

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0259.01 Shelby Ross x4510

SENATE BILL 26-124

SENATE SPONSORSHIP

Wallace,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIRING THE COLORADO INTEGRATED CRIMINAL**
102 **JUSTICE INFORMATION SYSTEM PROGRAM TO MAKE**
103 **INFORMATION AVAILABLE FOR THE AUTOMATED PROTECTION**
104 **ORDER NOTIFICATION SYSTEM.**

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>.)

If a defendant raises the affirmative defense of self-defense, the bill authorizes the defendant to offer relevant evidence of an act of violence committed by the alleged victim that is known to the defendant

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

or perpetrated against the defendant and that affects the reasonableness of the defendant's belief in their justification in using self-defense.

The bill creates an alternative mandatory sentence for a defendant who is a victim of an act of violence if the court determines, based on the relevant evidence presented, that the act of violence was a significant contributing factor to the offense for which the defendant is being sentenced. If a victim-defendant meets the criteria, the court is not required to sentence the victim-defendant to the department of corrections and the victim-defendant is eligible for probation or other alternative sentences. A victim-defendant convicted of certain criminal offenses is not eligible for alternative sentencing.

The bill authorizes an individual serving a sentence with the department of corrections to file a petition with the court where the conviction was obtained requesting post-conviction relief from the terms of the sentence (petition) if the individual is a victim of an act of violence and:

- If an offense resulting in conviction was committed before July 1, 2026; and
- If the victim-petitioner received a sentence in the case of 15 years or more to the department of corrections, excluding the parole term of the sentence.

The petition must allege that the victim-petitioner was subjected to an act of violence and that the act of violence was a significant contributing factor to the offense for which the victim-petitioner was initially sentenced. The court shall determine whether to grant a hearing on the petition and, based on the evidence presented, determine by a preponderance of the evidence if the victim-petitioner was subjected to an act of violence and if the following criteria are met:

- The act of violence was a significant contributing factor to the offense; or
- The prosecution agrees that the best interests of justice and the welfare of society would be served by departure from the presumptive sentencing range initially imposed.

If the court determines the victim-petitioner meets the criteria, the victim-petitioner may file a motion for reconsideration and reduction of the initial sentence. A victim-petitioner convicted of certain criminal offenses is not eligible for post-conviction relief.

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

2 **SECTION 1. In Colorado Revised Statutes, 24-33.5-539, amend**

3 **(4) as follows:**

4 **24-33.5-539. Automated protection order notification system**

1 **- definitions.**

2 (4) The Colorado bureau of investigation in the division AND THE
3 COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM
4 PROGRAM CREATED IN SECTION 16-20.5-103 shall make the information
5 described in subsection (3) of this section available to the division for the
6 purpose of providing the information to a protected person, the protected
7 person's immediate family, or other interested persons pursuant to
8 subsection (2) of this section.

9 **SECTION 2. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2026 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.