

HB1346_L.004

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB12-1346 be amended as follows:

1 Amend printed bill, page 12, after line 6, insert:

2 "(4) FAILURE TO VERIFY LOCATION AS A SEX OFFENDER IS NOT A
3 SEXUAL OFFENSE SUBJECT TO THE PROVISIONS OF SECTIONS 16-11.7-104
4 AND 16-11.7-105, C.R.S., AND, NOTWITHSTANDING ANY OTHER PROVISION
5 OF LAW TO THE CONTRARY, OFFENDERS CONVICTED OF A VIOLATION OF
6 THIS SECTION ARE NOT ELIGIBLE FOR PROBATION PURSUANT TO PART 2 OF
7 ARTICLE 1.3 OF THIS TITLE.

8 **SECTION 7.** In Colorado Revised Statutes, 16-11-102, **amend**
9 (1) (b) as follows:

10 **16-11-102. Presentence or probation investigation.**

11 (1) (b) Each presentence report prepared regarding a sex offender, as
12 defined in section 16-11.7-102 (2), with respect to any offense committed
13 on or after January 1, 1996, shall contain the results of an evaluation and
14 identification conducted pursuant to article 11.7 of this title; EXCEPT
15 THAT, IF THE OFFENSE IS A MISDEMEANOR PURSUANT TO THE PROVISIONS
16 OF SECTION 18-3-412.6, C.R.S., AN EVALUATION AND IDENTIFICATION
17 CONDUCTED PURSUANT TO ARTICLE 11.7 OF THIS TITLE SHALL NOT BE
18 ORDERED BY THE COURT. In addition, the presentence report shall include,
19 when appropriate as provided in section 18-3-414.5, C.R.S., the results of
20 the risk assessment screening instrument developed pursuant to section
21 16-11.7-103 (4) (d). Notwithstanding the provisions of subsection (4) of
22 this section, a presentence report shall be prepared for each person
23 convicted as a sex offender, and the court may not dispense with the
24 presentence evaluation, risk assessment, and report unless such a report
25 has been completed within the last six months and there has been no
26 material change that would affect the report in the past six months."

27 Renumber succeeding sections accordingly.

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