

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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.*

HOUSE
3rd Reading Unam ended
April 26, 2010

HOUSE
Am ended 2nd Reading
April 23, 2010

SENATE
3rd Reading Unam ended
February 16, 2010

SENATE
Am ended 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.