

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB21-1016 be amended as follows:

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

3 "SECTION 1. In Colorado Revised Statutes, 16-7-207.5, **amend**
4 (1) as follows:

5 **16-7-207.5. Court's duty to inform defendants with current or**
6 **prior military service on first appearance in court and on pleas of**
7 **guilty.** (1) At the first appearance of a defendant in court or upon
8 arraignment, whichever is first in time, the court shall ascertain whether
9 the defendant is serving in the United States armed forces or is a veteran
10 of such forces. The court shall inform any such defendant that ~~he or she~~
11 THE DEFENDANT may be entitled to receive mental health treatment,
12 substance use disorder treatment, or other services as a veteran. If THE
13 JURISDICTION DOES NOT HAVE A VETERANS TREATMENT COURT, THE
14 COURT SHALL INFORM THE DEFENDANT OF THE POSSIBILITY OF
15 PETITIONING TO TRANSFER PROBATION SUPERVISION AFTER A PLEA OR
16 SENTENCE IN A CASE TO A JURISDICTION WITH A VETERANS TREATMENT
17 COURT PURSUANT TO SECTION 18-1.3-202.5.

18 **SECTION 2.** In Colorado Revised Statutes, **add** 18-1.3-202.5 as
19 follows:

20 **18-1.3-202.5. Veterans court probation supervision.** (1) IF THE
21 DEFENDANT IS A VETERAN WHO IS SUFFERING FROM A DIAGNOSABLE
22 MENTAL HEALTH CONDITION THAT IS RELATED TO THE VETERAN'S
23 MILITARY SERVICE AND THE JURISDICTION OF TRIAL DOES NOT HAVE A
24 VETERANS TREATMENT COURT, THE DEFENDANT, WITH THE CONSENT OF
25 THE DISTRICT ATTORNEY AND ANY VICTIM IN A VICTIM'S RIGHTS CASE,
26 MAY PETITION THE COURT TO TRANSFER THE SUPERVISION OF ANY POST
27 DISPOSITION OF THE CASE TO A JURISDICTION WITH A VETERANS
28 TREATMENT COURT.

29 (2) A DEFENDANT FILING A PETITION PURSUANT TO SUBSECTION (1)
30 OF THIS SECTION MUST IDENTIFY THE JURISDICTION WHERE THE
31 SUPERVISION OF THE PROBATION IN THE CASE MAY BE TRANSFERRED AND
32 THE SERVICES OR SUPPORTS AVAILABLE IN THAT JURISDICTION'S VETERANS
33 TREATMENT COURT THAT THE DEFENDANT IS SEEKING TO ACCESS.

34 (3) WHEN A COURT RECEIVES A PETITION PURSUANT TO
35 SUBSECTION (1) OF THIS SECTION, THE COURT SHALL CONFER WITH THE
36 JUDGE ADMINISTERING THE VETERANS TREATMENT COURT IN THE
37 JURISDICTION IDENTIFIED IN THE PETITION AND THE DISTRICT ATTORNEY
38 OF THE JURISDICTION IDENTIFIED IN THE PETITION. THE COURT MAY GRANT
39 THE PETITION TO TRANSFER THE SUPERVISION OF PROBATION IN THE CASE
40 IF THE VETERANS TREATMENT COURT AND THE DISTRICT ATTORNEY IN THE

1 HOSTING JURISDICTION CONSENT TO THE TRANSFER AND THAT
2 JURISDICTION HAS THE CURRENT ABILITY TO PROVIDE THE RESOURCES AND
3 SUPPORT NECESSARY TO RESPONSIBLY ACCEPT THE TRANSFER.

4 (4) IF THE HOST JURISDICTION FILES A MOTION FOR REVOCATION
5 OF THE VETERANS TREATMENT COURT PROGRAM PROBATION, THE HOST
6 JURISDICTION SHALL CONDUCT THE REVOCATION HEARING. IF PROBATION
7 IS REVOKED, THE HOST JURISDICTION SHALL REFER THE MATTER TO THE
8 ORIGINAL JURISDICTION FOR RESENTENCING.

9 (5) NOTHING IN THIS SECTION PROHIBITS THE HOST JURISDICTION
10 FROM UTILIZING PROGRAM POLICIES RELATED TO MINOR VIOLATIONS THAT
11 ARE TYPICALLY ADDRESSED THROUGH GRADUATED SANCTIONS.

12 **SECTION 3. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly; except
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V
16 of the state constitution against this act or an item, section, or part of this
17 act within such period, then the act, item, section, or part will not take
18 effect unless approved by the people at the general election to be held in
19 November 2022 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor."

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