

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Lee

1 Amend the Judiciary Committee Report, dated February 27, 2019, page
2 3, strike line 27 and substitute "Page 9, strike line 3 and substitute "(44)
3 and (94.1); and **add** (106.5)".

4 Page 4 of the committee report, line 7, strike "18-1-901 (3)(o.5)." and
5 substitute "~~18-1-901 (3)(o.5)~~".

6 Page 4 of the committee report, line 10, strike "attorney:." and substitute
7 "attorney 19-1-103 (94.1).".

8 Page 4 of the committee report, after line 11 insert:

9 "(94.1) "Restorative justice" means those practices that emphasize
10 repairing the harm to the victim and the community caused by criminal
11 acts. Restorative justice practices may include victim-offender
12 conferences attended voluntarily by the victim, a victim advocate, the
13 offender, community members, and supporters of the victim or the
14 offender that provide an opportunity for the offender to accept
15 responsibility for the harm caused to those affected by the crime and to
16 participate in setting consequences to repair the harm. Consequences
17 recommended by the participants may include, but need not be limited to,
18 apologies, community service, restoration, and counseling. The selected
19 consequences are incorporated into an agreement that sets time limits for
20 completion of the consequences and is signed by all participants. ANY
21 STATEMENTS MADE DURING THE RESTORATIVE JUSTICE PROCESS ARE
22 CONFIDENTIAL AND SHALL NOT BE USED AGAINST THE JUVENILE, OR AS A
23 BASIS FOR CHARGING OR PROSECUTING THE JUVENILE, UNLESS THE
24 JUVENILE COMMITS A CHARGEABLE OFFENSE DURING THE PROCESS."

25 Page 4 of the committee report, line 12, strike ""(106.5)" and substitute
26 "(106.5)".

27 Page 8 of the committee report, line 14, strike "CONDUCT" and substitute
28 "THE".

29 Page 9 of the committee report, line 5, after "ONLY" insert "FOR PURPOSES
30 OF SENTENCING;"

31 Page 9 of the committee report, line 7, strike "JUVENILE, AND" and
32 substitute "JUVENILE; AND TO DETERMINE".

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