

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 10, 2012
Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

SB12-163 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 3, line 21, strike "(2) (d)" and substitute "(2) (d)
2 and (2) (e)".

3 Page 4, strike line 2, and substitute "MISDEMEANOR; EXCEPT THAT A
4 THIRD OR SUBSEQUENT CONVICTION PURSUANT TO THIS SECTION WITHIN
5 FIVE PRECEDING YEARS IS A CLASS 6 FELONY."

6 Page 4, line 10, strike "MISDEMEANOR." and substitute "MISDEMEANOR;
7 EXCEPT THAT A THIRD OR SUBSEQUENT CONVICTION PURSUANT TO THIS
8 SECTION WITHIN FIVE PRECEDING YEARS IS A CLASS 6 FELONY."

9 Page 4, strike lines 14 through 22 and substitute:

10 "(d) IN ORDER FOR A DEFENDANT TO BE ABLE TO PARTICIPATE IN A
11 TREATMENT COURT PROGRAM ESTABLISHED BY A CHIEF JUDGE IN A
12 JUDICIAL DISTRICT, A DISTRICT ATTORNEY MAY FILE MISDEMEANOR
13 CHARGES PURSUANT TO THIS SECTION IN DISTRICT COURT BY DIRECT
14 INFORMATION WITHOUT THE CONSENT OF THE DISTRICT COURT.

15 (e) IF THE DISTRICT COURT SENTENCES A DEFENDANT TO
16 PROBATION FOR A MISDEMEANOR VIOLATION OF THIS SECTION, THE
17 DEFENDANT SHALL BE SUPERVISED BY STATE PROBATION."

18 Amend the Judiciary Committee Report, dated March 28, 2012, page 1,
19 line 17, strike "MISDEMEANOR." and substitute "MISDEMEANOR; EXCEPT
20 THAT A THIRD OR SUBSEQUENT CONVICTION PURSUANT TO THIS SECTION

1 WITHIN FIVE PRECEDING YEARS IS A CLASS 6 FELONY.".

2 Page 2 of the committee report, line 6, strike "MISDEMEANOR." and
3 substitute "MISDEMEANOR; EXCEPT THAT A THIRD OR SUBSEQUENT
4 CONVICTION PURSUANT TO THIS SECTION WITHIN FIVE PRECEDING YEARS
5 IS A CLASS 6 FELONY.".

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