

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 10-0665.01 Brita Darling

SENATE BILL 10-159

SENATE SPONSORSHIP

Foster,

HOUSE SPONSORSHIP

Miklosi,

Senate Committees
Judiciary

House Committees

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
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) A COMMUNITY CORRECTIONS BOARD, IN ITS DISCRETION,
11 AND WITHIN THE PARAMETERS SET BY THE BOARD, MAY ALLOW AN
12 OFFENDER WHO IS UNDER CONSIDERATION FOR PLACEMENT IN A
13 COMMUNITY CORRECTIONS PROGRAM UNDER THE BOARD'S JURISDICTION:

14 (I) TO PROVIDE TO THE BOARD A WRITTEN STATEMENT
15 CONCERNING THE OFFENDER'S TRANSITIONAL REFERRAL TO COMMUNITY
16 CORRECTIONS; AND

17 (II) TO DESIGNATE A PERSON OTHER THAN THE OFFENDER TO GIVE
18 AN ORAL STATEMENT ON THE OFFENDER'S BEHALF AT A COMMUNITY
19 CORRECTIONS BOARD HEARING CONCERNING THE OFFENDER'S
20 TRANSITIONAL REFERRAL TO COMMUNITY CORRECTIONS.

21 (b) (I) THE DEPARTMENT OF CORRECTIONS SHALL NOT BE
22 REQUIRED TO PROVIDE TIMELY NOTICE TO ANY PERSON, OTHER THAN THE
23 OFFENDER AND A REGISTERED VICTIM, OF A COMMUNITY CORRECTIONS

1 BOARD HEARING RELATING TO THE OFFENDER.

2 (II) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE
3 THE DEPARTMENT OF CORRECTIONS OR A COMMUNITY CORRECTIONS
4 BOARD TO PROVIDE TRANSPORTATION OR MAKE ARRANGEMENTS FOR THE
5 APPEARANCE AT A COMMUNITY CORRECTIONS HEARING OF AN OFFENDER
6 OR THE PERSON DESIGNATED BY THE OFFENDER PURSUANT TO
7 SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (2) TO GIVE
8 AN ORAL STATEMENT ON THE OFFENDER'S BEHALF.

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