

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB19-1226 be amended as follows:

1 Amend printed bill, page 23, line 6, strike "(b)" and substitute "(b) (I)".

2 Page 23, after line 9 insert:

3 "(II) (A) BEGINNING ON JANUARY 1, 2021, ANY RISK ASSESSMENT
4 INSTRUMENT APPROVED FOR USE MUST HAVE BEEN EVALUATED,
5 DEVELOPED, AND VALIDATED IN COLORADO TO MAXIMIZE ACCURACY AND
6 TO STATISTICALLY MINIMIZE BIAS ON THE BASIS OF RACE, ETHNICITY, AND
7 GENDER. ADDITIONALLY, JUDICIAL RELIANCE ON THE ASSESSMENT IN
8 PRETRIAL DECISION-MAKING MUST BE EVALUATED FOR BIAS ON THE BASIS
9 OF RACE, ETHNICITY, AND GENDER. THE EVALUATIONS REQUIRED IN THIS
10 SECTION MUST BE COMPLETED BY THE DIVISION OF CRIMINAL JUSTICE IN
11 THE DEPARTMENT OF PUBLIC SAFETY OR A NONPROFIT RESEARCH
12 ORGANIZATION.

13 (B) ANY APPROVED RISK ASSESSMENT INSTRUMENT MUST BE
14 EVALUATED FOR ACCURACY AND FOR BIAS AS DESCRIBED IN SUBSECTION
15 (11)(b)(II)(A) OF THIS SECTION EVERY THREE YEARS.

16 (C) THE JUDICIAL DEPARTMENT AND THE DEPARTMENT OF PUBLIC
17 SAFETY, AS PART OF THEIR HEARINGS REQUIRED BY SECTION 2-7-203(2),
18 SHALL PRESENT THE FINDINGS OF ANY STUDY CONDUCTED TO EVALUATE
19 A RISK ASSESSMENT INSTRUMENT FOR BIAS AND EFFORTS TO REDUCE ANY
20 IDENTIFIED BIAS.

21 (III) BEGINNING ON JANUARY 1, 2024, ANY RISK ASSESSMENT
22 INSTRUMENT APPROVED FOR USE MUST PROVIDE PRETRIAL
23 DECISION-MAKERS SEPARATE RISK CATEGORY INFORMATION FOR EACH OF
24 THE PRETRIAL RISKS IDENTIFIED IN SECTION 16-4-104 (1)(a)(I) AND
25 (1)(a)(II) IF STATISTICALLY POSSIBLE.

26 (IV) IN ORDER TO EVALUATE AN APPROVED RISK ASSESSMENT
27 INSTRUMENT FOR BIAS AND PROPER MEASUREMENT OF RISK FACTORS,
28 BEGINNING ON JANUARY 1, 2020, EACH JURISDICTION USING A RISK
29 ASSESSMENT INSTRUMENT SHALL COLLECT ALL RELEVANT DATA AS
30 REQUESTED BY THE STATE COURT ADMINISTRATOR IN CONJUNCTION WITH
31 THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC
32 SAFETY. THIS DATA MUST INCLUDE, AT A MINIMUM, THE FOLLOWING
33 INFORMATION FOR EACH PERSON ASSESSED:

34 (A) RACE, ETHNICITY, AND GENDER;

35 (B) THE PRETRIAL RISK CATEGORY;

36 (C) SCORES ASSIGNED TO EACH UNDERLYING VARIABLE USED BY
37 A RISK ASSESSMENT INSTRUMENT;

38 (D) THE TOTAL RISK ASSESSMENT INSTRUMENT SCORE;

39 (E) ANY RECOMMENDATION MADE BY A STRUCTURED
40 DECISION-MAKING DESIGN, IF AVAILABLE;

1 (F) WHETHER THE RECOMMENDATION OF A STRUCTURED
2 DECISION-MAKING DESIGN WAS FOLLOWED BY THE COURT, IF AVAILABLE;
3 (G) THE BOND TYPE SET BY THE COURT;
4 (H) THE CONDITIONS OF BOND SET BY THE COURT, WHICH MUST
5 INCLUDE, BUT IS NOT LIMITED TO, THE MONETARY CONDITIONS IMPOSED;
6 (I) WHETHER THE DEFENDANT WAS RELEASED;
7 (J) IF THE DEFENDANT FAILED TO APPEAR FOR COURT WHILE ON
8 SUPERVISION, WHETHER THE DEFENDANT SUBSEQUENTLY APPEARED IN
9 THAT CASE WITHIN THIRTY DAYS, NINETY DAYS, AND ONE HUNDRED
10 TWENTY DAYS;
11 (K) THE PRETRIAL SUPERVISION OUTCOME; AND
12 (L) THE RESULTS OF ANY ADDITIONAL ASSESSMENTS USED IN
13 ORDER TO PROVIDE ADDITIONAL INFORMATION TO THE COURT.
14 (V) UPON REQUEST BY THE DIVISION OF CRIMINAL JUSTICE IN THE
15 DEPARTMENT OF PUBLIC SAFETY, THE STATE COURT ADMINISTRATOR
16 SHALL PROVIDE ANY AVAILABLE INFORMATION NECESSARY TO EVALUATE
17 AN APPROVED RISK ASSESSMENT PURSUANT TO THIS SECTION."

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