

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 16, 2016
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB16-1104 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, strike lines 2 through 14 and substitute:
2 "SECTION 1. In Colorado Revised Statutes, 16-5-206, **amend**
3 (2) introductory portion and (2) (e); and **add** (1.5) as follows:
4 **16-5-206. Summons in lieu of warrant.** (1.5) (a) EXCEPT IN
5 CLASS 1, CLASS 2, CLASS 3, AND CLASS 4 FELONIES; IN CRIMES DESCRIBED
6 IN SECTION 24-4.1-302 (1), C.R.S.; AND IN UNCLASSIFIED FELONIES
7 PUNISHABLE BY A MAXIMUM PENALTY OF MORE THAN TEN YEARS, A LAW
8 ENFORCEMENT OFFICER MAY ISSUE A SUMMONS COMMANDING THE
9 APPEARANCE OF THE DEFENDANT IN LIEU OF A WARRANT FOR HIS OR HER
10 ARREST BASED ON PROBABLE CAUSE IF:
11 (I) THE LOCAL DISTRICT ATTORNEY CONSENTS TO SUCH
12 PROCEDURE AND HAS DEVELOPED AND APPROVED CRITERIA FOR THE
13 ISSUANCE OF SUCH A SUMMONS PURSUANT TO THIS SUBSECTION (1.5);
14 (II) THERE IS A REASONABLE LIKELIHOOD THAT THE DEFENDANT
15 WILL APPEAR;
16 (III) THE DEFENDANT HAS HAD NO FELONY ARRESTS DURING THE
17 PRECEDING FIVE YEARS;
18 (IV) THERE IS NO ALLEGATION THAT THE DEFENDANT USED A
19 DEADLY WEAPON AS DEFINED IN SECTION 18-1-901 (3) (e), C.R.S., IN THE
20 COMMISSION OF THE CRIME; AND
21 (V) THERE ARE NO OUTSTANDING WARRANTS FOR THE
22 DEFENDANT'S ARREST.
23 (b) NO LATER THAN TEN DAYS AFTER A LAW ENFORCEMENT
24 OFFICER ISSUES A SUMMONS PURSUANT TO THIS SUBSECTION (1.5), HE OR
25 SHE SHALL DELIVER A COPY TO THE COURT AND TO THE OFFICE OF THE

1 DISTRICT ATTORNEY WHERE JURISDICTION LIES.
2 (c) WHEN THE PROCEDURE DESCRIBED IN THIS SUBSECTION (1.5)
3 IS USED, AN INFORMATION OR COMPLAINT MAY BE FILED IN OPEN COURT
4 ON THE DATE SPECIFIED IN THE SUMMONS.
5 (2) If a summons is issued in lieu of a warrant under ~~subsection~~
6 ~~(1)~~ of this section:
7 (e) It shall be signed by the judge or clerk of the court with the
8 title of his office OR BY THE LAW ENFORCEMENT OFFICER WHO ISSUED THE
9 SUMMONS."

10 Strike page 3.

11 Page 4, strike lines 1 through 5.

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