

HB1019_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB20-1019 be amended as follows:

1 Amend printed bill, page 10, strike lines 13 through 27 and substitute:

2 "18-8-208.2. **Unauthorized absence.** (1) A PERSON WHO IS
 3 SERVING A DIRECT SENTENCE TO A COMMUNITY CORRECTIONS PROGRAM
 4 PURSUANT TO SECTION 18-1.3-301; TRANSITIONING FROM THE
 5 DEPARTMENT OF CORRECTIONS TO A COMMUNITY CORRECTIONS PROGRAM
 6 OR PLACED IN AN INTENSIVE SUPERVISION PROGRAM PURSUANT TO
 7 SECTION 17-27.5-101; PARTICIPATING IN A WORK RELEASE OR HOME
 8 DETENTION PROGRAM PURSUANT TO 18-1.3-106 (1.1), INTENSIVE
 9 SUPERVISION PROGRAM, OR ANY OTHER SIMILAR AUTHORIZED SUPERVISED
 10 OR UNSUPERVISED ABSENCE FROM A DETENTION FACILITY AS DEFINED IN
 11 SECTION 18-8-203 (3); OR IS HOUSED IN A STAFF SECURE FACILITY AS
 12 DEFINED IN SECTION 19-1-103 (101.5) COMMITS THE CRIME OF
 13 UNAUTHORIZED ABSENCE IF THE PERSON KNOWINGLY:

14 (a) LEAVES OR FAILS TO RETURN TO HIS OR HER RESIDENTIAL OR
 15 FACILITY LOCATION WITHOUT PERMISSION OF THE SUPERVISING AGENCY
 16 AND IN VIOLATION OF THE TERMS AND CONDITIONS OF SUPERVISION; OR

17 (b) REMOVES OR TAMPERS WITH AN ELECTRONIC MONITORING
 18 DEVICE REQUIRED BY THE SUPERVISING AGENCY TO BE WORN BY THE
 19 PERSON IN ORDER TO MONITOR HIS OR HER LOCATION, WITHOUT
 20 PERMISSION AND WITH THE INTENT TO AVOID ARREST, PROSECUTION,
 21 MONITORING OR OTHER LEGAL PROCESS.

22 (2) (a) IF A PERSON COMMITS UNAUTHORIZED ABSENCE FOR A
 23 CRIME LISTED IN SECTION 24-4.1-302 (1) OR A CRIME OF VIOLENCE AS
 24 DESCRIBED IN SECTION 18-1.3-406, UNAUTHORIZED ABSENCE IS A CLASS
 25 6 FELONY AND AN ATTEMPT THEREOF IS A CLASS 6 FELONY.

26 (b) IF A PERSON COMMITS UNAUTHORIZED ABSENCE FOR A CRIME
 27 OTHER THAN THE CRIMES LISTED IN SECTION 24-4.1-302 (1) AND THE
 28 CRIME IS NOT A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406,
 29 UNAUTHORIZED ABSENCE IS A CLASS 3 MISDEMEANOR AND AN ATTEMPT
 30 THEREOF IS A CLASS 3 MISDEMEANOR.

31 (c) A PERSON WHO KNOWINGLY VIOLATES A PERMANENT OR
 32 TEMPORARY PROTECTION ORDER ISSUED PURSUANT TO SECTION
 33 18-1-1001(1), 13-14-103, 13-14-104.5, OR 13-14-106 DURING THE
 34 COMMISSION OF UNAUTHORIZED ABSENCE COMMITS A CLASS 3 FELONY.

35 (3) IF A PAROLEE PLACED IN A COMMUNITY CORRECTIONS OR IN AN
 36 INTENSIVE SUPERVISION PROGRAM PURSUANT TO SECTION 17-27.5-101
 37 HAS AN UNAUTHORIZED ABSENCE, THE DEPARTMENT OF CORRECTIONS
 38 SHALL NOTIFY THE APPROPRIATE COMMUNITY REENTRY PROGRAM
 39 DESCRIBED IN SECTION 17-33-101 (7)(a), AND PROVIDE CONTACT
 40 INFORMATION FOR THE PURPOSES OF ASSISTING THE PERSON TO REENGAGE
 41 WITH SUPERVISION."

42 Page 11, strike line 1.

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