

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 11-0640.01 Richard Sweetman

HOUSE BILL 11-1180

HOUSE SPONSORSHIP

Levy,

SENATE SPONSORSHIP

Guzman,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING USING INDIVIDUALIZED ASSESSMENTS TO AID JUDGES IN**
102 **IMPOSING CRIMINAL SENTENCES THAT REDUCE THE LIKELIHOOD**
103 **OF CRIMINAL OFFENDERS COMMITTING ADDITIONAL CRIMINAL**
104 **ACTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law describes four purposes of the Colorado Criminal Code. The bill adds a fifth purpose: To help courts select for each

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
March 8, 2011

HOUSE
Amended 2nd Reading
March 2, 2011

convicted offender a sentence alternative, sentence length, and level of supervision that addresses the offender's individual characteristics and reduces the potential that the offender will engage in criminal conduct after completing his or her sentence.

The bill requires each presentence report submitted by a probation officer to a court to include the results of an actuarial risk-needs assessment that provides the court with sufficient information to make certain determinations concerning the appropriate sentence to impose upon the offender. The report shall also inform the court regarding available and suitable community corrections programs that the court may wish to use in sentencing the offender.

Before sentencing an offender, other than a class 1 felony offender, to a period of incarceration, the court shall determine that incarceration of the offender is consistent with the results of the risk-needs assessment and that none of the available alternatives to incarceration will satisfy the statutory purposes of sentencing.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 18-1-102.5 (1) (c) and (1) (d), Colorado Revised
3 Statutes, are amended, and the said 18-1-102.5 (1) is further amended BY
4 THE ADDITION OF A NEW PARAGRAPH, to read:

5 **18-1-102.5. Purposes of code with respect to sentencing.**

6 (1) The purposes of this code with respect to sentencing are:

7 (c) To prevent crime and promote respect for the law by providing
8 an effective deterrent to others likely to commit similar offenses; ~~and~~

9 (d) To promote rehabilitation by encouraging correctional
10 programs that elicit the voluntary cooperation and participation of
11 convicted offenders; AND

12 (e) TO SELECT A SENTENCE ALTERNATIVE, A SENTENCE LENGTH,
13 AND A LEVEL OF SUPERVISION THAT ADDRESSES THE OFFENDER'S
14 INDIVIDUAL CHARACTERISTICS AND REDUCES THE POTENTIAL THAT THE
15 OFFENDER WILL ENGAGE IN CRIMINAL CONDUCT AFTER COMPLETING HIS
16 OR HER SENTENCE.

1 **SECTION 2.** 16-11-102, Colorado Revised Statutes, is amended
2 **BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to**
3 **read:**

4 **16-11-102. Presentence or probation investigation.** (1.9) EACH
5 **PRESENTENCE REPORT SHALL ALSO:**

6 (a) INCLUDE THE RESULTS OF AN ACTUARIAL ASSESSMENT OF THE
7 **OFFENDER'S CRIMINOLOGICAL RISKS AND NEEDS;**

8 (b) PROVIDE AN ANALYSIS OF WHICH SENTENCING OPTION IS MOST
9 **LIKELY TO REDUCE THE LIKELIHOOD OF THE OFFENDER COMMITTING**
10 **FUTURE CRIMINAL ACTS, BASED ON THE RESULTS OF THE RISK-NEEDS**
11 **ASSESSMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1.9);**

12 (c) PROVIDE SUFFICIENT DATA TO ALLOW THE COURT TO
13 **DETERMINE:**

14 (I) WHETHER THE OFFENDER IS A SUITABLE CANDIDATE FOR
15 **TREATMENT, SUPERVISION, OR OTHER CONTAINMENT OPTIONS THAT DO**
16 **NOT ENTAIL INCARCERATION, OR FOR ANY COMBINATION OF SUCH**
17 **CONTAINMENT OPTIONS, WHICH DETERMINATION SHALL BE MADE BASED**
18 **UPON ANY SCREENING RESULTS; AND**

19 (II) THE FORM AND APPROPRIATE CONDITIONS OF PROBATION TO
20 **IMPOSE IF PROBATION IS AN APPROPRIATE COMPONENT OF THE OFFENDER'S**
21 **SENTENCE; AND**

22 (d) DESCRIBE THE RATES OF RECIDIVISM AND PROJECTED COSTS,
23 **IF KNOWN, THAT ARE ASSOCIATED WITH EACH SENTENCING OPTION THAT**
24 **IS AVAILABLE TO THE COURT.**

25 (5.5) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, BEFORE
26 **SENTENCING AN OFFENDER TO A PERIOD OF INCARCERATION, THE COURT**
27 **SHALL REVIEW THE PURPOSES OF SENTENCING DESCRIBED IN SECTION**

1 18-1-102.5, C.R.S., AND DETERMINE WHICH SENTENCING OPTION WILL
2 BEST ACHIEVE SUCH PURPOSES. THIS DETERMINATION NEED NOT BE
3 INCLUDED IN THE COURT RECORD. THIS DETERMINATION SHALL NOT BE
4 USED AS THE BASIS FOR CHALLENGING ANY SENTENCE ISSUED BY A COURT.

5 **SECTION 3. Act subject to petition - effective date.** This act
6 shall take effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part shall not take effect
12 unless approved by the people at the general election to be held in
13 November 2012 and shall take effect on the date of the official
14 declaration of the vote thereon by the governor.