DEFINED IN SECTION 24-4.1-302 (5), ONE OR MORE PEOPLE, AS DESCRIBED
16 IN SECTION 24-4.1-302 (6), MAY REPRESENT THE INTERESTS OF THE VICTIM
17 AS THE VICTIM'S DESIGNEE AND MAY HAVE THE RIGHT TO BE INFORMED,
18 PRESENT, OR HEARD AT ANY PROCEEDING PURSUANT TO SECTION
19 24-4.1-302.5 (1)(d), (1)(j), AND (1)(j.5) AND SUBSECTIONS (13.5)(a)(III),
20 (13.5)(a)(IV), AND (14)(d) OF THIS SECTION.

21 (2) ~~Upon request of a victim,~~ All correctional officials shall keep
22 confidential the address, telephone number, place of employment, or
23 other personal information of such victim or members of such victim's
24 immediate family.

25 (3.5) The district attorney's office, if practicable, shall inform the
26 victim of any pending motion or decision by the district attorney to
27 sequester the victim from a critical stage in the case. The district attorney

1 shall inform the court of the victim's position on the motion or the district
2 attorney's decision, if any. If the victim has objected, then the court,
3 before granting the sequestration order, shall state in writing or on the
4 record that the victim's objection was considered and state the basis for
5 the court's decision. IF A VICTIM IS SEQUESTERED, THE COURT SHALL WORK
6 WITH THE DISTRICT ATTORNEY TO PRIORITIZE THE VICTIM'S TESTIMONY
7 AND MINIMIZE THE AMOUNT OF TIME THE VICTIM IS SEQUESTERED FROM
8 THE CRITICAL STAGE IN THE CASE.

9 (4) After a crime has been charged, OR AS PART OF A PREFILING OR
10 POST FILING DIVERSION OFFER, unless inconsistent with the requirements
11 of investigative activities, the district attorney shall consult, ~~where~~ IF
12 practicable, with the victim concerning the reduction of charges,
13 negotiated pleas, diversion, dismissal, seeking of death penalty, or other
14 disposition. THE DISTRICT ATTORNEY SHALL EXPLAIN TO THE VICTIM THE
15 POSSIBILITY THAT THE DEFENDANT MAY NOT SERVE THE DEFENDANT'S
16 ENTIRE SENTENCE IN PRISON BECAUSE THE DEFENDANT MAY RECEIVE
17 GOOD TIME CREDITS OR EARNED TIME WHILE INCARCERATED. Failure to
18 comply with this subsection (4) ~~shall~~ DOES not invalidate any decision,
19 agreement, or disposition. This subsection (4) ~~shall~~ MUST not be
20 construed as a restriction on or delegation of the district attorney's
21 authority under the constitution and laws of this state.

22 (10) (b) As soon as available, the law enforcement agency shall
23 give to each victim, as appropriate, the following information:

24 (IV) UPON REQUEST OF THE VICTIM, the law enforcement agency
25 shall provide the victim in a cold case information concerning any change
26 in the status of the case. In addition, the law enforcement agency shall
27 provide an update at least annually to the victim concerning the status of

1 a cold case involving one or more crimes for which the criminal statute
2 of limitations is longer than three years.

3 (11) The district attorney shall inform a victim of the following:

4 (b.7) Any motion filed, UNLESS THE MOTION IS DENIED BECAUSE
5 THE MOTION IS EITHER INSUFFICIENT OR THE DEFENDANT IS NOT ENTITLED
6 TO RELIEF, or any hearing concerning a motion or petition for sealing of
7 records as described in section 24-72-706, 24-72-709, or 24-72-710 that
8 was filed by a defendant in the criminal case and whose crime falls under
9 section 24-4.1-302 (1). The notification should be made using the last
10 known contact information that is available for the victim.

11 (13.5) (a) Following a sentence to probation and upon the written
12 request of a victim, the probation department shall notify the victim of the
13 following information regarding any person who was charged with or
14 convicted of a crime against the victim:

15 (VI) Any complaint, summons, or warrant filed by the probation
16 department; ~~for failure to report to probation or because the location of~~
17 ~~a person convicted of a crime is unknown;~~

18 (14.3) ~~Upon receipt of a written statement from the victim,~~ The
19 juvenile parole board shall notify the victim of the following information
20 regarding any person who was charged with or adjudicated of an offense
21 against the victim:

22 (a) Any scheduled juvenile parole hearings pursuant to sections
23 19-2.5-1203 and 19-2.5-1206 regarding the person, any change in the
24 scheduling of such a hearing in advance of the hearing, the victim's right
25 to be present and heard at such hearings, the results of any such hearing,
26 any parole decision to release the person, and the terms and conditions of
27 any such release; AND

1 (b) ~~Any escape by the person while serving juvenile parole and~~
2 ~~any subsequent recapture of the person;~~

3 (c) ~~Any placement change that occurs during the period of parole~~
4 ~~that may impact the victim's safety or public safety as determined by the~~
5 ~~division of youth services; and~~

6 (d) Any discharge from juvenile parole.

7 (14.5) (a.5) IN THE ABSENCE OF A COURT ORDER, A PARTY SHALL
8 NOT ISSUE A SUBPOENA TO PRODUCE PURSUANT TO RULE 17 OF THE
9 COLORADO RULES OF CRIMINAL PROCEDURE FOR THE PRODUCTION OF
10 PERSONAL, CONFIDENTIAL, OR PRIVILEGED RECORDS REGARDING A VICTIM.

11 (b) (I) At a proceeding specified in section 24-4.1-302.5
12 (1)(d)(VII), ~~involving a subpoena for records of a victim, the court shall~~
13 ~~ascertain whether the victim received notice from the district attorney's~~
14 ~~office of the subpoena. After considering all evidence relevant to the~~
15 ~~subpoena, the court shall deny a request for a victim's records that are~~
16 ~~privileged pursuant to section 13-90-107, C.R.S., unless the court makes~~
17 ~~a finding supported by specific facts that a victim has expressly or~~
18 ~~impliedly waived the victim's statutory privilege specified in section~~
19 ~~13-90-107, C.R.S. AFTER CONSIDERING ALL RELEVANT EVIDENCE, THE~~
20 ~~COURT SHALL DENY AN APPLICATION FOR THE ISSUANCE OF A SUBPOENA~~
21 ~~FOR PRIVILEGED RECORDS PURSUANT TO SECTION 13-90-107, UNLESS THE~~
22 ~~COURT FINDS, AS SUPPORTED BY SPECIFIC EVIDENCE, THAT A VICTIM HAS~~
23 ~~WAIVED THE STATUTORY PRIVILEGE. IN CONSIDERING THE APPLICATION~~
24 ~~FOR THE ISSUANCE OF A SUBPOENA FOR PERSONAL OR CONFIDENTIAL~~
25 ~~RECORDS, THE COURT SHALL DETERMINE WHETHER:~~

26 (A) THERE IS A REASONABLE LIKELIHOOD THAT THE SUBPOENAED
27 RECORDS EXIST;

1 (B) THE SUBPOENAED RECORDS ARE EVIDENTIARY AND RELEVANT;

2 (C) THE SUBPOENAED RECORDS CANNOT BE REASONABLY
3 PROCURED IN ADVANCE OF THE TRIAL DESPITE DUE DILIGENCE;

4 (D) THE PARTY CANNOT PROPERLY PREPARE FOR TRIAL WITHOUT
5 PRODUCTION AND INSPECTION OF THE SUBPOENAED RECORDS, AND
6 FAILURE TO INSPECT THE SUBPOENAED RECORDS IN ADVANCE MAY
7 UNREASONABLY DELAY THE TRIAL; AND

8 (E) THE APPLICATION TO REVIEW THE SUBPOENAED RECORDS IS
9 MADE IN GOOD FAITH.

10 (II) IF THE COURT CONDUCTS A HEARING ON THE APPLICATION FOR
11 THE ISSUANCE OF SUBPOENAED RECORDS, THE COURT SHALL PROCEED
12 ONLY AFTER INPUT FROM THE VICTIM, UNLESS THE VICTIM IS UNAVAILABLE
13 AND THE COURT FINDS THAT THE DISTRICT ATTORNEY NOTIFIED THE
14 VICTIM OR MADE ALL REASONABLE EFFORTS TO NOTIFY THE VICTIM.

15 (d) THE COURT SHALL PROVIDE THE VICTIM OR THE VICTIM'S
16 DESIGNEE WITH TRANSLATION OR INTERPRETATION SERVICES AS NEEDED
17 DURING ALL CRITICAL STAGES OF THE HEARING. THE VICTIM OR THE
18 VICTIM'S DESIGNEE SHALL NOTIFY THE DISTRICT ATTORNEY WITHIN A
19 REASONABLE TIME THAT THE VICTIM OR THE VICTIM'S DESIGNEE NEEDS AN
20 INTERPRETER FOR THE CRITICAL STAGES OF THE HEARING. THE DISTRICT
21 ATTORNEY'S OFFICE SHALL INFORM THE COURT THAT THE VICTIM OR
22 VICTIM'S DESIGNEE REQUESTS THAT THE COURT ARRANGE FOR
23 TRANSLATION OR INTERPRETATION SERVICES.

24 (e) THE COURT SHALL REQUIRE THE DEFENDANT TO BE PRESENT BY
25 APPEARING IN PERSON, BY PHONE, OR VIRTUALLY BY AUDIO OR VIDEO, OR
26 SIMILAR TECHNOLOGY, DURING THE SENTENCING HEARING TO HEAR THE
27 VICTIM'S IMPACT STATEMENT, UNLESS THE COURT EXCLUDES THE

1 DEFENDANT.

2 **SECTION 5.** In Colorado Revised Statutes, 16-4-103, **amend** (1)
3 as follows:

4 **16-4-103. Setting and selection type of bond - criteria.**

5 (1) (a) At the first appearance of a person in custody before any court or
6 any person designated by the court to set bond, the court or person shall
7 determine the type of bond and conditions of release unless the person is
8 subject to ~~the provisions of~~ section 16-4-101.

9 (b) AT A HEARING OTHER THAN AN ADVISEMENT HEARING FOR A
10 PERSON IN CUSTODY BEFORE ANY COURT OR ANY PERSON DESIGNATED BY
11 THE COURT TO MODIFY OR REDUCE BOND, THE COURT SHALL CONDUCT OR
12 SET A BOND HEARING IF THE CASE IS SUBJECT TO PART 3 OF ARTICLE 4.1 OF
13 TITLE 24.

14 **SECTION 6.** In Colorado Revised Statutes, 16-4-109, **amend** (1)
15 as follows:

16 **16-4-109. Reduction or increase of monetary conditions of**
17 **bond - change in type of bond or conditions of bond - definitions.**

18 (1) Upon application by the district attorney or the defendant, the court
19 before which the proceeding is pending may increase or decrease the
20 financial conditions of bond, may require additional security for a bond,
21 may dispense with security theretofore provided, or may alter any other
22 condition of the bond. IF THE DEFENDANT APPLIES TO DECREASE THE
23 FINANCIAL CONSIDERATIONS OF BOND OR MODIFY BOND CONDITIONS, THE
24 COURT SHALL SET THE APPLICATION FOR HEARING IF THE CASE IS SUBJECT
25 TO PART 3 OF ARTICLE 4.1 OF TITLE 24.

26 **SECTION 7.** In Colorado Revised Statutes, 18-1.3-301, **amend**
27 (1)(f) and (1)(h)(IV) as follows:

1 **18-1.3-301. Authority to place offenders in community**
2 **corrections programs.** (1) (f) The probation department of the judicial
3 district ~~in which~~ WHERE THE OFFENDER WAS SENTENCED TO a community
4 corrections program ~~is located shall have~~ HAS jurisdiction over all
5 offenders sentenced directly to a community corrections program,
6 REGARDLESS OF WHERE THE COMMUNITY CORRECTIONS PROGRAM IS
7 LOCATED. Such probation department shall initiate arrest warrants,
8 process reports or other official documents regarding offenders at the
9 direction of the court, coordinate with community corrections boards and
10 community corrections programs, review offender supervision and
11 treatment, authorize offender transfers between residential and
12 nonresidential phases of placement, PROVIDE VICTIM NOTIFICATIONS
13 PURSUANT TO PART 3 OF ARTICLE 4.1 OF TITLE 24, and carry out such other
14 duties as the court directs.

15 (h) (IV) ~~If victim notification is required~~ UNLESS THE VICTIM HAS
16 OPTED OUT OF VICTIM NOTIFICATIONS FROM COMMUNITY CORRECTIONS,
17 the probation officer FOR THE PROBATION DEPARTMENT shall provide
18 ~~victim notification pursuant to part 3 of article 4.1 of title 24, C.R.S.~~
19 NOTIFICATIONS REGARDING AN OFFENDER'S REQUEST FOR EARLY
20 TERMINATION OF A DIRECT SENTENCE TO COMMUNITY CORRECTIONS, IF
21 THE OFFENDER'S CRIME FALLS UNDER SECTION 24-4.1-302 (1), IN A
22 MANNER CONSISTENT WITH THE EARLY TERMINATION NOTIFICATION
23 REQUIREMENTS DESCRIBED IN SECTION 24-4.1-303 (13.5)(a)(III).

24 **SECTION 8. Effective date.** This act takes effect upon passage;
25 except that section 24-4.1-302 (1)(oo), Colorado Revised Statutes, as
26 enacted in section 2 of this act, takes effect March 1, 2022.

27 **SECTION 9. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.