

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 19-0577.01 Conrad Imel x2313

SENATE BILL 19-036

SENATE SPONSORSHIP

Lee and Cooke,

HOUSE SPONSORSHIP

Benavidez and Carver,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIRING THE STATE COURT ADMINISTRATOR TO**
102 **ADMINISTER A PROGRAM TO REMIND CRIMINAL DEFENDANTS TO**
103 **APPEAR IN COURT AS SCHEDULED.**

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>.)

The bill requires the state court administrator to administer a court reminder program (program) to remind criminal defendants to appear at their scheduled hearings in district courts, county courts, and municipal courts that use the judicial department's case management system. The objective of the program is to significantly reduce the number of

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

defendants who are committed to the custody of a county jail solely as a result of their failure to appear in court. The judicial department is required to include information about the program in its annual report to the general assembly.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-3-101, **amend** (1);
3 and **add** (11) as follows:

4 **13-3-101. State court administrator - definition - repeal.**

5 (1) There is created, pursuant to section 5 (3) of article VI of the state
6 constitution, the position of state court administrator, who ~~shall be~~ IS
7 appointed by the justices of the supreme court at such compensation as
8 ~~shall be~~ IS determined by them. The state court administrator is
9 responsible to the supreme court, and IN ADDITION TO THE DUTIES
10 DESCRIBED WITHIN THIS SECTION, THE STATE COURT ADMINISTRATOR shall
11 perform ~~such~~ THE duties as assigned to him OR HER by the chief justice
12 and the supreme court.

13 (11) (a) (I) ON AND AFTER JANUARY 1, 2020, THE STATE COURT
14 ADMINISTRATOR SHALL ADMINISTER A COURT REMINDER PROGRAM IN AT
15 LEAST FOUR JUDICIAL DISTRICT COURTS TO REMIND CRIMINAL
16 DEFENDANTS AND JUVENILE PARTICIPANTS TO APPEAR AT EACH OF THEIR
17 SCHEDULED COURT APPEARANCES AND TO PROVIDE REMINDERS ABOUT
18 AN UNPLANNED COURT CLOSURE. THE OBJECTIVE OF SUCH REMINDERS IS
19 TO SIGNIFICANTLY REDUCE THE NUMBER OF CRIMINAL DEFENDANTS AND
20 JUVENILE PARTICIPANTS WHO ARE TAKEN INTO CUSTODY SOLELY AS A
21 RESULT OF THEIR FAILURE TO APPEAR IN COURT. NO LATER THAN JULY 1,
22 2020, THE PROGRAM MUST BE ADMINISTERED IN EVERY ELIGIBLE COURT,
23 AS DEFINED IN SUBSECTION (11)(h) OF THIS SECTION, IN THE STATE.

1 (II) THE STATE COURT ADMINISTRATOR SHALL ISSUE A REQUEST
2 FOR PROPOSAL TO CHOOSE A THIRD-PARTY VENDOR TO DEVELOP AND
3 OPERATE THE COURT REMINDER PROGRAM. AT THE CONCLUSION OF THE
4 REQUEST FOR PROPOSAL PROCESS, THE STATE COURT ADMINISTRATOR MAY
5 CHOOSE TO DEVELOP AND OPERATE THE PROGRAM WITHOUT UTILIZING A
6 THIRD-PARTY VENDOR.

7 (III) A PHONE NUMBER COLLECTED FOR THE EXPRESS PURPOSE OF
8 ADMINISTERING THE COURT REMINDER PROGRAM PURSUANT TO THIS
9 SECTION MUST BE KEPT SEPARATE FROM OTHER IDENTIFYING
10 INFORMATION. SUCH PHONE NUMBER MUST ONLY BE USED TO ACHIEVE
11 THE STATUTORY OBJECTIVE OF THE PROGRAM AS DESCRIBED IN
12 SUBSECTION (11)(a)(I) OF THIS SECTION AND MUST NOT BE USED OR
13 SHARED BY THE JUDICIAL DEPARTMENT FOR ANY OTHER PURPOSE.

14 (b) IN ADMINISTERING THE PROGRAM, THE STATE COURT
15 ADMINISTRATOR SHALL PRIORITIZE THE USE OF TEXT MESSAGES TO
16 REMIND CRIMINAL DEFENDANTS AND JUVENILE PARTICIPANTS WHO HAVE
17 AGREED TO RECEIVE TEXT MESSAGES AND HAVE THE CAPACITY TO
18 RECEIVE TEXT MESSAGES AT THE MOBILE TELEPHONE NUMBER PROVIDED.
19 THE PROGRAM MUST USE TEXT MESSAGES UNLESS AND UNTIL A MORE
20 EFFECTIVE TECHNOLOGICAL MEANS OF REMINDING DEFENDANTS AND
21 JUVENILE PARTICIPANTS BECOMES AVAILABLE. IN ADDITION, OR WHEN A
22 DEFENDANT OR JUVENILE PARTICIPANT IS UNABLE TO RECEIVE TEXT
23 MESSAGES, THE STATE COURT ADMINISTRATOR, AT HIS OR HER
24 DISCRETION, MAY ALSO USE OTHER COMMUNICATION METHODS,
25 INCLUDING TELEPHONE, E-MAIL, OR OTHER INTERNET-BASED TECHNOLOGY
26 TO REMIND DEFENDANTS AND JUVENILE PARTICIPANTS OF COURT DATES
27 AND UNPLANNED COURT CLOSURES.

1 (c) THE PROGRAM MUST:

2 (I) PROVIDE AT LEAST TWO TEXT MESSAGE REMINDERS FOR ALL
3 COURT APPEARANCES FOR CRIMINAL DEFENDANTS AND JUVENILE
4 PARTICIPANTS IN AN ELIGIBLE COURT WITH THE CAPACITY TO RECEIVE
5 TEXT MESSAGES AND FOR WHOM THE STATE COURT ADMINISTRATOR HAS
6 A WORKING MOBILE TELEPHONE NUMBER. THE REMINDERS MUST INCLUDE
7 AT LEAST THE DATE, LOCATION, AND TIME OF THE COURT APPEARANCE
8 AND CONTACT INFORMATION FOR QUESTIONS RELATED TO THE COURT
9 APPEARANCE.

10 (II) PROVIDE AN ALERT TO A DEFENDANT OR JUVENILE
11 PARTICIPANT WHO MISSES COURT THAT THE DEFENDANT OR JUVENILE HAS
12 MISSED COURT AND THAT THE DEFENDANT OR JUVENILE SHOULD
13 IMMEDIATELY CONTACT HIS OR HER ATTORNEY, IF THE DEFENDANT OR
14 JUVENILE HAS ONE, OR THE COURT TO DETERMINE NEXT STEPS;

15 (III) IDENTIFY EACH INSTANCE IN WHICH A CRIMINAL DEFENDANT
16 OR JUVENILE PARTICIPANT WAS SENT A TEXT MESSAGE REMINDER TO A
17 WORKING MOBILE TELEPHONE NUMBER;

18 (IV) IDENTIFY DEFENDANTS AND JUVENILE PARTICIPANTS WITH
19 UPCOMING COURT APPEARANCES WHO CANNOT BE REACHED AND, AS
20 RESOURCES ALLOW, ATTEMPT TO ACQUIRE CURRENT CONTACT
21 INFORMATION; AND

22 (V) COLLECT DATA CONCERNING THE NUMBER OF CRIMINAL
23 DEFENDANTS AND JUVENILE PARTICIPANTS WHO FAIL TO APPEAR AT THEIR
24 SCHEDULED COURT APPEARANCES DESPITE HAVING BEEN SENT ONE OR
25 MORE REMINDERS TO A WORKING TELEPHONE NUMBER.

26 (d) EACH ELIGIBLE COURT SHALL UTILIZE THE REMINDER SERVICES
27 OF THE STATE COURT ADMINISTRATOR DESCRIBED IN THIS SUBSECTION

1 (11) UNLESS THE COURT CHOOSES TO OPT OUT AND HAS ITS OWN
2 PROCEDURE FOR USING TEXT MESSAGING TO REMIND ALL CRIMINAL
3 DEFENDANTS AND JUVENILE PARTICIPANTS TO APPEAR AT THEIR
4 SCHEDULED COURT APPEARANCES AND REMIND THEM OF AN UNPLANNED
5 COURT CLOSURE.

6 (e) ON AND AFTER JANUARY 1, 2020, THE STATE COURT
7 ADMINISTRATOR SHALL TRACK DATA IN EACH ELIGIBLE COURT
8 CONCERNING THE FAILURE OF CRIMINAL DEFENDANTS AND JUVENILE
9 PARTICIPANTS TO APPEAR FOR THEIR SCHEDULED COURT APPEARANCES.

10 (f) IN ITS ANNUAL REPORT TO THE COMMITTEES OF REFERENCE
11 PURSUANT TO SECTION 2-7-203, THE JUDICIAL DEPARTMENT SHALL
12 INCLUDE INFORMATION CONCERNING THE ACTIVITIES OF THE STATE COURT
13 ADMINISTRATOR PURSUANT TO THIS SUBSECTION (11). TO THE EXTENT
14 PRACTICABLE, THE REPORT MUST INCLUDE:

15 (I) THE NUMBER OF REMINDERS SENT TO A CRIMINAL DEFENDANT'S
16 OR JUVENILE PARTICIPANT'S WORKING TELEPHONE NUMBER IN EACH
17 ELIGIBLE COURT;

18 (II) THE NUMBER OF CRIMINAL DEFENDANTS AND JUVENILE
19 PARTICIPANTS IN EACH ELIGIBLE COURT WHO FAILED TO APPEAR FOR A
20 COURT HEARING;

21 (III) THE NUMBER OF CRIMINAL DEFENDANTS AND JUVENILE
22 PARTICIPANTS IN EACH ELIGIBLE COURT WHO WERE SENT A REMINDER TO
23 A WORKING TELEPHONE NUMBER FROM THE PROGRAM BUT WHO
24 NONETHELESS FAILED TO APPEAR FOR A COURT HEARING; AND

25 (IV) ANY OTHER DATA COLLECTED BY THE STATE COURT
26 ADMINISTRATOR THAT THE STATE COURT ADMINISTRATOR DETERMINES TO
27 BE USEFUL TO THE GENERAL ASSEMBLY IN ASSESSING THE EFFECTIVENESS

1 OF THE PROGRAM AT REDUCING THE NUMBER OF CRIMINAL DEFENDANTS
2 AND JUVENILE PARTICIPANTS WHO FAIL TO APPEAR FOR THEIR COURT
3 APPEARANCES AND REDUCING THE NUMBER OF CRIMINAL DEFENDANTS
4 AND JUVENILE PARTICIPANTS WHO ARE JAILED FOR FAILURE TO APPEAR AT
5 A COURT APPEARANCE.

6 (g) NOTHING IN THIS SUBSECTION (11) CREATES A RIGHT FOR ANY
7 CRIMINAL DEFENDANT OR JUVENILE PARTICIPANT TO RECEIVE A REMINDER
8 FROM THE PROGRAM.

9 (h) AS USED IN THIS SUBSECTION (11), UNLESS THE CONTEXT
10 OTHERWISE REQUIRES:

11 (I) "ELIGIBLE COURT" MEANS A DISTRICT COURT, COUNTY COURT,
12 OR MUNICIPAL COURT THAT USES THE INTEGRATED COLORADO ONLINE
13 NETWORK THAT IS THE JUDICIAL DEPARTMENT'S CASE MANAGEMENT
14 SYSTEM.

15 (II) "JUVENILE PARTICIPANT" MEANS A JUVENILE WHO HAS BEEN
16 ALLEGED TO HAVE COMMITTED A DELINQUENT ACT, AS DEFINED IN
17 SECTION 19-1-103 (36), WHO IS REQUIRED TO APPEAR BEFORE AN ELIGIBLE
18 COURT. "JUVENILE PARTICIPANT" INCLUDES THE JUVENILE'S PARENT,
19 GUARDIAN, OR LEGAL CUSTODIAN.

20 **SECTION 2.** In Colorado Revised Statutes, **add 13-1-138 as**
21 **follows:**

22 **13-1-138. Notification of court reminder program.** A COURT
23 THAT PARTICIPATES IN THE COURT REMINDER PROGRAM ESTABLISHED IN
24 SECTION 13-3-101 (11)(a)(I) SHALL NOTIFY A CRIMINAL DEFENDANT OR
25 JUVENILE PARTICIPANT, AS DEFINED IN SECTION 13-3-101 (11), AT EACH
26 COURT APPEARANCE THAT THE INDIVIDUAL CAN ELECT TO PROVIDE A
27 MOBILE TELEPHONE NUMBER THAT WILL BE USED BY THE COURT SOLELY

1 TO PROVIDE TEXT MESSAGE REMINDERS FOR FUTURE COURT DATES AND
2 UNPLANNED COURT CLOSURES, AND SHALL PROVIDE THE OPPORTUNITY
3 FOR THE INDIVIDUAL TO PROVIDE A MOBILE TELEPHONE NUMBER OR
4 UPDATE A MOBILE TELEPHONE NUMBER FOR THAT PURPOSE.

5 **SECTION 3.** In Colorado Revised Statutes, **add 16-4-105.5** as
6 **follows:**

7 **16-4-105.5. Notification of court reminder program.** A PERSON
8 RELEASED ON BOND PURSUANT TO THIS PART 1 WHO IS ORDERED TO
9 APPEAR IN A COURT THAT PARTICIPATES IN THE COURT REMINDER
10 PROGRAM ESTABLISHED IN SECTION 13-3-101 (11)(a)(I), AND ANY PERSON
11 OTHERWISE ORDERED TO APPEAR IN A COURT THAT PARTICIPATES IN THE
12 PROGRAM, MUST BE NOTIFIED THAT THE PERSON CAN ELECT TO PROVIDE
13 A MOBILE TELEPHONE NUMBER THAT WILL BE USED BY THE COURT SOLELY
14 TO PROVIDE TEXT MESSAGE REMINDERS FOR FUTURE COURT DATES AND
15 UNPLANNED COURT CLOSURES, AND MUST BE PROVIDED THE OPPORTUNITY
16 TO PROVIDE A MOBILE TELEPHONE NUMBER OR UPDATE A MOBILE
17 TELEPHONE NUMBER FOR THAT PURPOSE.

18 **SECTION 4.** In Colorado Revised Statutes, **add 16-4-206** as
19 **follows:**

20 **16-4-206. Notification of court reminder program.** A PERSON
21 RELEASED ON BOND PURSUANT TO THIS PART 2 WHO IS ORDERED TO
22 APPEAR IN A COURT THAT PARTICIPATES IN THE COURT REMINDER
23 PROGRAM ESTABLISHED IN SECTION 13-3-101 (11)(a)(I), AND ANY PERSON
24 OTHERWISE ORDERED TO APPEAR IN A COURT THAT PARTICIPATES IN THE
25 PROGRAM, MUST BE NOTIFIED THAT THE PERSON CAN ELECT TO PROVIDE
26 A MOBILE TELEPHONE NUMBER THAT WILL BE USED BY THE COURT SOLELY
27 TO PROVIDE TEXT MESSAGE REMINDERS FOR FUTURE COURT DATES AND

1 UNPLANNED COURT CLOSURES, AND MUST BE PROVIDED THE OPPORTUNITY
2 TO PROVIDE A MOBILE TELEPHONE NUMBER OR UPDATE A MOBILE
3 TELEPHONE NUMBER FOR THAT PURPOSE.

4 **SECTION 5.** In Colorado Revised Statutes, 16-5-206, add
5 (2)(g) as follows:

6 **16-5-206. Summons in lieu of warrant.** (2) If a summons is
7 issued in lieu of a warrant under this section:

8 add
9 (g) IT SHALL ADVISE THE PERSON SUMMONED THAT THE PERSON
10 CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER THAT WILL SOLELY
11 BE USED TO PROVIDE TEXT MESSAGE REMINDERS OF FUTURE COURT DATES
12 AND UNPLANNED COURT CLOSURES, AND PROVIDE AN OPPORTUNITY FOR
13 THE PERSON TO PROVIDE A MOBILE TELEPHONE NUMBER FOR THAT
14 PURPOSE. add

15 **SECTION 6.** In Colorado Revised Statutes, 19-2-507, add
16 (5)(b.5) as follows:

17 **19-2-507. Duty of officer - screening teams - notification -**
18 **release or detention.** (5) (b.5) A LAW ENFORCEMENT OFFICER WHO
19 SERVES A JUVENILE OR A JUVENILE'S PARENT, GUARDIAN, OR LEGAL
20 CUSTODIAN WITH A WRITTEN PROMISE TO APPEAR IN A COURT THAT
21 PARTICIPATES IN THE COURT REMINDER PROGRAM ESTABLISHED IN
22 SECTION 13-3-101 (11)(a)(I) SHALL NOTIFY THE PERSON SERVED THAT THE
23 JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN
24 CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER THAT WILL BE USED
25 BY THE COURT SOLELY TO PROVIDE TEXT MESSAGE REMINDERS FOR
26 FUTURE COURT DATES AND UNPLANNED COURT CLOSURES, AND SHALL
27 PROVIDE THE OPPORTUNITY FOR THE JUVENILE AND THE JUVENILE'S

1 PARENT, GUARDIAN, OR LEGAL CUSTODIAN TO PROVIDE A MOBILE
2 TELEPHONE NUMBER OR UPDATE A MOBILE TELEPHONE NUMBER FOR THAT
3 PURPOSE.

4 **SECTION 7.** In Colorado Revised Statutes, 19-2-509, add (9) as
5 follows:

6 **19-2-509. Bail. (9)** A JUVENILE RELEASED PURSUANT TO THIS
7 SECTION AND ORDERED TO APPEAR IN A COURT THAT PARTICIPATES IN THE
8 COURT REMINDER PROGRAM ESTABLISHED IN SECTION 13-3-101 (11)(a)(I),
9 AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN, MUST BE
10 NOTIFIED THAT THE JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR
11 LEGAL CUSTODIAN CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER
12 THAT WILL BE USED BY THE COURT SOLELY TO PROVIDE TEXT MESSAGE
13 REMINDERS FOR FUTURE COURT DATES AND UNPLANNED COURT CLOSURES,
14 AND MUST BE PROVIDED THE OPPORTUNITY TO PROVIDE A MOBILE
15 TELEPHONE NUMBER OR UPDATE A MOBILE TELEPHONE NUMBER FOR THAT
16 PURPOSE.

17 **SECTION 8.** In Colorado Revised Statutes, 19-2-514, add (11)
18 as follows:

19 **19-2-514. Summons - issuance - contents - service. (11)** A
20 PERSON THAT SERVES A JUVENILE OR A JUVENILE'S PARENT, GUARDIAN, OR
21 LEGAL CUSTODIAN WITH A SUMMONS TO APPEAR IN A COURT THAT
22 PARTICIPATES IN THE COURT REMINDER PROGRAM ESTABLISHED IN
23 SECTION 13-3-101 (11)(a)(I) SHALL NOTIFY THE PERSON SERVED THAT THE
24 JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN
25 CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER THAT WILL BE USED
26 BY THE COURT SOLELY TO PROVIDE TEXT MESSAGE REMINDERS FOR
27 FUTURE COURT DATES AND UNPLANNED COURT CLOSURES, AND SHALL

1 PROVIDE THE OPPORTUNITY FOR THE JUVENILE AND THE JUVENILE'S
2 PARENT, GUARDIAN, OR LEGAL CUSTODIAN TO PROVIDE A MOBILE
3 TELEPHONE NUMBER OR UPDATE A MOBILE TELEPHONE NUMBER FOR THAT
4 PURPOSE.

5 **SECTION 9. Act subject to petition - effective date.** Section 2
6 of this act takes effect July 1, 2020, and the remainder of this act takes
7 effect at 12:01 a.m. on the day following the expiration of the ninety-day
8 period after final adjournment of the general assembly (August 2, 2019,
9 if adjournment sine die is on May 3, 2019); except that, if a referendum
10 petition is filed pursuant to section 1 (3) of article V of the state
11 constitution against this act or an item, section, or part of this act within
12 such period, then the act, item, section, or part will not take effect unless
13 approved by the people at the general election to be held in November
14 2020 and, in such case, will take effect on the date of the official
15 declaration of the vote thereon by the governor.