



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

SB 26-112: COURT ACTIONS RELATED TO FAILURE TO APPEAR IN COURT

Prime Sponsors:

Sen. Zamora Wilson
Rep. Soper

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Published for: Senate Judiciary
Drafting number: LLS 26-0799

Version: Initial Fiscal Note
Date: February 16, 2026

Fiscal note status: The fiscal note reflects the introduced bill.

Summary Information

Overview. The bill allows a court to issue a monetary bond for certain low-level offenses when a person fails to appear in court two or more times in the same case.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis starting in FY 2026-27:

- Minimal State Workload
- Local Government

Appropriations. No appropriation is required.

**Table 1
State Fiscal Impacts**

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

Under current law, a court must issue a personal recognizance bond when:

- the person is accused of a misdemeanor offense for which the maximum penalty does not exceed six months imprisonment, unless specific circumstances exist; or
- if the person is charged with a traffic offense, a petty offense, or a comparable municipal offense, unless specific circumstances exist.

The bill allows the court to issue a monetary bond in these cases when a defendant has previously failed to appear for a court proceeding two or more times.

The bill also removes a current prohibition on monetary bond for petty offenses if the petty offense is for theft, criminal mischief, arson, or a comparable municipal offense and the defendant has failed to appear at least two times. If a defendant is charged with a different petty offense, or a traffic offense or a municipal offense without a state analog, then monetary bond is allowed if the defendant has failed to appear at least two times and has another pending case for the same offense.

A defendant's failure to be present for a court proceeding is not considered a failure to appear if the defendant's counsel is present and the proceeding is not the defendant's trial, arraignment, a contested hearing, or a hearing in which a witness or victim is testifying. A defendant engaging in self-representation must be present for all proceedings required by the court. Additionally, failure to appear only applies in a municipal court if the municipal court:

- conducted a search to determine if the defendant was being held in a correctional facility or jail before issuing the failure to appear warrant;
- had a process to quash a warrant if a defendant engages to correct a failure to appear before their next hearing, and to excuse the failure to appear if there is evidence showing that the failure was not willful or caused by excusable neglect; and
- posted the processes online and at the courthouse in both English and Spanish.

Finally, the bill specifies that if a person is not present at the place and time specified in a municipal summons or summons and complaint, but the person's counsel is present, the municipal court shall not consider the absence a failure to appear.

State Expenditures

Starting in FY 2026-27, the bill minimally increases workload in the trial courts of the Judicial Department. Time spent on bond hearings will increase to establish whether a defendant failed to appear under the provisions of the bill. This may include presentation of evidence, legal

arguments, verification of court records, and findings by the court. However, the increase in time spent on bond hearings is anticipated to be minimal and does not require a change in appropriations.

Local Government

Similar to the state, workload may increase for district attorneys at bond hearings. District attorney offices are funded proportionally by counties in a judicial district.

Additionally, the requirements to establish failure to appear that are specific to municipal courts may increase costs for municipal courts. The exact impact will depend on the jurisdiction.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to offenses committed on or after this date.

State and Local Government Contacts

District Attorneys

Public Defender

Judicial