

HB1156\_L.001

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB13-1156 be amended as follows:

- 1 Amend printed bill, page 2, line 13, after the period add "A DISTRICT
- 2 ATTORNEY'S OFFICE MAY DEVELOP OR CONTINUE TO OPERATE ITS OWN
- 3 DIVERSION PROGRAM THAT IS NOT SUBJECT TO THE PROVISIONS OF THIS
- 4 SECTION. IF A DISTRICT ATTORNEY'S OFFICE ACCEPTS STATE MONEYS TO
- 5 CREATE OR OPERATE A DIVERSION PROGRAM PURSUANT TO THIS SECTION,
- 6 THE DISTRICT ATTORNEY'S OFFICE MUST COMPLY WITH THE PROVISIONS OF
- 7 THIS SECTION."
  
- 8 Page 2, line 14, strike "EXCEPT AS OTHERWISE PROVIDED IN".
  
- 9 Page 2, line 15, strike "SECTION 18-6-801(4), IN" and substitute "IN".
  
- 10 Page 2, line 16, strike "WITH THE CONSENT OF THE DEFENDANT AND THE".
  
- 11 Page 2, line 17, strike "PROSECUTION,".
  
- 12 Page 3, line 3, after "ATTORNEY" insert "THAT USES STATE MONEYS FOR
- 13 A DIVERSION PROGRAM PURSUANT TO THIS SECTION".
  
- 14 Page 3, line 14, strike "AND".
  
- 15 Page 3, line 16, strike "PROSECUTION." and substitute "PROSECUTION;
- 16 AND".
  
- 17 Page 3, line 18, strike "REQUESTING".
  
- 18 Page 3, line 19, strike "DIVERSION".
  
- 19 Page 3, strike lines 26 and 27 and substitute:
  
- 20 "(5) IN A JURISDICTION THAT RECEIVES STATE MONEYS FOR THE
- 21 CREATION OR OPERATION OF DIVERSION PROGRAMS PURSUANT TO THIS
- 22 SECTION, AN INDIVIDUAL ACCUSED OF AN OFFENSE, THE UNDERLYING
- 23 FACTUAL BASIS OF WHICH INVOLVES DOMESTIC VIOLENCE AS DEFINED IN
- 24 SECTION 18-6-800.3 (1), C.R.S., IS NOT ELIGIBLE FOR PRETRIAL DIVERSION
- 25 UNLESS THAT INDIVIDUAL HAS COMPLETED A TREATMENT EVALUATION
- 26 CONDUCTED BY A DOMESTIC VIOLENCE EVALUATOR APPROVED BY THE
- 27 DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD AS REQUIRED BY



1 SECTION 16-11.8-103 (4), C.R.S. AND THAT EVALUATION FINDS THAT THE  
2 INDIVIDUAL IS APPROPRIATE FOR THE DIVERSION PROGRAM ESTABLISHED  
3 BY THE DISTRICT ATTORNEY PURSUANT TO THIS SECTION. A DISTRICT  
4 ATTORNEY SHALL NOT PLACE AN INDIVIDUAL IN A DIVERSION PROGRAM  
5 ESTABLISHED PURSUANT TO THIS SECTION UNLESS THE EVALUATION FINDS  
6 THE INDIVIDUAL APPROPRIATE FOR SUCH A PLACEMENT.

7 (6) IN A JURISDICTION THAT RECEIVES STATE MONEYS FOR THE  
8 CREATION OR OPERATION OF DIVERSION PROGRAMS PURSUANT TO THIS  
9 SECTION, AN INDIVIDUAL ACCUSED OF A SEX OFFENSE AS DEFINED IN  
10 SECTION 18-1.3-1003 (5), C.R.S., IS NOT ELIGIBLE FOR PRETRIAL  
11 DIVERSION UNLESS THAT INDIVIDUAL HAS SUBMITTED TO A RISK AND  
12 TREATMENT EVALUATION CONDUCTED BY A SEX OFFENDER EVALUATOR  
13 APPROVED BY THE SEX OFFENDER MANAGEMENT BOARD AS REQUIRED BY  
14 SECTION 16-11.7-103 (4), C.R.S. AND THAT EVALUATION FINDS THAT THE  
15 INDIVIDUAL IS APPROPRIATE FOR THE DIVERSION PROGRAM ESTABLISHED  
16 BY THE DISTRICT ATTORNEY PURSUANT TO THIS SECTION. A DISTRICT  
17 ATTORNEY SHALL NOT PLACE AN INDIVIDUAL IN A DIVERSION PROGRAM  
18 ESTABLISHED PURSUANT TO THIS SECTION UNLESS THE EVALUATION FINDS  
19 THE INDIVIDUAL APPROPRIATE FOR SUCH A PLACEMENT. IF A DIVERSION  
20 AGREEMENT IS ENTERED AND SUCCESSFULLY COMPLETED, THE CRIMES  
21 CHARGED OR FACTS ALLEGED DO NOT CONSTITUTE A HISTORY OF SEX  
22 OFFENSES FOR PURPOSES OF SECTION 16-11.7-102 (2) (a) (II), C.R.S."

23 Page 4, strike lines 1 through 3.

24 Renumber succeeding subsections accordingly.

25 Page 4, line 13, strike "A" and substitute "AN INDIVIDUALIZED"

26 Page 5, line 26, after "AGREEMENT," insert "INCLUDING AN EVALUATION  
27 PERFORMED PURSUANT TO SUBSECTIONS (5) AND (6) OF THIS SECTION,".

28 Page 6, line 1, strike "(7)," and substitute "(8),".

29 Page 6, line 20, after "DIVERSION" insert "AGREEMENT".

30 Page 7, line 9, strike "DEFENDANT" and substitute "DEFENDANT, THE  
31 DISTRICT ATTORNEY,".

32 Page 7, line 20, after "HEARING" insert "PURSUANT TO SECTION 16-11-206,  
33 C.R.S.,".



- 1 Page 8, line 5, strike "(7)" and substitute "(8)".
- 2 Page 8, line 7, after "PROGRAM," insert "INCLUDING AN EVALUATION
- 3 PERFORMED PURSUANT TO SUBSECTIONS (5) AND (6) OF THIS SECTION."
- 4 Page 8, line 15, strike "13-\_\_\_\_," and substitute "13-1156,".
- 5 Page 8, strike line 27.
- 6 Page 9, strike lines 1 through 12.
- 7 Renumber succeeding sections accordingly.
- 8 Page 12, line 2, strike "(8)" and substitute "(9)".

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