

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0665.01 Brita Darling

SENATE BILL 10-159

SENATE SPONSORSHIP

Foster,

HOUSE SPONSORSHIP

Miklosi,

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING DEFENDANT'S STATEMENTS AT A COMMUNITY**
102 **CORRECTIONS HEARING.**

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://www.leg.state.co.us/billsummaries>.)

Under current law, a victim may submit a written victim impact statement to a community corrections board (board) that is considering an offender's transitional referral to community corrections, and a victim may also make a separate oral statement at the hearing.

The bill reaffirms a victim's right to make an oral statement and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
February 16, 2010

SENATE
Amended 2nd Reading
February 15, 2010

permits a board, in its discretion and within the parameters set by the board, to allow an offender to submit a written statement to the board and to have a person give an oral statement on the offender's behalf to the board concerning the transitional referral to community corrections.

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

2 **SECTION 1.** Article 27 of title 17, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **17-27-103.5. Statements relating to a transitional referral to**
5 **community corrections.** (1) PURSUANT TO THE PROVISIONS OF SECTION
6 24-4.1-302.5 (1) (j.5), C.R.S., A VICTIM SHALL HAVE THE RIGHT TO
7 PROVIDE A WRITTEN VICTIM IMPACT STATEMENT AND A SEPARATE ORAL
8 STATEMENT TO A COMMUNITY CORRECTIONS BOARD CONSIDERING AN
9 OFFENDER'S TRANSITIONAL REFERRAL TO COMMUNITY CORRECTIONS.

10 (2) (a) (I) A COMMUNITY CORRECTIONS BOARD SHALL ALLOW,
11 WITHIN THE PARAMETERS SET BY THE BOARD, AN OFFENDER WHO IS UNDER
12 CONSIDERATION FOR TRANSITIONAL PLACEMENT IN A COMMUNITY
13 CORRECTIONS PROGRAM UNDER THE BOARD'S JURISDICTION TO PROVIDE
14 A WRITTEN STATEMENT TO THE COMMUNITY CORRECTIONS BOARD
15 CONCERNING THE OFFENDER'S TRANSITION PLAN AND COMMUNITY
16 SUPPORT AND THE APPROPRIATENESS OF PLACING THE OFFENDER IN A
17 COMMUNITY CORRECTIONS PROGRAM.

18 (II) IF AN OFFENDER ELECTS TO SUBMIT A WRITTEN STATEMENT TO
19 A COMMUNITY CORRECTIONS BOARD PURSUANT TO SUBPARAGRAPH (I) OF
20 THIS PARAGRAPH (a), AND THE OFFENDER PROVIDES A WRITTEN
21 STATEMENT TO THE DEPARTMENT PURSUANT TO THE PROCEDURES AND
22 TIME FRAME ESTABLISHED BY THE DEPARTMENT, THE DEPARTMENT SHALL
23 INCLUDE THE STATEMENT WITH ANY REFERRAL TO A COMMUNITY

1 CORRECTIONS BOARD CONSIDERING THE OFFENDER'S TRANSITIONAL
2 REFERRAL TO A COMMUNITY CORRECTIONS PROGRAM.

3 (b) A COMMUNITY CORRECTIONS BOARD MAY ALLOW, WITHIN THE
4 PARAMETERS SET BY THE BOARD, AN OFFENDER TO DESIGNATE A PERSON
5 OTHER THAN THE OFFENDER TO SUBMIT A WRITTEN STATEMENT OR GIVE
6 AN ORAL STATEMENT ON THE OFFENDER'S BEHALF TO A COMMUNITY
7 CORRECTIONS BOARD CONSIDERING THE OFFENDER'S TRANSITIONAL
8 REFERRAL TO A COMMUNITY CORRECTIONS PROGRAM.

9 (3) A COMMUNITY CORRECTIONS BOARD SHALL DEVELOP WRITTEN
10 POLICIES AND PROCEDURES CONSISTENT WITH THE PROVISIONS OF THIS
11 SECTION AND SECTION 24-4.1-302.5 (1) (j.5), C.R.S., THAT ARE
12 AVAILABLE TO THE PUBLIC CONCERNING THE PARAMETERS FOR WRITTEN
13 AND ORAL STATEMENTS BY VICTIMS AND THE PERMISSIBILITY OF AND THE
14 PARAMETERS FOR A WRITTEN OR ORAL STATEMENT BY A PERSON
15 DESIGNATED BY AN OFFENDER.

16 (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE
17 THE DEPARTMENT OR A COMMUNITY CORRECTIONS BOARD TO PROVIDE
18 TRANSPORTATION OR MAKE ARRANGEMENTS FOR THE APPEARANCE AT A
19 COMMUNITY CORRECTIONS HEARING OF AN OFFENDER OR, IF PERMITTED
20 BY A COMMUNITY CORRECTIONS BOARD, THE PERSON DESIGNATED BY THE
21 OFFENDER PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS
22 SECTION TO GIVE AN ORAL STATEMENT OR TO SUBMIT A WRITTEN
23 STATEMENT ON THE OFFENDER'S BEHALF.

24 (5) THE DEPARTMENT SHALL NOT BE REQUIRED TO PROVIDE NOTICE
25 TO ANY PERSON, OTHER THAN A REGISTERED VICTIM, OF A COMMUNITY
26 CORRECTIONS BOARD HEARING RELATING TO THE OFFENDER.

27 **SECTION 2. Act subject to petition - effective date.** This act

1 shall take effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part shall not take effect
7 unless approved by the people at the general election to be held in
8 November 2010 and shall take effect on the date of the official
9 declaration of the vote thereon by the governor.