

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB23-1155 be amended as follows:

1 Amend printed bill, page 2, line 9, strike "PROCEEDING" and substitute
2 "TRIAL".

3 Page 2, strike lines 10 through 21 and substitute "ACCUSED, PRIOR TO
4 MAKING THE STATEMENT, WAS ADVISED IN A MANNER THAT REASONABLY
5 CONVEYED THE FOLLOWING WARNINGS:

6 (a) YOU HAVE THE RIGHT TO REMAIN SILENT;

7 (b) ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN
8 A COURT OF LAW;

9 (c) YOU HAVE THE RIGHT TO CONSULT A LAWYER PRIOR TO
10 QUESTIONING AND HAVE THE LAWYER PRESENT DURING QUESTIONING;

11 (d) IF YOU CANNOT AFFORD TO HIRE A LAWYER, A LAWYER WILL
12 BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING IF YOU
13 REQUEST ONE; AND

14 (e) YOU CAN STOP THE INTERVIEW AND REQUEST TO REMAIN
15 SILENT OR REQUEST A LAWYER AT ANY TIME BEFORE OR DURING
16 QUESTIONING."

17 Page 2, line 22, strike "THE" and substitute "WHEN PROPERLY RAISED BY
18 THE DEFENDANT PURSUANT TO RULES PROMULGATED BY THE COLORADO
19 SUPREME COURT, THE".

20 Page 3, after line 1 insert:

21 "(5) NOTHING IN THIS SECTION PRECLUDES THE ADMISSION OF A
22 VOLUNTARY STATEMENT WHEN THE PROSECUTION PROVES BY A
23 PREPONDERANCE OF THE EVIDENCE THAT AN EXCEPTION RECOGNIZED
24 THROUGH THE PROGENY OF *MIRANDA V. ARIZONA*, 384 U.S. 436 (1966)
25 APPLIES, INCLUDING THE PUBLIC SAFETY EXCEPTION OR BOOKING
26 EXCEPTION."

27 Strike "ACCUSED" and substitute "DEFENDANT" on: **Page 2**, lines 8, 9, 10,
28 23, and 27.

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