

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chairman of Committee

February 24, 2011  
Date

Committee on Judiciary.

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

HB11-1180 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. 18-1-102.5 (1) (c) and (1) (d), Colorado Revised  
4 Statutes, are amended, and the said 18-1-102.5 (1) is further amended BY  
5 THE ADDITION OF A NEW PARAGRAPH, to read:

6 **18-1-102.5. Purposes of code with respect to sentencing.**

7 (1) The purposes of this code with respect to sentencing are:

8 (c) To prevent crime and promote respect for the law by providing  
9 an effective deterrent to others likely to commit similar offenses; ~~and~~

10 (d) To promote rehabilitation by encouraging correctional  
11 programs that elicit the voluntary cooperation and participation of  
12 convicted offenders; AND

13 (e) TO SELECT A SENTENCE ALTERNATIVE, A SENTENCE LENGTH,  
14 AND A LEVEL OF SUPERVISION THAT ADDRESSES THE OFFENDER'S  
15 INDIVIDUAL CHARACTERISTICS AND REDUCES THE POTENTIAL THAT THE  
16 OFFENDER WILL ENGAGE IN CRIMINAL CONDUCT AFTER COMPLETING HIS  
17 OR HER SENTENCE.

18 **SECTION 2.** 16-11-102, Colorado Revised Statutes, is amended  
19 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to  
20 read:

21 **16-11-102. Presentence or probation investigation.** (1.9) EACH  
22 PRESENTENCE REPORT SHALL ALSO:

23 (a) INCLUDE THE RESULTS OF AN ACTUARIAL ASSESSMENT OF THE  
24 OFFENDER'S CRIMINOLOGICAL RISKS AND NEEDS;

1 (b) PROVIDE AN ANALYSIS OF WHICH SENTENCING OPTION IS MOST  
2 LIKELY TO REDUCE THE LIKELIHOOD OF THE OFFENDER COMMITTING  
3 FUTURE CRIMINAL ACTS, BASED ON THE RESULTS OF THE RISK-NEEDS  
4 ASSESSMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1.9);

5 (c) PROVIDE SUFFICIENT DATA TO ALLOW THE COURT TO  
6 DETERMINE:

7 (I) WHETHER THE OFFENDER IS A SUITABLE CANDIDATE FOR  
8 TREATMENT, SUPERVISION, OR OTHER CONTAINMENT OPTIONS THAT DO  
9 NOT ENTAIL INCARCERATION, OR FOR ANY COMBINATION OF SUCH  
10 CONTAINMENT OPTIONS, WHICH DETERMINATION SHALL BE MADE BASED  
11 UPON ANY SCREENING RESULTS; AND

12 (II) THE FORM AND APPROPRIATE CONDITIONS OF PROBATION TO  
13 IMPOSE IF PROBATION IS AN APPROPRIATE COMPONENT OF THE OFFENDER'S  
14 SENTENCE; AND

15 (d) DESCRIBE THE RATES OF RECIDIVISM AND PROJECTED COSTS,  
16 IF KNOWN, THAT ARE ASSOCIATED WITH EACH SENTENCING OPTION THAT  
17 IS AVAILABLE TO THE COURT.

18 (5.5) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, BEFORE  
19 SENTENCING AN OFFENDER TO A PERIOD OF INCARCERATION, THE COURT  
20 SHALL REVIEW THE PURPOSES OF SENTENCING DESCRIBED IN SECTION  
21 18-1-102.5, C.R.S., AND DETERMINE WHICH SENTENCING OPTION WILL  
22 BEST ACHIEVE SUCH PURPOSES. THIS DETERMINATION NEED NOT BE  
23 INCLUDED IN THE COURT RECORD. THIS DETERMINATION SHALL NOT BE  
24 USED AS THE BASIS FOR CHALLENGING ANY SENTENCE ISSUED BY A COURT.

25 **SECTION 3. Act subject to petition - effective date.** This act  
26 shall take effect at 12:01 a.m. on the day following the expiration of the  
27 ninety-day period after final adjournment of the general assembly (August  
28 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
29 referendum petition is filed pursuant to section 1 (3) of article V of the  
30 state constitution against this act or an item, section, or part of this act  
31 within such period, then the act, item, section, or part shall not take effect  
32 unless approved by the people at the general election to be held in  
33 November 2012 and shall take effect on the date of the official  
34 declaration of the vote thereon by the governor."

\*\* \*\*\* \*\* \*\*\* \*\*