

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
10.13.17

BILL 16

LLS NO. 18-0312.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

Sentencing in the Criminal Justice System Interim Study Committee

BILL TOPIC: "Early Termination Of Probation"

A BILL FOR AN ACT

101 **CONCERNING EARLY TERMINATION OF PROBATION.**

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://leg.colorado.gov/>.)

Sentencing in the Criminal Justice System Interim Study Committee. The bill states that, in making a determination whether to reduce or increase the term of probation or alter the conditions or impose new conditions, a court shall favorably consider any successful completion of a milestone or phase of an educational, therapeutic program by the probationer.

A judge shall grant a probationer's request for early termination of

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

probation if the probationer:

- Was sentenced to a term of probation greater than one year;
- Has been rated low risk for the last 2 biannual risk-assessment periods, based on a risk assessment tool used by the judicial department;
- Has complied with all the conditions of his or her probation; and
- Has served at least 50% of his or her probation sentence.

However, a court shall not grant a probationer's request for early termination of probation if the probationer is currently serving his or her probation in an intensive supervision probation program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-204, **amend**
3 (4)(a); and **add** (5) as follows:

4 **18-1.3-204. Conditions of probation - interstate compact**
5 **probation transfer cash fund - creation.** (4) (a) For good cause shown
6 and after notice to the defendant, the district attorney, and the probation
7 officer, and after a hearing if the defendant or the district attorney
8 requests it, the judge may reduce or increase the term of probation or alter
9 the conditions or impose new conditions. IN MAKING A DETERMINATION
10 WHETHER TO REDUCE OR INCREASE THE TERM OF PROBATION OR ALTER
11 THE CONDITIONS OR IMPOSE NEW CONDITIONS PURSUANT TO THIS
12 SUBSECTION (4)(a), THE COURT SHALL FAVORABLY CONSIDER ANY
13 SUCCESSFUL COMPLETION OF A MILESTONE OR PHASE OF AN EDUCATIONAL,
14 THERAPEUTIC PROGRAM BY THE PROBATIONER.

15 (5) (a) NOTWITHSTANDING THE DISCRETION DESCRIBED IN
16 SUBSECTION (4)(a) OF THIS SECTION, AND EXCEPT AS DESCRIBED IN
17 SUBSECTION (5)(b) OF THIS SECTION, A JUDGE SHALL GRANT A
18 PROBATIONER'S REQUEST FOR EARLY TERMINATION OF PROBATION IF THE
19 PROBATIONER:

1 (I) WAS SENTENCED TO A TERM OF PROBATION GREATER THAN ONE
2 YEAR;

3 (II) HAS BEEN RATED LOW RISK FOR THE LAST TWO BIENNIAL
4 RISK-ASSESSMENT PERIODS, BASED ON A RISK ASSESSMENT TOOL USED BY
5 THE JUDICIAL DEPARTMENT;

6 (III) HAS COMPLIED WITH ALL CONDITIONS OF HIS OR HER
7 PROBATION IMPOSED PURSUANT TO SECTION 18-1.3-204; AND

8 (IV) HAS SERVED AT LEAST FIFTY PERCENT OF HIS OR HER
9 PROBATION SENTENCE.

10 (b) A COURT SHALL NOT GRANT A PROBATIONER'S REQUEST FOR
11 EARLY TERMINATION OF PROBATION IF THE PROBATIONER IS CURRENTLY
12 SERVING HIS OR HER PROBATION IN AN INTENSIVE SUPERVISION PROBATION
13 PROGRAM PURSUANT TO SECTION 18-1.3-208.

14 (c) EACH COURT SHALL REPORT TO THE STATE COURT
15 ADMINISTRATOR EACH MOTION FOR EARLY TERMINATION OF PROBATION
16 THAT IS FILED WITH THE COURT PURSUANT TO THIS SUBSECTION (5),
17 INCLUDING THE OUTCOME OF THE MOTION AND, IF THE MOTION IS DENIED,
18 THE REASON FOR THE DENIAL. THE STATE COURT ADMINISTRATOR SHALL
19 ANNUALLY PREPARE A SUMMARY OF THE REPORTS DESCRIBED IN THIS
20 SUBSECTION (5)(c), AND THE JUDICIAL DEPARTMENT SHALL INCLUDE THE
21 SUMMARY IN ITS PRESENTATION TO THE COMMITTEES OF REFERENCE
22 PURSUANT TO SECTION 2-7-203.

23 **SECTION 2. Applicability.** This act applies to any motion for
24 modification of terms of probation, which motion is filed on or after the
25 effective date of this act.

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.