

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Gonzales

1 Amend reengrossed bill, page 12, after line 18 insert:

2 "SECTION 13. In Colorado Revised Statutes, **amend** 16-17-102
3 as follows:

4 **16-17-102. Application - character certificate.** (1) After a
5 conviction, all applications for commutation of sentence or pardon for
6 crimes committed ~~shall~~ MUST be accompanied by a certificate of the
7 respective superintendent of the correctional facility, showing the conduct
8 of an applicant during ~~his or her~~ THE APPLICANT'S confinement in the
9 correctional facility, together with such evidences of former good
10 character as the applicant ~~may be~~ IS able to produce. Before the governor
11 approves such application, it ~~shall~~ MUST be first submitted to the present
12 district attorney of the district in which the applicant was convicted and
13 to the judge who sentenced and the attorney who prosecuted at the trial
14 of the applicant, if available, for such comment as they may deem proper
15 concerning the merits of the application, so as to provide the governor
16 with information upon which to base ~~his or her~~ THE GOVERNOR'S action.
17 The governor shall make reasonable efforts to locate the judge who
18 sentenced and the attorney who prosecuted at the trial of the applicant and
19 shall afford them a reasonable time, not less than fourteen days, to
20 comment on such applications. The requirements of this section ~~shall be~~
21 ARE deemed to have been met if the persons to whom the application is
22 submitted for comment do not comment within fourteen days after their
23 receipt of the application or within such other reasonable time in excess
24 of fourteen days as specified by the governor, or if the sentencing judge
25 or prosecuting attorney cannot be located, are incapacitated, or are
26 otherwise unavailable for comment despite the good-faith efforts of the
27 governor to obtain their comments. Good character previous to
28 conviction, good conduct during confinement in the correctional facility,
29 the statements of the sentencing judge and the district attorneys, if any,
30 and any other material concerning the merits of the application ~~shall~~ MUST
31 be given such weight as ~~to the governor may seem~~ SEEMS just and proper
32 TO THE GOVERNOR, in view of the circumstances of each particular case,
33 a WITH due regard ~~being had to~~ FOR the reformation of the accused. The
34 governor ~~shall have~~ HAS sole discretion in evaluating said comments and
35 in soliciting other comments ~~he or she~~ THE GOVERNOR deems appropriate.

36 (2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF
37 THIS SECTION, THE GOVERNOR MAY GRANT PARDONS TO A CLASS OF
38 DEFENDANTS WHO WERE CONVICTED OF THE POSSESSION OF UP TO TWO
39 OUNCES OF MARIJUANA WITHOUT AN APPLICATION AND WITHOUT SEEKING
40 THE COMMENT OF THE DISTRICT ATTORNEYS AND JUDGES FOR THOSE
41 CASES."

42 Renumber succeeding section accordingly.

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