

CHAPTER 152

CRIMINAL LAW AND PROCEDURE

SENATE BILL 22-049

BY SENATOR(S) Fields and Gardner, Bridges, Buckner, Coleman, Cooke, Garcia, Ginal, Hansen, Hisey, Holbert, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Liston, Lundeen, Moreno, Pettersen, Priola, Rankin, Rodriguez, Scott, Simpson, Smallwood, Sonnenberg, Story, Woodward, Zenzinger, Fenberg;

also REPRESENTATIVE(S) Tipper and Carver, Amabile, Bernett, Bird, Bockenfeld, Boesenecker, Catlin, Duran, Exum, Froelich, Geitner, Gonzales-Gutierrez, Gray, Herod, Jodeh, Lindsay, Lontine, Lynch, McCluskie, McLachlan, Michaelson Jenet, Mullica, Pico, Ricks, Roberts, Sandridge, Sirota, Snyder, Soper, Titone, Valdez A., Van Beber, Weissman, Woodrow, Young, Garnett.

AN ACT**CONCERNING UPDATING THE "VICTIM RIGHTS ACT".**

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

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

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

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

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

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

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

(oo) CRIMINAL INVASION OF PRIVACY, IN VIOLATION OF SECTION 18-7-801.

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

(e.5) Any subpoena OR APPLICATION for records concerning the victim's medical

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.

history; mental health; education; or victim's compensation; OR RECORDS THAT ARE PRIVILEGED PURSUANT TO SECTION 13-90-107;

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

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

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

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

(b.9) The right to receive a free copy of the initial incident report from the investigating law enforcement agency; except that the release of a document associated with the investigation is at the discretion of the law enforcement agency based on the status of the case or security and safety concerns in a correctional facility, local jail, or private contract prison as defined in section 17-1-102. ~~C.R.S.;~~ THE INITIAL INCIDENT REPORT MUST CONTAIN, AT A MINIMUM, THE VICTIM'S NAME, THE OFFENDER'S NAME, THE DATE OF THE CRIME, THE CHARGES, AND A SUMMARY OF THE INCIDENT SO THE VICTIM HAS SUFFICIENT DETAIL TO HELP THE VICTIM WITH, INCLUDING BUT NOT LIMITED TO, INSURANCE CLAIMS, EMPLOYER INTERCESSION, PROTECTION ORDERS, AND LANDLORD-TENANT NOTIFICATION. THE LAW ENFORCEMENT AGENCY MAY REDACT THE NAMES OF OTHER VICTIMS INVOLVED IN THE INCIDENT WHO ARE NOT RELATED TO THE VICTIM REQUESTING THE REPORT AND ANY PERSONAL IDENTIFYING INFORMATION, INCLUDING BUT NOT LIMITED TO SOCIAL SECURITY NUMBERS, DRIVER'S LICENSE NUMBERS, TELEPHONE NUMBERS, E-MAIL ADDRESSES, AND PHYSICAL ADDRESSES RELATED TO PARTIES OR WITNESSES IN THE CASE. THE INVESTIGATING LAW ENFORCEMENT AGENCY SHALL NOTIFY THE DISTRICT ATTORNEY OF THE INFORMATION THE VICTIM RECEIVED IN THE INCIDENT REPORT AND WHEN IT WAS PROVIDED TO THE VICTIM. THE DISTRICT ATTORNEY SHALL PROVIDE THIS INFORMATION TO ANY DEFENDANT INVOLVED IN THE CASE THROUGH THE DISCOVERY PROCESS.

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

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

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

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

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

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

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

(e.2) THE RIGHT TO BE INFORMED IF A DISTRICT ATTORNEY GRANTS EARLY TERMINATION TO AN OFFENDER PARTICIPATING IN A DIVERSION PROGRAM AND THE DATE OF TERMINATION FROM THE DIVERSION PROGRAM;

(j) The right to be informed of any proceeding at which any postconviction release from confinement in a secure state correctional facility is being considered for any person convicted of a crime against the victim and the right to be PRESENT BY APPEARING IN PERSON, BY PHONE, OR VIRTUALLY BY VIDEO OR AUDIO, OR SIMILAR TECHNOLOGY, AND heard at any such proceeding or to provide written information. ~~thereto~~. For purposes of this subsection (1), "proceeding" means reconsideration of sentence, a parole hearing, a full parole board review,

REVOCAION HEARING, RESCISSION HEARING, commutation of sentence, or consideration for placement in the specialized program developed by the department of corrections pursuant to section 17-34-102.

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

(j.5) (I) The right to provide a written victim impact statement that ~~will~~ MUST be included with any referral made by the department of corrections or a district court to place an offender in a community corrections facility or program. A community corrections board may allow a victim to provide an oral statement BY APPEARING IN PERSON, BY PHONE, OR VIRTUALLY BY VIDEO OR AUDIO, OR SIMILAR TECHNOLOGY, to the community corrections board when an offender is being considered for a direct sentence to community corrections and may place reasonable limits on the victim's oral statement.

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

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

(V) This subsection (1)(j.5) applies to a victim who is incarcerated or otherwise being held in a local county jail, the department of corrections, or the division of youth corrections in the department of human services but is limited to participation ~~by phone~~ APPEARING IN PERSON, BY PHONE, OR VIRTUALLY BY AUDIO OR VIDEO, or similar technology.

(z) The right to be notified of a hearing concerning any motion filed for or petition for sealing of records described in section 24-72-706 OR 24-72-709 or

24-72-710 filed by a defendant in the criminal case whose crime falls under section 24-4.1-302 (1);

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

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

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

(3.5) The district attorney's office, if practicable, shall inform the victim of any pending motion or decision by the district attorney to sequester the victim from a critical stage in the case. The district attorney shall inform the court of the victim's position on the motion or the district attorney's decision, if any. If the victim has objected, then the court, before granting the sequestration order, shall state in writing or on the record that the victim's objection was considered and state the basis for the court's decision. IF A VICTIM IS SEQUESTERED, THE DISTRICT ATTORNEY MUST UNDERTAKE BEST EFFORTS TO PRIORITIZE THE TIMING OF THE VICTIM'S TESTIMONY AND MINIMIZE THE AMOUNT OF TIME THE VICTIM IS SEQUESTERED FROM THE CRITICAL STAGES IN THE CASE.

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

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

(IV) UPON REQUEST OF THE VICTIM, the law enforcement agency shall provide the victim in a cold case information concerning any change in the status of the case. In addition, the law enforcement agency shall provide an update at least annually to the victim concerning the status of a cold case involving one or more crimes for which the criminal statute of limitations is longer than three years.

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

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

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

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

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

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

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

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

(d) Any discharge from juvenile parole.

(14.5) (a.5) A PARTY ISSUING A SUBPOENA PURSUANT TO RULE 17 OF THE COLORADO RULES OF CRIMINAL PROCEDURE FOR THE PRODUCTION OF THE PRIVILEGED RECORDS OF A VICTIM PURSUANT TO SECTION 13-90-107 OR A SUBPOENA REQUESTING THE COMPENSATION RECORDS OF A VICTIM PURSUANT TO SECTION 24-4.1-107.5 SHALL FILE WITH THE COURT AND SERVE ON ANY OPPOSING PARTY:

(I) A COPY OF THE SUBPOENA;

(II) A CERTIFICATE STATING THAT THE PARTY HAS A GOOD-FAITH BELIEF THAT THERE IS A LAWFUL BASIS FOR ISSUING THE SUBPOENA;

(III) A COPY OF THE WRITTEN NOTICE SERVED ON RECIPIENTS THAT ADVISES THAT A PARTY MAY NOT RELEASE RECORDS UNTIL THE COURT ORDERS THE RELEASE OF THE RECORDS AT A HEARING AND THAT A PARTY MAY ONLY PROVIDE THE RECORDS

TO THE COURT IF THE COURT ORDERS THE PARTY TO RELEASE THE RECORDS; AND

(IV) A MOTION STATING THE PARTY'S LAWFUL BASIS FOR THE SUBPOENA AND, IF SUBJECT TO A CLAIM OF PRIVILEGE PURSUANT TO SECTION 13-90-107, A GOOD-FAITH CLAIM THAT THE VICTIM HAS EXPRESSLY OR IMPLIEDLY WAIVED ANY PRIVILEGE TO ALLOW THE COURT TO PROPERLY RECEIVE THE RECORDS.

~~(b) (I) At a proceeding specified in section 24-4.1-302.5 (1)(d)(VII), involving a subpoena for records of a victim, the court shall ascertain whether the victim received notice from the district attorney's office of the subpoena. After considering all evidence relevant to the subpoena, the court shall deny a request for a victim's records that are privileged pursuant to section 13-90-107, C.R.S., unless the court makes a finding supported by specific facts that a victim has expressly or impliedly waived the victim's statutory privilege specified in section 13-90-107, C.R.S.~~ AFTER CONSIDERING ALL RELEVANT EVIDENCE, THE COURT SHALL QUASH ANY SUBPOENA AND SHALL NOT RECEIVE ANY RECORDS PROTECTED BY PRIVILEGE PURSUANT TO SECTION 13-90-107 UNLESS THE COURT FINDS, BASED UPON EVIDENCE, THAT A VICTIM EXPRESSLY OR IMPLIEDLY WAIVED THE STATUTORY PRIVILEGE. IN CONSIDERING WHETHER TO RECEIVE AND RELEASE ANY RECORDS RELATING TO THE VICTIM, THE COURT SHALL DETERMINE WHETHER:

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

(B) THE SUBPOENAED RECORDS ARE EVIDENTIARY AND RELEVANT;

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

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

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

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

(III) IF AFTER THE HEARING, THE COURT ORDERS THE PRODUCTION OF RECORDS, THE COURT SHALL ENTER ORDERS TO SET A TIMELINE OF NO LESS THAN SEVEN DAYS FOR THE PARTY TO ARRANGE PRODUCTION OF THE RECORDS TO THE COURT; EXCEPT THAT THE COURT MAY ORDER PRODUCTION IN LESS THAN SEVEN DAYS TO AVOID THE DELAY OF A JURY TRIAL.

(d) THE COURT SHALL PROVIDE THE VICTIM OR THE VICTIM'S DESIGNEE WITH TRANSLATION OR INTERPRETATION SERVICES AS NEEDED DURING ALL CRITICAL STAGES OF THE HEARING. THE VICTIM OR THE VICTIM'S DESIGNEE SHALL NOTIFY THE DISTRICT ATTORNEY WITHIN A REASONABLE TIME THAT THE VICTIM OR THE VICTIM'S

DESIGNEE NEEDS AN INTERPRETER FOR THE CRITICAL STAGES OF THE HEARING. THE DISTRICT ATTORNEY'S OFFICE SHALL INFORM THE COURT THAT THE VICTIM OR VICTIM'S DESIGNEE REQUESTS THAT THE COURT ARRANGE FOR TRANSLATION OR INTERPRETATION SERVICES.

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

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

16-4-103. Setting and selection type of bond - criteria. (1) (a) At the first appearance of a person in custody before any court or any person designated by the court to set bond, the court or person shall determine the type of bond and conditions of release unless the person is subject to ~~the provisions of~~ section 16-4-101.

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

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

16-4-109. Reduction or increase of monetary conditions of bond - change in type of bond or conditions of bond - definitions. (1) Upon application by the district attorney or the defendant, the court before which the proceeding is pending may increase or decrease the financial conditions of bond, may require additional security for a bond, may dispense with security theretofore provided, or may alter any other condition of the bond. IF THE DEFENDANT APPLIES TO DECREASE THE FINANCIAL CONSIDERATIONS OF BOND OR MODIFY BOND CONDITIONS, THE COURT SHALL SET THE APPLICATION FOR HEARING IF THE CASE IS SUBJECT TO PART 3 OF ARTICLE 4.1 OF TITLE 24.

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

18-1.3-301. Authority to place offenders in community corrections programs. (1) (f) The probation department of the judicial district ~~in which~~ WHERE THE OFFENDER WAS SENTENCED TO a community corrections program ~~is located~~ ~~shall have~~ HAS jurisdiction over all offenders sentenced directly to a community corrections program, REGARDLESS OF WHERE THE COMMUNITY CORRECTIONS PROGRAM IS LOCATED. Such probation department shall initiate arrest warrants, process reports or other official documents regarding offenders at the direction of the court, coordinate with community corrections boards and community corrections programs, review offender supervision and treatment, authorize offender transfers between residential and nonresidential phases of placement, and carry out such other duties as the court directs.

(h) (IV) ~~If victim notification is required, the probation officer~~ UNLESS THE

VICTIM HAS OPTED OUT OF VICTIM NOTIFICATIONS FROM COMMUNITY CORRECTIONS, THE COMMUNITY CORRECTIONS PROGRAM AGENT FOR THE COMMUNITY CORRECTIONS PROGRAM shall provide victim notification pursuant to part 3 of article 4.1 of title 24, C.R.S. NOTIFICATIONS REGARDING AN OFFENDER'S REQUEST FOR EARLY TERMINATION OF A DIRECT SENTENCE TO COMMUNITY CORRECTIONS, IF THE OFFENDER'S CRIME FALLS UNDER SECTION 24-4.1-302 (1). THE COMMUNITY CORRECTIONS PROGRAM AGENT FOR THE COMMUNITY CORRECTIONS PROGRAM SHALL NOTIFY THE PROBATION DEPARTMENT OF THE VICTIM'S POSITION, AND THE PROBATION DEPARTMENT SHALL PROVIDE TIMELY NOTIFICATION TO THE COMMUNITY CORRECTIONS PROGRAM OF THE HEARING DATE, IF A HEARING IS SET. REGARDLESS OF WHETHER A HEARING IS SET, THE PROBATION DEPARTMENT SHALL NOTIFY THE COMMUNITY CORRECTIONS PROGRAM OF THE OUTCOME OF THE OFFENDER'S MOTION FOR EARLY TERMINATION OF A DIRECT SENTENCE TO THE COMMUNITY CORRECTIONS PROGRAM AND THE COMMUNITY CORRECTIONS PROGRAM AGENT SHALL NOTIFY THE VICTIM.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: May 6, 2022