

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

HB23-1187 be amended as follows:

1 Amend reengrossed bill, page 6, strike lines 13 through 18.

2 Page 6, strike lines 19 through 27 and substitute:

3       "(3) (a) THERE IS A REBUTTABLE PRESUMPTION AGAINST  
4 DETENTION AND INCARCERATION OF A PREGNANT OR POSTPARTUM  
5 DEFENDANT IF THE DEFENDANT PROVIDES THE COURT AND DISTRICT  
6 ATTORNEY WITH NOTICE OF THE DEFENDANT'S STATUS AS A PREGNANT OR  
7 POSTPARTUM DEFENDANT AT EACH APPLICABLE STAGE OF THE  
8 PROCEEDINGS. SUBJECT TO SUBSECTION (5) OF THIS SECTION AND IF THE  
9 COURT DECIDES TO DETAIN OR INCARCERATE THE PREGNANT OR  
10 POSTPARTUM DEFENDANT AFTER WEIGHING THE APPLICABLE LEGAL  
11 STANDARDS AND CONSIDERATIONS SET FORTH IN SUBSECTIONS (3)(a)(I) TO  
12 (3)(a)(VI) OF THIS SECTION, THE COURT SHALL MAKE SPECIFIC FINDINGS  
13 ON THE RECORD THAT THE RISK TO PUBLIC SAFETY OR ANY OTHER FACTOR  
14 THE COURT IS REQUIRED TO CONSIDER IS SUBSTANTIAL ENOUGH TO  
15 OUTWEIGH THE RISK OF INCARCERATION. THE COURT SHALL APPLY THE  
16 REBUTTABLE".

17 Page 7, line 13, strike "AN UNACCOMPANIED FURLOUGH OR".

18 Page 11, strike line 6 and substitute "EXECUTION.".

19 Page 11, strike lines 7 through 12.

20 Reletter succeeding paragraph accordingly.

21 Page 12, line 24, strike "DEFENDANT, AS" and substitute "DEFENDANT  
22 WHO HAS COMPLIED WITH THE NOTICE REQUIREMENT SET FORTH".

23 Page 12, line 25, strike "DEFINED".

24 Page 14, strike line 8 and substitute "IF THE DEFENDANT COMPLIED WITH  
25 THE NOTICE REQUIREMENT SET FORTH IN SECTION 18-1.3-103.7.".

26 Page 17, strike lines 22 through 26.

27 Page 17, strike line 27 and substitute:

28       "(3) (a) THERE IS A REBUTTABLE PRESUMPTION AGAINST  
29 DETENTION AND COMMITMENT OF A PREGNANT OR POSTPARTUM JUVENILE

1 IF THE JUVENILE PROVIDES THE COURT AND DISTRICT ATTORNEY WITH  
2 NOTICE OF THE JUVENILE'S STATUS AS A PREGNANT OR POSTPARTUM  
3 JUVENILE AT EACH APPLICABLE STAGE OF THE PROCEEDINGS. SUBJECT TO  
4 SUBSECTION (5) OF THIS SECTION AND IF THE COURT DECIDES TO DETAIN  
5 OR COMMIT THE PREGNANT OR POSTPARTUM JUVENILE AFTER WEIGHING  
6 THE APPLICABLE LEGAL STANDARDS AND CONSIDERATIONS SET FORTH IN  
7 SUBSECTIONS (3)(a)(I) TO (3)(a)(VI) OF THIS SECTION, THE COURT SHALL  
8 MAKE SPECIFIC FINDINGS ON THE RECORD THAT THE RISK TO PUBLIC  
9 SAFETY OR ANY OTHER FACTOR THE COURT IS REQUIRED TO CONSIDER IS  
10 SUBSTANTIAL ENOUGH TO OUTWEIGH THE RISK OF DETENTION OR  
11 COMMITMENT. THE COURT SHALL APPLY THE REBUTTABLE".

12 Page 18, strike lines 1 through 8.

13 Page 18, line 21, strike "AN UNACCOMPANIED FURLOUGH OR" and  
14 substitute "A".

15 Page 22, strike lines 12 through 18.

16 Reletter succeeding paragraph accordingly.

17 Page 23, line 19, strike "16-4-103 OR 19-2.5-1118.5." and substitute  
18 "16-4-103. IF THE JUVENILE IS A PREGNANT OR POSTPARTUM JUVENILE  
19 WHO HAS COMPLIED WITH THE NOTICE REQUIREMENT SET FORTH IN  
20 SECTION 19-2.5-1118.5, THE JUDGE OR MAGISTRATE SHALL CONSIDER THE  
21 JUVENILE'S PREGNANCY OR POSTPARTUM STATUS IN DETERMINING THE  
22 CONDITIONS OF RELEASE."

23 Before "PRESUMPTION" insert "REBUTTABLE" on: **Page 9**, line 25; **Page**  
24 **10**, line 24; **Page 21**, line 3; and **Page 22**, line 2.

25 Strike "OR UNACCOMPANIED FURLOUGH" on: **Page 10**, lines 3 and 6; **Page**  
26 **11**, line 19; **Page 21**, lines 8 and 11; and **Page 22**, line 24.

27 Strike "EXECUTION OR UNACCOMPANIED FURLOUGH" and substitute  
28 "EXECUTION" on: **Page 10**, line 14; **Page 11**, 22 and 23, and 24; **Page 21**,  
29 line 19; **Page 22**, lines 10 and 11; and **Page 23**, lines 1, and 2 and 3.

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