

**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. 19-1017.01 Michael Dohr x4347

HOUSE BILL 19-1226

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A BILL FOR AN ACT

101 **CONCERNING CHANGES TO RELEASE ON BOND, AND, IN CONNECTION**
102 **THEREWITH, THE DEVELOPMENT OF A PRETRIAL SCREENING**
103 **PROCESS AND ADMINISTRATIVE ORDER FOR RELEASE WITHOUT**
104 **ANY MONETARY CONDITIONS; CREATING A PRESUMPTION OF**
105 **RELEASE WITH THE LEAST RESTRICTIVE CONDITIONS AND**
106 **WITHOUT MONETARY CONDITIONS; SPECIFYING THE**
107 **INFORMATION THE COURT CONSIDERS WHEN MAKING**
108 **DETERMINATIONS ABOUT TYPE OF BOND AND CONDITIONS OF**
109 **RELEASE; [REDACTED] A REQUIREMENT FOR PRETRIAL SERVICES**
110 **PROGRAMS THROUGHOUT THE STATE; AND MAKING AN**
111 **APPROPRIATION.**

Bill Summary

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.

HOUSE
3rd Reading Unamended
April 22, 2019

HOUSE
Amended 2nd Reading
April 19, 2019

(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>.)

Under current law, if a defendant is arrested for certain crimes and the court determines that the public would be in significant peril if the accused is released, the defendant is not bailable. The bill removes from the list of crimes that are not bailable the crime of possession of a weapon by a previous offender and sex assault crimes.

The bill requires each judicial district to develop:

- ! A pretrial screening process; and
- ! A chief judge administrative order specifying written criteria for the immediate release of certain defendants without any monetary conditions.

The office of the state court administrator shall develop statewide standards and guidelines for the pretrial screening process and written criteria for immediate release of certain defendants without any monetary conditions.

The bill creates a presumption that a defendant should be released with the least restrictive conditions possible and without monetary conditions unless the court finds one or more of the following:

- ! The person poses a substantial risk of danger to the safety of any person or the community; or
- ! There is a substantial risk that the person will not appear in court as required; or
- ! There is a substantial risk that the person will attempt to obstruct the criminal process; and
- ! There are no reasonable nonmonetary conditions of release that reasonably assure:
 - ! The safety of any person or the community;
 - ! That the person will appear in court as required; or
 - ! That the person will not attempt to obstruct the criminal justice process.

The bill requires the court to consider the results of empirically developed and validated risk assessment instruction when making determinations about the type of bond and conditions of release, but the assessment cannot be the sole basis for the decision. The bill outlines the other factors to consider in selecting the type of bond and conditions of release.

The bill delineates the types of bond that a court can set:

- ! An unsecured personal recognizance bond, which may include an amount specified by the court;
- ! An unsecured personal recognizance bond with additional nonmonetary conditions of release designed specifically to

reasonably ensure the appearance of the person in court and the safety of any person or persons or the community;

! A bond with secured monetary conditions; and

! A bond with secured real estate conditions when the court determined that release on an unsecured personal recognizance bond without monetary conditions will not reasonably ensure the appearance of the person in court or the safety of any person or persons or the community.

The bill requires all counties and cities and counties to develop a pretrial services program by July 1, 2020. A community advisory board is established in each county or city and county to develop the plan for the pretrial services program. The chief judge shall approve the plan developed by the community advisory board prior to implementing and starting the pretrial services program. The bill creates a funding program to allow judicial districts to develop and sustain pretrial programs. The office of the state court administrator shall develop minimum standards for pretrial services programs, and the bill specifies other criteria for pretrial services programs.

The bill specifies how a defendant, prosecuting attorney, or bonding and release commissioner can ask for a review and modification of bond.

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

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SECTION 1. In Colorado Revised Statutes, **amend** 16-4-102 as

5

follows:

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16-4-102. Right to bail - before conviction. Any person who is

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~~in custody, and for whom the court has not set bond and conditions of~~

8

~~release pursuant to the applicable rule of criminal procedure, and who is~~

9

~~not subject to the provisions of section 16-4-101 (5), ARRESTED AND HAS~~

10

NOT BEEN RELEASED PURSUANT TO SECTION 16-4-103 has the right to a

11

hearing to determine bond and conditions of release. ~~A person in custody~~

12

~~may also request a hearing so that bond and conditions of release can be~~

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~~set. Upon receiving the request, the judge shall notify the district attorney~~

1 ~~immediately of the arrested person's request, and the district attorney shall~~
2 ~~have the right to attend and advise the court of matters pertinent to the~~
3 ~~type of bond and conditions of release to be set.~~ The judge shall also
4 ~~order~~ REQUIRE the appropriate law enforcement agency having custody
5 of the prisoner to bring him or her before the court forthwith, and the
6 judge shall set bond and conditions of release if the offense for which the
7 person was arrested is bailable. It shall not be a prerequisite to bail that
8 a criminal charge of any kind has been filed.

9 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
10 **with amendments,** 16-4-103 as follows:

11 **16-4-103. Setting and selection type of bond - development of**
12 **criteria by each judicial district - assessment and release program.**

13 (1) EACH JUDICIAL DISTRICT SHALL DEVELOP, ON OR BEFORE MARCH 31,
14 2020, FOR IMPLEMENTATION BY JULY 1, 2020:

15 (a) A PRETRIAL RELEASE SCREENING PROCESS TO ASSESS EACH
16 PERSON AS SOON AS PRACTICABLE BUT NO LATER THAN TWENTY-FOUR
17 HOURS AFTER ADMISSION TO A DETENTION FACILITY;

18 (b) AN ADMINISTRATIVE ORDER OF THE CHIEF JUDGE OF THAT
19 JUDICIAL DISTRICT SPECIFYING WRITTEN CRITERIA ALLOWING FOR THE
20 IMMEDIATE PRETRIAL RELEASE OF CERTAIN DETAINED PERSONS ON A
21 SUMMONS OR AN UNSECURED PERSONAL RECOGNIZANCE BOND WITHOUT
22 MONETARY CONDITIONS AFTER THE PRETRIAL ASSESSMENT IS COMPLETED
23 AND WITHOUT AN INITIAL HEARING BEFORE THE COURT. THE CRITERIA FOR
24 RELEASE MUST BE DEVELOPED IN CONJUNCTION WITH ALL LOCAL
25 STAKEHOLDERS, WHICH INCLUDE BUT ARE NOT BE LIMITED TO A
26 REPRESENTATIVE OF THE DISTRICT ATTORNEY'S OFFICE, THE PUBLIC
27 DEFENDER, THE SHERIFF'S DEPARTMENT, THE PRETRIAL SERVICES

1 PROGRAM, A VICTIM ADVOCATE, AND THE OFFICE OF THE STATE COURT
2 ADMINISTRATOR. EACH JUDICIAL DISTRICT SHALL ALSO, IN THE
3 DEVELOPMENT OF THE CRITERIA, SOLICIT AND OBTAIN THE INPUT OF AT
4 LEAST ONE INDIVIDUAL WHO HAS BEEN INCARCERATED IN THE JUDICIAL
5 DISTRICT BECAUSE OF AN INABILITY TO PAY A MONETARY CONDITION OF
6 BOND AND CONSIDER THE INPUT IN THE DEVELOPMENT OF THE
7 ADMINISTRATIVE ORDER.

8 (2) THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL
9 DEVELOP STATEWIDE STANDARDS AND GUIDELINES FOR THE
10 DEVELOPMENT OF BOTH THE PRETRIAL RELEASE SCREENING AND THE
11 WRITTEN CRITERIA FOR PRETRIAL RELEASE AS REQUIRED BY SUBSECTION
12 (1) OF THIS SECTION. THE OFFICE OF THE STATE COURT ADMINISTRATOR
13 SHALL DEVELOP THE STATEWIDE STANDARDS AND GUIDELINES IN
14 CONJUNCTION WITH A REVIEW OF THE RELEVANT RESEARCH AND BEST
15 PRACTICES MODELS THROUGHOUT THE COUNTRY, WHICH INCLUDE, BUT
16 ARE NOT LIMITED TO:

17 (a) THE IMPACT OF DETENTION ON LOW-RISK PERSONS AND
18 RECIDIVISM;

19 (b) THE NATIONAL AND STATE DATA AND RESEARCH REGARDING
20 THE USE OF NONMONETARY CONDITIONS OF BOND AS THEY RELATE TO
21 SAFETY OF ANY PERSON OR THE COMMUNITY AND APPEARANCE RATES;
22 AND

23 (c) THE RELEVANT CASE LAW AND NATIONAL BEST PRACTICES
24 REGARDING THE USE OF MONETARY CONDITIONS OF BOND.

25 (3) IN THE CHIEF JUDGE ADMINISTRATIVE ORDER CREATED
26 PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION, THE CHIEF JUDGE OF
27 THE JUDICIAL DISTRICT SHALL DESIGNATE A PERSON, AGENCY, OR

1 PROGRAM FOR EACH DETENTION FACILITY WITHIN THE JUDICIAL DISTRICT
2 TO CONDUCT THE PRETRIAL RELEASE SCREENING TO ALLOW FOR RELEASE
3 OF PERSONS TAKEN INTO CUSTODY BY LAW ENFORCEMENT OFFICIALS. THE
4 CHIEF JUDGE SHALL ALSO DESIGNATE A PERSON, AGENCY, OR PROGRAM AS
5 A BONDING AND RELEASE COMMISSIONER, AS DEFINED IN SECTION
6 16-4-109 (4)(b), WHO IS AUTHORIZED TO RELEASE PERSONS ASSESSED
7 ELIGIBLE FOR RELEASE PURSUANT TO THE CRITERIA WITHOUT MONETARY
8 CONDITIONS OF BOND. ALL RELEASES ON NONMONETARY BONDS MUST
9 INCLUDE THE STANDARD AND STATUTORILY MANDATED BOND CONDITIONS
10 PURSUANT TO SECTION 16-4-105 AND MAY INCLUDE ANY OTHER
11 APPROPRIATE AND NECESSARY NONMONETARY CONDITIONS AS
12 DETERMINED BY THE PRETRIAL SCREENING PROCESS AND THE WRITTEN
13 RELEASE CRITERIA OF EACH JURISDICTION.

14 (4) THIS SECTION DOES NOT PROHIBIT THE RELEASE OF A
15 DEFENDANT PURSUANT TO LOCAL PRETRIAL RELEASE POLICIES THAT
16 REQUIRE PAYMENT OF A MONETARY CONDITION OF RELEASE PRIOR TO AN
17 INDIVIDUALIZED DECISION BY A JUDGE OR JUDICIAL OFFICER.

18 (5) THIS SECTION DOES NOT CHANGE THE MANDATORY
19 REQUIREMENTS OF SECTION 18-1-1001(5) REGARDING THE ISSUANCE OF
20 PROTECTION ORDERS.

21 **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**
22 **with amendments,** 16-4-104 as follows:

23 **16-4-104. Initial hearing - types of bond set by the court -**
24 **factors for setting conditions of bond - right to counsel.**

25 (1) BEGINNING JULY 1, 2020, AT THE INITIAL HEARING, IF THE PERSON IS
26 NOT RELEASED PURSUANT TO THE PROVISIONS OF SECTION 16-4-103, THE
27 COURT SHALL DETERMINE THE TYPE OF BOND AND THE CONDITIONS OF

1 RELEASE. IN MAKING THAT DETERMINATION, THE COURT SHALL PRESUME
2 THE RELEASE OF THE PERSON WITH THE LEAST RESTRICTIVE CONDITIONS.
3 THE COURT SHALL FURTHER PRESUME RELEASE OF THE DEFENDANT
4 WITHOUT THE USE OF ANY MONETARY CONDITIONS OF BOND UNLESS THE
5 COURT FINDS THAT:

6 (a) ONE OR MORE OF THE FOLLOWING EXIST:

7 (I) THE PERSON POSES A SUBSTANTIAL RISK OF DANGER TO THE
8 SAFETY OF ANY PERSON OR THE COMMUNITY; OR

9 (II) THERE IS A SUBSTANTIAL RISK THAT THE PERSON WILL
10 ATTEMPT TO FLEE PROSECUTION; OR

11 (III) THERE IS A SUBSTANTIAL RISK THAT THE PERSON WILL
12 ATTEMPT TO OBSTRUCT OR OTHERWISE WILLFULLY AVOID THE CRIMINAL
13 PROCESS; AND

14 (b) THERE ARE NO REASONABLE NONMONETARY CONDITIONS OF
15 RELEASE THAT REASONABLY ENSURE:

16 (I) THE SAFETY OF ANY PERSON OR THE COMMUNITY;

17 (II) THAT THE PERSON WILL ATTEMPT TO FLEE PROSECUTION; OR

18 (III) THAT THE PERSON WILL NOT ATTEMPT TO OBSTRUCT OR
19 OTHERWISE WILLFULLY AVOID THE CRIMINAL JUSTICE PROCESS.

20 (2) IN MAKING THE DETERMINATION ABOUT THE TYPE OF BOND
21 AND CONDITIONS OF RELEASE, THE COURT SHALL CONSIDER: ■ ■

22 (a) THE INDIVIDUAL CIRCUMSTANCES OF THE DEFENDANT,
23 INCLUDING HIS OR HER FINANCIAL CIRCUMSTANCES;

24 (b) THE NATURE AND SEVERITY OF THE ALLEGED OFFENSE;

25 (c) VICTIM INPUT, IF RECEIVED;

26 (d) ALL METHODS OF RELEASE TO AVOID UNNECESSARY PRETRIAL
27 INCARCERATION AND TO AVOID UNNECESSARY LEVELS OF SUPERVISION AS

- 1 CONDITIONS OF PRETRIAL RELEASE;
- 2 (e) THE WRITTEN CRITERIA FOR PRETRIAL RELEASE DEVELOPED BY
- 3 THE JUDICIAL DISTRICT PURSUANT TO SECTION 16-4-103 (1)(b);
- 4 (f) THE EMPLOYMENT STATUS AND HISTORY OF THE PERSON IN
- 5 CUSTODY;
- 6 (g) THE NATURE AND EXTENT OF FAMILY RELATIONSHIPS OF THE
- 7 PERSON IN CUSTODY;
- 8 (h) PAST AND PRESENT RESIDENCES OF THE PERSON IN CUSTODY;
- 9 (i) THE CHARACTER AND REPUTATION OF THE PERSON IN CUSTODY;
- 10 (j) IDENTITY OF PERSONS WHO AGREE TO ASSIST THE PERSON IN
- 11 CUSTODY IN ATTENDING COURT AT THE PROPER TIME;
- 12 (k) THE LIKELY SENTENCE, CONSIDERING THE NATURE AND
- 13 OFFENSE PRESENTLY CHARGED, ESPECIALLY IF THE DEFENDANT IS NOT
- 14 LIKELY TO BE SENTENCED TO INCARCERATION;
- 15 (l) THE PRIOR CRIMINAL RECORD, IF ANY, OF THE PERSON IN
- 16 CUSTODY;
- 17 (m) PRIOR FAILURES TO APPEAR THAT INDICATE THE PERSON IN
- 18 CUSTODY'S INTENT TO FLEE OR AVOID PROSECUTION; ■
- 19 (n) ANY FACTS INDICATING THAT THE DEFENDANT IS LIKELY TO
- 20 INTIMIDATE OR HARASS POSSIBLE WITNESSES; ■
- 21 (o) ANY OTHER FACTS TENDING TO INDICATE THAT THE
- 22 DEFENDANT HAS STRONG TIES TO THE COMMUNITY AND IS NOT LIKELY TO
- 23 FLEE THE JURISDICTION; AND
- 24 (p) THE RESULTS OF AN EMPIRICALLY DEVELOPED AND VALIDATED
- 25 RISK ASSESSMENT INSTRUMENT DESIGNED TO IMPROVE PRETRIAL RELEASE
- 26 DECISIONS BY PROVIDING THE COURT INFORMATION THAT CLASSIFIES A
- 27 PERSON IN CUSTODY BASED UPON THE PREDICTED LEVEL OF RISK OF

1 PRETRIAL FAILURE. ANY RESULTS OF A RISK ASSESSMENT PROVIDED TO
2 THE COURT MUST INCLUDE THE RISK CATEGORY OF THE DEFENDANT
3 ALONG WITH THE PREDICTED SUCCESS RATES FOR EACH RISK CATEGORY.
4 HOWEVER, THE COURT SHALL NOT USE THE RESULTS OF THE INSTRUMENT
5 AS THE SOLE BASIS FOR SETTING THE TYPE OF BOND AND CONDITIONS OF
6 RELEASE.

7 (3) BECAUSE OF THE DANGER POSED TO ANY PERSON AND THE
8 COMMUNITY, A PERSON WHO IS ARRESTED FOR AN OFFENSE UNDER
9 SECTION 42-4-1301 (1) SHALL NOT ATTEND A BAIL HEARING UNTIL THE
10 PERSON IS NO LONGER INTOXICATED OR UNDER THE INFLUENCE OF DRUGS.
11 THE PERSON MUST BE HELD IN CUSTODY UNTIL THE PERSON MAY SAFELY
12 ATTEND THE HEARING.

13 (4) THE TYPES OF BOND THAT MAY BE SET BY THE COURT INCLUDE:

14 (a) AN UNSECURED PERSONAL RECOGNIZANCE BOND, WHICH MAY
15 INCLUDE AN AMOUNT SPECIFIED BY THE COURT. THE COURT MAY REQUIRE
16 ADDITIONAL OBLIGORS ON THE BOND AS A CONDITION OF THE BOND.

17 (b) AN UNSECURED PERSONAL RECOGNIZANCE BOND WITH
18 ADDITIONAL NONMONETARY CONDITIONS OF RELEASE DESIGNED
19 SPECIFICALLY TO REASONABLY ENSURE THE APPEARANCE OF THE PERSON
20 IN COURT AND THE SAFETY OF ANY PERSON OR PERSONS OR THE
21 COMMUNITY;

22 (c) A BOND WITH SECURED MONETARY CONDITIONS SUBJECT TO
23 THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION. UNLESS THE COURT
24 MAKES FACTUAL FINDINGS ON THE RECORD WITH RESPECT TO THE
25 DEFENDANT THAT A CERTAIN METHOD OF BOND, AS SELECTED BY THE
26 COURT, IS NECESSARY TO REASONABLY ENSURE THE APPEARANCE OF THE
27 PERSON IN COURT AND REASONABLY ENSURE THE SAFETY OF ANY PERSON

1 OR PERSONS IN THE COMMUNITY, THE PERSON SHALL BE RELEASED FROM
2 CUSTODY UPON EXECUTION OF BOND IN THE FULL AMOUNT OF MONEY TO
3 BE SECURED BY ANY ONE OF THE FOLLOWING METHODS, AS SELECTED BY
4 THE DEFENDANT:

5 (I) BY A DEPOSIT WITH THE CLERK OF THE COURT OF AN AMOUNT
6 OF CASH EQUAL TO THE MONETARY CONDITION OF THE BOND;

7 (II) BY REAL ESTATE SITUATED IN THIS STATE WITH
8 UNENCUMBERED EQUITY NOT EXEMPT FROM EXECUTION OWNED BY THE
9 ACCUSED OR ANY OTHER PERSON ACTING AS SURETY ON THE BOND, WHICH
10 UNENCUMBERED EQUITY SHALL BE AT LEAST ONE AND ONE-HALF OF THE
11 AMOUNT OF THE SECURITY SET IN THE BOND;

12 (III) BY SURETIES WORTH AT LEAST ONE AND ONE-HALF OF THE
13 SECURITY SET IN THE BOND; OR

14 (IV) BY A BAIL BONDING AGENT, AS DEFINED IN SECTION 16-1-104
15 (3.5).

16 (d) A BOND WITH SECURED REAL ESTATE CONDITIONS WHEN THE
17 COURT DETERMINES THAT RELEASE ON AN UNSECURED PERSONAL
18 RECOGNIZANCE BOND WITHOUT MONETARY CONDITIONS WILL NOT
19 REASONABLY ENSURE THE APPEARANCE OF THE PERSON IN COURT OR
20 REASONABLY ENSURE THE SAFETY OF ANY PERSON OR PERSONS OR THE
21 COMMUNITY. THE CLERK OF THE COURT SHALL NOT ACCEPT A BOND
22 SECURED BY REAL ESTATE UNLESS THE RECORD OWNER OF THE PROPERTY
23 PRESENTS TO THE CLERK OF THE COURT THE ORIGINAL DEED OF TRUST AS
24 DESCRIBED IN SUBSECTION (4)(d)(IV) OF THIS SECTION AND THE
25 APPLICABLE RECORDING FEE. UPON RECEIPT OF THE DEED OF TRUST AND
26 FEE, THE CLERK OF THE COURT SHALL RECORD THE DEED OF TRUST WITH
27 THE CLERK AND RECORDER FOR THE COUNTY IN WHICH THE PROPERTY IS

1 LOCATED. FOR A BOND SECURED BY REAL ESTATE, THE AMOUNT OF THE
2 OWNER'S UNENCUMBERED EQUITY SHALL BE DETERMINED BY DEDUCTING
3 THE AMOUNT OF ALL ENCUMBRANCES LISTED IN THE OWNER AND
4 ENCUMBRANCES CERTIFICATE FROM THE ACTUAL VALUE OF SUCH REAL
5 ESTATE AS SHOWN ON THE CURRENT NOTICE OF VALUATION. THE OWNER
6 OF THE REAL ESTATE SHALL FILE WITH THE BOND ALL OF THE FOLLOWING,
7 WHICH SHALL CONSTITUTE A MATERIAL PART OF THE BOND:

8 (I) THE CURRENT NOTICE OF VALUATION OF SUCH REAL ESTATE
9 PREPARED BY THE COUNTY ASSESSOR PURSUANT TO SECTION 39-5-121;

10 (II) EVIDENCE OF TITLE ISSUED BY A TITLE INSURANCE COMPANY
11 OR AGENT LICENSED PURSUANT TO ARTICLE 11 OF TITLE 10, WITHIN
12 THIRTY-FIVE DAYS AFTER THE DATE UPON WHICH THE BOND IS FILED;

13 (III) A SWORN STATEMENT BY THE OWNER OF THE REAL ESTATE
14 THAT THE REAL ESTATE IS SECURITY FOR THE COMPLIANCE BY THE
15 DEFENDANT WITH THE PRIMARY CONDITION OF THE BOND; AND

16 (IV) A DEED OF TRUST TO THE PUBLIC TRUSTEE OF THE COUNTY OR
17 CITY AND COUNTY IN WHICH THE REAL ESTATE IS LOCATED THAT IS
18 EXECUTED AND ACKNOWLEDGED BY ALL RECORD OWNERS OF THE REAL
19 ESTATE. THE DEED OF TRUST MUST NAME THE CLERK OF THE COURT
20 APPROVING THE BOND AS BENEFICIARY. THE DEED OF TRUST MUST SECURE
21 AN AMOUNT EQUAL TO ONE AND ONE-HALF TIMES THE AMOUNT OF THE
22 BOND.

23 (5) AT THE INITIAL HEARING, THE PERSON HAS THE RIGHT TO BE
24 REPRESENTED BY AN ATTORNEY AND MUST BE ADVISED OF THE POSSIBLE
25 CHARGES, PENALTIES, AND HIS OR HER RIGHTS AS SPECIFIED IN RULE 5 OF
26 THE COLORADO RULES OF CRIMINAL PROCEDURE, UNLESS WAIVED BY THE
27 DEFENDANT. THE COURT SHALL NOTIFY THE PUBLIC DEFENDER OF EACH

1 PERSON IN CUSTODY BEFORE THE INITIAL HEARING, AND THE PERSON HAS
2 THE RIGHT TO BE REPRESENTED BY THE PUBLIC DEFENDER AT THAT
3 HEARING. ADDITIONALLY, THE COURT SHALL PROVIDE THE PUBLIC
4 DEFENDER SUFFICIENT TIME TO PREPARE FOR AND PRESENT AN
5 INDIVIDUALIZED ARGUMENT REGARDING THE RELEASE OF THE PERSON AND
6 ANY CONDITIONS OF RELEASE AT THE INITIAL HEARING, CONSISTENT WITH
7 THE COURT'S DOCKET AND SCHEDULING PRIORITIES.

8 (6) THE PROSECUTING ATTORNEY HAS THE RIGHT TO APPEAR AT
9 ALL HEARINGS TO PROVIDE HIS OR HER POSITION ON BAIL AND CONDITIONS
10 OF RELEASE AND ANY OTHER RELEVANT INFORMATION.

11 (7) PRIOR TO THE INITIAL HEARING, THE PERSON, PROGRAM, OR
12 AGENCY THAT HAS CONDUCTED THE PRETRIAL RELEASE SCREENING SHALL
13 PROVIDE ALL INFORMATION GATHERED REGARDING THE DEFENDANT,
14 INCLUDING, BUT NOT LIMITED TO, THE RESULTS FROM ANY EMPIRICALLY
15 DEVELOPED AND VALIDATED RISK ASSESSMENT INSTRUMENT AND THE
16 ARREST AFFIDAVIT OR OTHER PROBABLE CAUSE STATEMENT TO THE
17 PROSECUTION AND THE DEFENSE.

18 **SECTION 4.** In Colorado Revised Statutes, 16-4-105, **amend** (7)
19 as follows:

20 **16-4-105. Conditions of release on bond.** (7) A person may be
21 released on a bond with monetary condition of bond, when appropriate,
22 as described in ~~section 16-4-104 (1)(c)~~ SECTION 16-4-104 (4).

23 **SECTION 5.** In Colorado Revised Statutes, **repeal and reenact,**
24 **with amendments,** 16-4-106 as follows:

25 **16-4-106. Pretrial services programs - report.** (1) TO REDUCE
26 BARRIERS TO THE PRETRIAL RELEASE OF PERSONS IN CUSTODY WHOSE
27 RELEASE ON BOND WITH APPROPRIATE CONDITIONS REASONABLY ENSURES

1 COURT APPEARANCE AND PUBLIC SAFETY, ALL COUNTIES AND CITIES AND
2 COUNTIES SHALL DEVELOP BY JULY 1, 2020, A PRETRIAL SERVICES
3 PROGRAM IN CONSULTATION WITH THE CHIEF JUDGE OF THE JUDICIAL
4 DISTRICT THAT MAY BE UTILIZED BY THE COURTS OF THE JUDICIAL
5 DISTRICT. IN ORDER TO ESTABLISH THE PRETRIAL SERVICES PROGRAM, THE
6 CHIEF JUDGE OF EACH JUDICIAL DISTRICT SHALL ESTABLISH A COMMUNITY
7 ADVISORY BOARD TO FORMULATE A PLAN FOR A PRETRIAL SERVICES
8 PROGRAM. MEMBERSHIP ON SUCH COMMUNITY ADVISORY BOARD MUST
9 INCLUDE, AT A MINIMUM, A REPRESENTATIVE OF A LOCAL LAW
10 ENFORCEMENT AGENCY, A REPRESENTATIVE OF THE DISTRICT ATTORNEY,
11 A REPRESENTATIVE OF THE PUBLIC DEFENDER, A VICTIM REPRESENTATIVE,
12 AND AN INDIVIDUAL WHO HAS BEEN INCARCERATED IN THE JUDICIAL
13 DISTRICT OR A FAMILY MEMBER OF AN INDIVIDUAL WHO HAS BEEN
14 INCARCERATED IN THE JUDICIAL DISTRICT. THE CHIEF JUDGE IS
15 ENCOURAGED TO APPOINT TO THE COMMUNITY ADVISORY BOARD AT
16 LEAST ONE COUNTY COMMISSIONER FROM A COUNTY WITHIN THE JUDICIAL
17 DISTRICT. THE CHIEF JUDGE OF THE JUDICIAL DISTRICT SHALL APPROVE
18 THE PLAN FORMULATED BY THE COMMUNITY ADVISORY BOARD PRIOR TO
19 THE ESTABLISHMENT AND UTILIZATION OF THE PRETRIAL SERVICES
20 PROGRAM. THE OPTION CONTAINED IN THIS SECTION THAT A PRETRIAL
21 SERVICES PROGRAM BE ESTABLISHED PURSUANT TO A PLAN FORMULATED
22 BY THE COMMUNITY ADVISORY BOARD DOES NOT APPLY TO ANY PRETRIAL
23 SERVICES PROGRAM THAT EXISTED BEFORE MAY 31, 1991.

24 (2) A GOVERNMENTAL ENTITY MAY DIRECTLY OPERATE A
25 PRETRIAL SERVICES PROGRAM APPROVED PURSUANT TO SUBSECTION (1)
26 OF THIS SECTION OR ENTER INTO A CONTRACT WITH A PRIVATE NONPROFIT
27 ENTITY OR AN AGREEMENT WITH ANOTHER LOCAL GOVERNMENTAL ENTITY

1 TO PROVIDE PRETRIAL SERVICES IN THE COUNTY. A GOVERNMENTAL
2 ENTITY SHALL NOT ENTER INTO A CONTRACT WITH A FOR-PROFIT ENTITY
3 TO PROVIDE PRETRIAL SERVICES. PRIOR TO ENTERING INTO A CONTRACT
4 WITH A PRIVATE NONPROFIT ENTITY, A GOVERNMENTAL ENTITY SHALL
5 ENSURE THE PRIVATE NONPROFIT ENTITY SHALL OPERATE WITHOUT AN
6 IDENTIFIABLE CONFLICT. ADDITIONALLY, EACH JUDGE REQUIRING
7 PRETRIAL SERVICES SUPERVISION SHALL ENSURE THAT ANY SUPERVISION
8 OR OTHER CONDITIONS OF RELEASE FOR A DEFENDANT UNDER PRETRIAL
9 SUPERVISION ARE THE LEAST RESTRICTIVE CONDITIONS OF RELEASE AND
10 ARE NOT REQUIRED FOR THE PURPOSES OF FINANCIAL BENEFIT OR GAIN BY
11 AN ENTITY.

12
13 (3) A PRETRIAL SERVICES PROGRAM CREATED PURSUANT TO THIS
14 SECTION MUST MEET THE MINIMUM STANDARDS DEVELOPED PURSUANT TO
15 SECTIONS 16-4-103 AND 13-3-101 AND THE FOLLOWING CRITERIA:

16 (a) THE PRETRIAL SERVICES PROGRAM MUST ESTABLISH A
17 PROCEDURE FOR THE SCREENING OF PERSONS WHO ARE DETAINED DUE TO
18 AN ARREST FOR THE ALLEGED COMMISSION OF A CRIME SO THAT SUCH
19 INFORMATION MAY BE PROVIDED TO THE JUDGE OR OTHER DESIGNATED
20 PERSON OR AGENCY WHO IS SETTING THE BOND AND CONDITIONS OF
21 RELEASE. THE PRETRIAL SERVICES PROGRAM MUST PROVIDE INFORMATION
22 THAT PROVIDES THE COURT WITH THE ABILITY TO MAKE AN APPROPRIATE
23 INITIAL BOND DECISION THAT IS BASED UPON FACTS RELATING TO THE RISK
24 THAT THE PERSON WILL FLEE PROSECUTION AND THE RISK OF DANGER TO
25 ANY PERSON OR THE COMMUNITY.

26 (b) THE PRETRIAL SERVICES PROGRAM MUST MAKE ALL
27 REASONABLE ATTEMPTS TO PROVIDE THE COURT OR OTHER DESIGNATED

1 PERSON OR AGENCY WITH SUCH INFORMATION DELINEATED IN THIS
2 SECTION AS IS APPROPRIATE TO EACH PERSON SEEKING RELEASE FROM
3 CUSTODY FOR PURPOSES OF SETTING BOND AND CONDITIONS OF RELEASE;

4 (c) THE PRETRIAL SERVICES PROGRAM MUST USE AN EMPIRICALLY
5 DEVELOPED PRETRIAL RISK ASSESSMENT TOOL THAT HAS BEEN APPROVED
6 FOR USE BY THE STATE COURT ADMINISTRATOR PURSUANT TO SECTION
7 13-3-101 (11)(b), TO ASSESS A PERSON'S PREDICTIVE LEVEL OF PRETRIAL
8 RISK ALONG WITH A STRUCTURED DECISION-MAKING DESIGN BASED UPON
9 THE PERSON'S CHARGE AND THE RISK ASSESSMENT SCORE; AND

10 (d) THE PRETRIAL SERVICES PROGRAM MUST WORK WITH ALL
11 APPROPRIATE AGENCIES AND ASSIST WITH ALL EFFORTS TO COMPLY WITH
12 SECTIONS 24-4.1-302.5 AND 24-4.1-303.

13 (4) ANY PRETRIAL SERVICES PROGRAM MAY ALSO INCLUDE
14 DIFFERENT METHODS AND LEVELS OF COMMUNITY-BASED SUPERVISION AS
15 A CONDITION OF RELEASE, AND THE PRETRIAL SERVICES PROGRAM MUST
16 USE ESTABLISHED METHODS FOR PERSONS WHO ARE RELEASED PRIOR TO
17 TRIAL IN ORDER TO DECREASE UNNECESSARY PRETRIAL DETENTION. THE
18 PRETRIAL SERVICES PROGRAM MAY INCLUDE, BUT IS NOT LIMITED TO,
19 COURT DATE REMINDERS AND THE LEAST RESTRICTIVE CONDITIONS OF
20 RELEASE AS OUTLINED IN SECTION 16-4-105 (8).

21 (5) (a) COMMENCING JULY 1, 2012, EACH PRETRIAL SERVICES
22 PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL PROVIDE AN
23 ANNUAL REPORT TO THE JUDICIAL DEPARTMENT NO LATER THAN
24 NOVEMBER 1 OF EACH YEAR, REGARDLESS OF WHETHER THE PROGRAM
25 EXISTED PRIOR TO MAY 31, 1991. NOTWITHSTANDING SECTION 24-1-136
26 (11)(a)(I), THE JUDICIAL DEPARTMENT SHALL PRESENT AN ANNUAL
27 COMBINED REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF

1 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.
2 THE REPORT TO THE JUDICIAL DEPARTMENT MUST INCLUDE, BUT IS NOT
3 LIMITED TO, THE FOLLOWING INFORMATION:

4 (I) THE TOTAL NUMBER OF PRETRIAL ASSESSMENTS PERFORMED BY
5 THE PRETRIAL SERVICES PROGRAM AND SUBMITTED TO THE COURT;

6 (II) THE TOTAL NUMBER OF CLOSED CASES BY THE PRETRIAL
7 SERVICES PROGRAM IN WHICH THE PERSON WAS RELEASED FROM CUSTODY
8 AND SUPERVISED BY THE PRETRIAL SERVICES PROGRAM;

9 (III) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
10 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL
11 SERVICES PROGRAM, AND, WHILE UNDER SUPERVISION, APPEARED FOR ALL
12 SCHEDULED COURT APPEARANCES ON THE CASE;

13 (IV) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
14 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL
15 SERVICES PROGRAM, AND WAS NOT CHARGED WITH A NEW CRIMINAL
16 OFFENSE THAT WAS ALLEGED TO HAVE OCCURRED WHILE UNDER
17 SUPERVISION AND THAT CARRIED THE POSSIBILITY OF A SENTENCE TO JAIL
18 OR IMPRISONMENT;

19 (V) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
20 WAS RELEASED FROM CUSTODY AND WAS SUPERVISED BY THE PRETRIAL
21 SERVICES PROGRAM, AND THE PERSON'S BOND WAS NOT REVOKED BY THE
22 COURT DUE TO A VIOLATION OF ANY OTHER TERMS AND CONDITIONS OF
23 SUPERVISION; AND

24 (VI) ANY ADDITIONAL INFORMATION THE JUDICIAL DEPARTMENT
25 MAY REQUEST.

26 (b) THE ANNUAL REPORT REQUIRED BY SUBSECTION (5)(a) OF THIS
27 SECTION BEGINNING IN 2020 AND EACH YEAR THEREAFTER MUST INCLUDE:

1 (I) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
2 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL
3 SERVICES PROGRAM, AND, WHILE UNDER SUPERVISION, DID NOT HAVE A
4 FAILURE TO APPEAR IN COURT THAT WAS NOT FOLLOWED UP BY A COURT
5 APPEARANCE IN THAT CASE:

6 (A) WITHIN THIRTY DAYS; AND

7 (B) WITHIN NINETY DAYS.

8 (II) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
9 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL
10 SERVICES PROGRAM, AND WAS NOT CHARGED WITH A NEW CRIMINAL
11 OFFENSE THAT CONSTITUTES A CRIME AS DEFINED IN SECTION 24-4.1-302
12 (1) THAT WAS ALLEGED TO HAVE OCCURRED WHILE UNDER SUPERVISION.

13 (6) FOR THE REPORTS REQUIRED IN SUBSECTION (5) OF THIS
14 SECTION, THE PRETRIAL SERVICES PROGRAM MUST INCLUDE INFORMATION
15 DETAILING THE NUMBER OF PERSONS RELEASED ON A COMMERCIAL
16 SURETY BOND IN ADDITION TO PRETRIAL SUPERVISION, THE NUMBER OF
17 PERSONS RELEASED ON A CASH, PRIVATE SURETY, OR PROPERTY BOND IN
18 ADDITION TO PRETRIAL SUPERVISION, AND THE NUMBER OF PERSONS
19 RELEASED ON ANY FORM OF A PERSONAL RECOGNIZANCE BOND IN
20 ADDITION TO PRETRIAL SUPERVISION.

21 **SECTION 6.** In Colorado Revised Statutes, **add** 16-4-106.5 as
22 follows:

23 **16-4-106.5. Pretrial services cash fund created - repeal.**

24 (1) (a) THERE IS CREATED IN THE STATE TREASURY THE PRETRIAL
25 SERVICES CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND", THAT
26 CONSISTS OF ANY MONEY APPROPRIATED BY THE GENERAL ASSEMBLY TO
27 THE FUND AND ANY MONEY RECEIVED THROUGH GIFTS, GRANTS, OR

1 DONATIONS. IT IS THE INTENT OF THE GENERAL ASSEMBLY TO
2 APPROPRIATE MONEY TO THE FUND ON AN ANNUAL BASIS. THE MONEY IN
3 THE FUND IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
4 ASSEMBLY FOR THE IMPLEMENTATION OF THIS SECTION. THE STATE COURT
5 ADMINISTRATOR IS AUTHORIZED TO ACCEPT ON BEHALF OF THE STATE ANY
6 GIFTS, GRANTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR
7 THE PURPOSE OF THIS SECTION. ALL PRIVATE AND PUBLIC MONEY
8 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS MUST BE
9 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
10 TO THE FUND.

11 (b) (I) ON JULY 1, 2019, THE STATE TREASURER SHALL TRANSFER
12 ONE MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE OFFENDER
13 SERVICES FUND TO THE PRETRIAL SERVICES CASH FUND.

14 (II) ON JULY 1, 2019, THE STATE TREASURER SHALL TRANSFER ONE
15 MILLION DOLLARS FROM THE GENERAL FUND TO THE PRETRIAL SERVICES
16 CASH FUND, WHICH IS AN AMOUNT EQUAL TO THE AMOUNT BY WHICH THE
17 APPROPRIATION TO THE DEPARTMENT OF CORRECTIONS PAROLE
18 SUBPROGRAM WORK RELEASE PROGRAM IS REDUCED.

19 (III) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE JULY 1,
20 2020.

21 (2) MONEY IN THE FUND MUST BE USED TO FUND INDIVIDUAL
22 COUNTIES OR COUNTIES WORKING IN COOPERATION WITH EACH OTHER
23 THAT REQUEST FUNDS TO OPERATE OR ASSIST IN THE OPERATION OF A
24 PRETRIAL SERVICES PROGRAM AS REQUIRED BY SECTION 16-4-106 (1).
25 MONEY MAY BE USED FOR THE ADMINISTRATIVE AND PERSONNEL COSTS
26 RELATED TO THE OPERATION OF PRETRIAL SERVICES PROGRAMS AND ANY
27 ADJUNCT SERVICES INCLUDING, BUT NOT LIMITED TO, PROGRAM

1 DEVELOPMENT, ASSESSMENT SERVICES, CONTRACT SERVICES,
2 MONITORING, AND SUPERVISION SERVICES. COUNTIES AND COUNTIES
3 WORKING IN COOPERATION WITH EACH OTHER ARE ENCOURAGED TO SEEK
4 FUNDING WHEN NECESSARY TO IMPLEMENT LOCALLY BASED PROGRAMS
5 DESIGNED TO ACHIEVE THE GOALS OF EFFECTIVE PRETRIAL ASSESSMENT
6 AND SUPERVISION. THE STATE COURT ADMINISTRATOR SHALL PROVIDING
7 FUNDING TO A COUNTY OR COUNTIES WHO REQUEST MONEY TO IMPLEMENT
8 EFFECTIVE PRETRIAL ASSESSMENT AND SUPERVISION PROGRAMS BASED ON
9 CRITERIA DEVELOPED BY THE STATE COURT ADMINISTRATOR. IF A COUNTY
10 IS UNABLE TO OPERATE A PRETRIAL SERVICES PROGRAM AS REQUIRED BY
11 SECTION 16-4-106 (1), THE COUNTY SHALL SUBMIT TO THE STATE COURT
12 ADMINISTRATOR, ON OR BEFORE DECEMBER 31, 2019, A STATEMENT OF
13 INABILITY TO COMPLY, WHICH MUST OUTLINE, IN DETAIL, THE REASONS
14 WHY THE COUNTY IS UNABLE TO PROVIDE A PRETRIAL SERVICES PROGRAM
15 DESPITE A POTENTIAL MONETARY ALLOCATION FROM THE PRETRIAL
16 SERVICES CASH FUND. THE STATEMENT OF INABILITY TO COMPLY MUST
17 DESCRIBE WHAT NECESSARY RESOURCES ARE UNAVAILABLE THAT
18 PREVENT THE ESTABLISHMENT OF A PRETRIAL SERVICES PROGRAM IN THAT
19 COUNTY, WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, THE NECESSARY
20 AMOUNT OF FUNDING, THE LACK OF NECESSARY INFRASTRUCTURE, OR THE
21 LACK OF PERSONNEL OR PROGRAM SERVICES WITHIN THAT COMMUNITY.
22 THE STATEMENT MUST ALSO INCLUDE A DESCRIPTION OF WHAT CHANGES
23 IN LAW OR OPERATION OR IN THE ALLOCATION OF RESOURCES WOULD
24 ALLOW THE COUNTY TO ESTABLISH A PRETRIAL SERVICES PROGRAM.

25

26 **SECTION 7.** In Colorado Revised Statutes, **repeal and reenact,**
27 **with amendments,** 16-4-107 as follows:

1 **16-4-107. Time frames for commencement of action.**

2 (1) AFTER THE INITIAL HEARING AS PROVIDED BY SECTION 16-4-104, THE
3 COURT SHALL ORDER THAT THE COMMENCEMENT OF THE CRIMINAL
4 PROSECUTION BY THE FILING OF A COMPLAINT OR INFORMATION,
5 PURSUANT TO THE PROVISIONS OF SECTION 16-5-101, MUST TAKE PLACE
6 WITHIN THREE DAYS AFTER THE INITIAL HEARING, EXCLUDING SATURDAY,
7 SUNDAY, AND LEGAL HOLIDAYS, UNLESS GOOD CAUSE IS SHOWN TO THE
8 COURT FOR ADDITIONAL TIME OR THE PARTIES AGREE TO ADDITIONAL
9 TIME.

10 (2) A DEFENDANT IN CUSTODY HAS SCHEDULING PRECEDENCE
11 OVER ALL OTHER MATTERS FOR PURPOSES OF LITIGATED HEARINGS AND
12 TRIALS, SUBJECT TO THE PROVISIONS OF SECTIONS 18-3-411 (4) AND
13 SECTION 18-1-405.

14 **SECTION 8.** In Colorado Revised Statutes, **repeal and reenact,**
15 **with amendments,** 16-4-109 as follows:

16 **16-4-109. Reduction or increase of monetary conditions of**
17 **bond - change in type of bond or conditions of bond - definition.**

18 (1) THE DEFENDANT, THE PROSECUTING ATTORNEY, OR THE BONDING AND
19 RELEASE COMMISSIONER MAY ASK FOR THE REVIEW AND MODIFICATION OF
20 ANY MONETARY OR NONMONETARY CONDITION OF BOND IF NEW
21 INFORMATION IS DISCOVERED THAT WAS NOT PRESENTED AT THE TIME OF
22 THE ORIGINAL SETTING OF BOND AND CONDITIONS OF RELEASE OR IF
23 CIRCUMSTANCES HAVE CHANGED SINCE THE COURT MADE THE BOND
24 DETERMINATION AND THIS NEW INFORMATION OR CHANGE IN
25 CIRCUMSTANCES HAS A BEARING ON WHETHER THE CONDITION OF BOND
26 IS REASONABLE AND NECESSARY PURSUANT TO THE PROVISIONS OF THIS
27 SECTION.

1 (2) REQUESTS FOR REVIEW OR MODIFICATION OF A MONETARY OR
2 NONMONETARY CONDITION OF BOND MAY BE MADE ORALLY OR IN WRITING
3 WITH REASONABLE NOTICE TO THE OPPOSING PARTY; EXCEPT THAT, IF THE
4 CASE ALLEGES A CRIME AS DEFINED IN SECTION 24-4.1-302, THE REQUEST
5 FOR REVIEW MUST BE IN WRITING.

6 (3) THE COURT SHALL HEAR THE REQUEST FOR REVIEW OF A
7 MONETARY CONDITION OF BOND ON AN EXPEDITED BASIS AND MAKE A
8 DETERMINATION ON THE RECORD IN ORDER THAT THE DEFENDANT MAY
9 EXERCISE HIS OR HER RIGHT TO APPEAL PURSUANT TO SECTION 16-4-204,
10 OR ANY OTHER AVAILABLE APPELLATE REMEDIES.

11 (4) (a) UPON VERIFIED APPLICATION BY THE DISTRICT ATTORNEY
12 OR A BONDING AND RELEASE COMMISSIONER STATING FACTS OR
13 CIRCUMSTANCES CONSTITUTING A BREACH OR A THREATENED BREACH OF
14 ANY OF THE CONDITIONS OF THE BOND, THE COURT MAY ISSUE A WARRANT
15 COMMANDING ANY PEACE OFFICER TO BRING THE DEFENDANT WITHOUT
16 UNNECESSARY DELAY BEFORE THE COURT FOR A HEARING ON THE
17 MATTERS SET FORTH IN THE APPLICATION. UPON ISSUANCE OF THE
18 WARRANT, THE BONDING AND RELEASE COMMISSIONER SHALL NOTIFY THE
19 BAIL BOND AGENT OF RECORD BY ELECTRONIC MAIL TO THE AGENT IF
20 AVAILABLE WITHIN TWENTY-FOUR HOURS OR BY CERTIFIED MAIL NOT
21 MORE THAN FOURTEEN DAYS AFTER THE WARRANT IS ISSUED. AT THE
22 CONCLUSION OF THE HEARING, THE COURT MAY ENTER AN ORDER
23 AUTHORIZED BY SUBSECTION (1) OF THIS SECTION. IF A BONDING AND
24 RELEASE COMMISSIONER FILES AN APPLICATION FOR A HEARING PURSUANT
25 TO THIS SUBSECTION (4), THE BONDING COMMISSIONER SHALL NOTIFY THE
26 DISTRICT ATTORNEY FOR THE JURISDICTION IN WHICH THE APPLICATION IS
27 MADE OF THE APPLICATION WITHIN TWENTY-FOUR HOURS FOLLOWING THE

1 FILING OF THE APPLICATION.

2 (b) AS USED IN THIS SUBSECTION (4), "BONDING AND RELEASE
3 COMMISSIONER" MEANS A PERSON EMPLOYED BY A PRETRIAL SERVICES
4 PROGRAM AS DESCRIBED IN SECTION 16-4-106, OR ANY OTHER PERSON
5 DESIGNATED AS A BONDING AND RELEASE COMMISSIONER BY THE CHIEF OR
6 PRESIDING JUDGE OF THE JUDICIAL DISTRICT TO CARRY OUT THE
7 PROVISIONS OF THIS ARTICLE 4.

8 (5) THE DISTRICT ATTORNEY AND THE DEFENDANT OR HIS OR HER
9 ATTORNEY HAS THE RIGHT TO APPEAR AT ALL HEARINGS SEEKING
10 MODIFICATION OF THE TERMS AND CONDITIONS OF BOND AND MAY ADVISE
11 THE COURT ON ALL PERTINENT MATTERS DURING THE HEARING.

12 **SECTION 9.** In Colorado Revised Statutes, 10-23-105, **amend**
13 (1) and (2) as follows:

14 **10-23-105. Qualification bond - forfeiture.** (1) Each
15 cash-bonding agent shall post a cash qualification bond of fifty thousand
16 dollars with the division. The bond must be to the people of the state of
17 Colorado in favor of any court in this state, whether municipal, county,
18 district, or other court, and to the division for the purposes of this section.
19 In the event of a forfeiture of a cash-bonding agent's qualification bond,
20 the division has priority over all other claimants. To comply with this
21 subsection (1), the bond must be conditioned upon full and prompt
22 payment into the court ordering the bond forfeited. Cash-bonding agents
23 shall not issue bonds except in accordance with ~~section 16-4-104~~
24 ~~(1)(c)(III), C.R.S.~~ SECTION 16-4-104 (4)(c)(III). In the event of a
25 qualification bond forfeiture, a cash-bonding agent shall not write new
26 bail bonds until the qualification bond is restored to fifty thousand dollars.

27 (2) Each professional cash-bail agent shall post a cash

1 qualification bond of no less than fifty thousand dollars with the division.
2 The bond shall be to the people of the state of Colorado in favor of any
3 court in this state, whether municipal, county, district, or other court, and
4 to the division for the purposes of this section. A professional cash-bail
5 agent shall not furnish a single bail greater than twice the amount of the
6 bond posted with the division. In the event of a forfeiture of a
7 professional cash-bail agent's qualification bond, the division has priority
8 over all other claimants to the bond. To comply with this subsection (2),
9 the bond must be conditioned upon full and prompt payment into the
10 court ordering the bond forfeited. Professional cash-bail agents shall not
11 issue bonds except in accordance with ~~section 16-4-104(1)(c)(III)~~, C.R.S.
12 SECTION 16-4-104 (4)(c)(III). In the event of a qualification bond
13 forfeiture, a professional cash-bail agent shall not write new bail bonds
14 until the qualification bond is restored to at least fifty thousand dollars.

15 **SECTION 10.** In Colorado Revised Statutes, 13-3-101, **add** (11)
16 as follows:

17 **13-3-101. State court administrator - repeal.** (11) (a) ON OR
18 BEFORE JANUARY 1, 2020, THE STATE COURT ADMINISTRATOR SHALL, IN
19 CONSULTATION WITH PRETRIAL SERVICES PROGRAMS AND RELEVANT
20 PROFESSIONAL ASSOCIATIONS, INCLUDING BUT NOT LIMITED TO ANY
21 COLORADO ASSOCIATION OF PRETRIAL SERVICES, ESTABLISH AND
22 MAINTAIN MINIMUM STANDARDS FOR PRETRIAL SERVICES PROGRAMS
23 APPROVED PURSUANT TO SECTION 16-4-106 (1). THE STATE COURT
24 ADMINISTRATOR SHALL PROVIDE ADMINISTRATIVE OVERSIGHT OF
25 PRETRIAL SERVICES PROGRAMS AND THEIR OPERATIONS ACCORDING TO
26 UNIFORM STANDARDS AND PROTOCOLS ESTABLISHED BY THE STATE COURT
27 ADMINISTRATOR. THE STATE COURT ADMINISTRATOR SHALL REVIEW ANY

1 STATEMENTS OF INABILITY TO COMPLY SUBMITTED BY ANY COUNTY
2 PURSUANT TO THE PROVISIONS OF SECTION 16-4-106.5 TO DETERMINE IF
3 ANY TECHNICAL ASSISTANCE CAN BE PROVIDED TO THE COUNTY TO ALLOW
4 FOR THE DEVELOPMENT OF A PRETRIAL SERVICES PROGRAM. THE
5 STATEMENTS OF INABILITY TO COMPLY SUBMITTED TO THE STATE COURT
6 ADMINISTRATOR SHALL BE INCLUDED IN THE ANNUAL REPORT AS
7 DESCRIBED IN SECTION 16-4-106 (5) AND (6) ALONG WITH ANY
8 RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING METHODS OR
9 FUNDING NEEDED TO ACHIEVE PRETRIAL SERVICES IN EVERY COUNTY IN
10 THE STATE.

11 (b) (I) THE STATE COURT ADMINISTRATOR SHALL REVIEW AND
12 APPROVE EMPIRICALLY DEVELOPED AND VALIDATED RISK ASSESSMENT
13 INSTRUMENTS TO BE USED BY PRETRIAL SERVICES PROGRAMS AND
14 JUDICIAL OFFICERS.

15 (II) (A) BEGINNING ON JULY 1, 2021, ANY RISK ASSESSMENT
16 INSTRUMENT APPROVED FOR USE MUST HAVE BEEN EVALUATED AND
17 VALIDATED IN COLORADO TO MAXIMIZE ACCURACY AND TO
18 STATISTICALLY MINIMIZE BIAS ON THE BASIS OF RACE, ETHNICITY, AND
19 GENDER. ADDITIONALLY, THE BOND RELEASE PROCESS, INCLUDING
20 CONSIDERATION OF THE FACTORS REQUIRED IN SECTION 16-4-104 (2), IF
21 METHODOLOGICALLY POSSIBLE, AND OUTCOMES INCLUDING THE TYPE OF
22 BOND SET, THE AMOUNT OF ANY SECURED MONETARY CONDITION OF
23 BOND, AND ANY OTHER CONDITIONS OF RELEASE ON BOND MUST BE
24 EVALUATED FOR BIAS ON THE BASIS OF RACE, ETHNICITY, AND GENDER.
25 THE EVALUATIONS REQUIRED IN THIS SECTION MUST BE COMPLETED BY
26 THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY
27 OR A NONPROFIT RESEARCH ORGANIZATION.

1 (B) ANY APPROVED RISK ASSESSMENT INSTRUMENT MUST BE
2 EVALUATED FOR ACCURACY AND FOR BIAS AS DESCRIBED IN SUBSECTION
3 (11)(b)(II)(A) OF THIS SECTION EVERY THREE YEARS.

4 (C) THE JUDICIAL DEPARTMENT AND THE DEPARTMENT OF PUBLIC
5 SAFETY, AS PART OF THEIR HEARINGS REQUIRED BY SECTION 2-7-203(2),
6 SHALL PRESENT THE FINDINGS OF ANY STUDY CONDUCTED TO EVALUATE
7 A RISK ASSESSMENT INSTRUMENT FOR BIAS AND EFFORTS TO REDUCE ANY
8 IDENTIFIED BIAS.

9 (D) THE JUDICIAL DEPARTMENT AND THE DEPARTMENT OF PUBLIC
10 SAFETY SHALL COOPERATE TO DEVELOP AND AGREE UPON STATISTICAL
11 AND REPORTING METHODOLOGIES TO BE USED FOR THE REPORTING
12 DESCRIBED IN THIS SUBSECTION (11)(b)(II) AND SHALL SUBMIT A PLAN FOR
13 IMPLEMENTATION OF THE STATISTICAL AND REPORTING METHODOLOGIES
14 TO THE GENERAL ASSEMBLY BY JANUARY 1, 2020.

15 (III) BEGINNING ON JANUARY 1, 2024, ANY RISK ASSESSMENT
16 INSTRUMENT APPROVED FOR USE MUST PROVIDE PRETRIAL
17 DECISION-MAKERS SEPARATE RISK CATEGORY INFORMATION FOR EACH OF
18 THE PRETRIAL RISKS IDENTIFIED IN SECTION 16-4-104 (1)(a)(I) AND
19 (1)(a)(II) IF STATISTICALLY POSSIBLE.

20 (IV) IN ORDER TO EVALUATE AN APPROVED RISK ASSESSMENT
21 INSTRUMENT FOR BIAS AND PROPER MEASUREMENT OF RISK FACTORS,
22 BEGINNING ON JANUARY 1, 2020, EACH JURISDICTION USING A RISK
23 ASSESSMENT INSTRUMENT SHALL COLLECT ALL RELEVANT DATA AS
24 REQUESTED BY THE STATE COURT ADMINISTRATOR IN CONJUNCTION WITH
25 THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC
26 SAFETY. THIS DATA MUST INCLUDE, AT A MINIMUM, THE FOLLOWING
27 INFORMATION FOR EACH PERSON ASSESSED:

- 1 (A) RACE, ETHNICITY, AND GENDER;
- 2 (B) THE PRETRIAL RISK CATEGORY;
- 3 (C) SCORES ASSIGNED TO EACH UNDERLYING VARIABLE USED BY
- 4 A RISK ASSESSMENT INSTRUMENT;
- 5 (D) THE TOTAL RISK ASSESSMENT INSTRUMENT SCORE;
- 6 (E) ANY RECOMMENDATION MADE BY A STRUCTURED
- 7 DECISION-MAKING DESIGN, IF AVAILABLE;
- 8 (F) WHETHER THE RECOMMENDATION OF A STRUCTURED
- 9 DECISION-MAKING DESIGN WAS FOLLOWED BY THE COURT, IF AVAILABLE;
- 10 (G) THE BOND TYPE SET BY THE COURT;
- 11 (H) THE CONDITIONS OF BOND SET BY THE COURT, WHICH MUST
- 12 INCLUDE, BUT IS NOT LIMITED TO, THE MONETARY CONDITIONS IMPOSED;
- 13 (I) WHETHER THE DEFENDANT WAS RELEASED;
- 14 (J) IF THE DEFENDANT FAILED TO APPEAR FOR COURT WHILE ON
- 15 SUPERVISION, WHETHER THE DEFENDANT SUBSEQUENTLY APPEARED IN
- 16 THAT CASE WITHIN THIRTY DAYS, NINETY DAYS, AND ONE HUNDRED
- 17 TWENTY DAYS;
- 18 (K) THE PRETRIAL SUPERVISION OUTCOME; AND
- 19 (L) THE RESULTS OF ANY ADDITIONAL ASSESSMENTS USED IN
- 20 ORDER TO PROVIDE ADDITIONAL INFORMATION TO THE COURT.
- 21 (V) UPON REQUEST BY THE DIVISION OF CRIMINAL JUSTICE IN THE
- 22 DEPARTMENT OF PUBLIC SAFETY, THE STATE COURT ADMINISTRATOR
- 23 SHALL PROVIDE ANY AVAILABLE INFORMATION NECESSARY TO EVALUATE
- 24 AN APPROVED RISK ASSESSMENT PURSUANT TO THIS SECTION.
- 25 (c) THE STATE COURT ADMINISTRATOR SHALL PROVIDE TECHNICAL
- 26 ASSISTANCE TO LOCAL PRETRIAL SERVICES PROGRAM STAKEHOLDERS TO
- 27 INCLUDE TRAINING, EDUCATION, INFORMATIONAL MATERIALS, AND TOOLS

1 TO TRACK OUTCOMES AND FIDELITY TO BEST PRACTICES. THE STATE
2 COURT ADMINISTRATOR SHALL COLLECT, ANALYZE, AND REPORT
3 CENTRALIZED DATA TO IDENTIFY PRETRIAL RELEASE SERVICES TRENDS
4 AND OUTCOMES THROUGHOUT THE STATE.

5 (d) THE STATE COURT ADMINISTRATOR SHALL ALLOCATE MONEY
6 FROM THE PRETRIAL SERVICES CASH FUND ESTABLISHED IN SECTION
7 16-4-106.5. THE STATE COURT ADMINISTRATOR SHALL DEVELOP AND
8 MAINTAIN AN ANNUAL FORMULA FUNDING MODEL TO EQUITABLY AND
9 OBJECTIVELY ALLOCATE AND DISTRIBUTE THE PRETRIAL SERVICES CASH
10 FUND AMONG COUNTIES THAT REQUEST MONEY FOR PRETRIAL SERVICES.
11 COUNTIES WITHOUT PRETRIAL SERVICES PROGRAMS AS OF JULY 1, 2019,
12 MUST BE THE HIGHEST PRIORITY FOR ALLOCATIONS FROM THE PRETRIAL
13 SERVICES CASH FUND. ■

14 (e) THE STATE COURT ADMINISTRATOR SHALL ESTABLISH
15 ADMINISTRATIVE REPORTING PROCEDURES TO BE USED BY PRETRIAL
16 SERVICES PROGRAMS. THE STATE COURT ADMINISTRATOR SHALL USE
17 PRETRIAL SERVICES PROGRAM REPORTS TO ENSURE:

18 (I) EACH PRETRIAL SERVICES PROGRAM'S USE OF MONEY IS
19 CONSISTENT WITH THE GENERAL ASSEMBLY'S INTENT AS SET FORTH IN
20 SECTION 16-4-106.5; AND

21 (II) THE JUDICIAL DEPARTMENT MEETS ITS REPORTING
22 REQUIREMENTS AS SET FORTH IN SECTION 16-4-106 (5) AND (6).

23 ■

24 **SECTION 11.** In Colorado Revised Statutes, 16-4-111, **amend**
25 (3) as follows:

26 **16-4-111. Disposition of security deposits upon forfeiture or**
27 **termination of bond.** (3) When the defendant has been released upon

1 deposit of cash or property, upon an unsecured personal recognizance
2 bond with a monetary condition pursuant to section 16-4-104, ~~(1)(a)~~ or
3 ~~(1)(b)~~, or upon a surety bond secured by property, if the defendant fails
4 to appear in accordance with the primary condition of the bond, the court
5 shall declare a forfeiture. Notice of the order of forfeiture shall be mailed
6 by the court to the defendant, all sureties, and all depositors or assignees
7 of any deposits of cash or property if such sureties, depositors, or
8 assignees have direct contact with the court, at their last-known addresses.
9 Such notice shall be sent within fourteen days after the entry of the order
10 of forfeiture. If the defendant does not appear and surrender to the court
11 having jurisdiction within thirty-five days from the date of the forfeiture
12 or within that period satisfy the court that appearance and surrender by
13 the defendant is impossible and without fault by such defendant, the court
14 may enter judgment for the state against the defendant for the amount of
15 the bond and costs of the court proceedings. Any cash deposits made with
16 the clerk of the court shall be applied to the payment of costs. If any
17 amount of such cash deposit remains after the payment of costs, it shall
18 be applied to payment of the judgment.

19 **SECTION 12.** In Colorado Revised Statutes, 16-4-203, **amend**
20 (4) as follows:

21 **16-4-203. Appeal bond hearing - order.** (4) Upon written
22 motion of the state or the defendant, the sentencing court may increase or
23 reduce the amount of appeal bond, alter the security for or conditions of
24 the appeal bond, or revoke the appeal bond. Notice of hearing on the
25 motion shall be given in the manner provided in ~~section 16-4-107~~
26 SECTION 16-4-109.

27 **SECTION 13.** In Colorado Revised Statutes, 16-8.5-105, **amend**

1 (1)(c) as follows:

2 **16-8.5-105. Evaluations and report.** (1) (c) The court, when
3 setting bond pursuant to ~~section 16-4-103~~ SECTION 16-4-104, if the
4 defendant is eligible for bond, and after receiving any information
5 pursuant to section 16-4-106, shall not consider the need for the
6 defendant to receive an evaluation pursuant to this ~~article~~ ARTICLE 8.5.

7 **SECTION 14.** In Colorado Revised Statutes, 19-2-509, **amend**
8 (4)(a) as follows:

9 **19-2-509. Bail.** (4) (a) In determining the type of bond and
10 conditions of release for the juvenile, the judge or magistrate fixing the
11 same shall consider the criteria set forth in ~~section 16-4-103, C.R.S.~~
12 SECTION 16-4-104.

13 **SECTION 15. Appropriation.** (1) For the 2019-20 state fiscal
14 year, \$440,493 is appropriated to the judicial department. This
15 appropriation is from the general fund. To implement this act, this
16 appropriation may be used as follows:

17 (a) \$330,253 for general courts administration, which amount is
18 based on an assumption that the department will require an additional 3.7
19 FTE; and

20 (b) \$110,240 for information technology infrastructure.

21 (2) For the 2019-20 state fiscal year, \$39,813 is appropriated to the
22 department of public safety for use by the division of criminal justice.
23 This appropriation is from the general fund and is based on an assumption
24 that the division will require an addition 0.3 FTE. To implement this act,
25 the division may use this appropriation for DCJ administrative
26 services.

27 **SECTION 16. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.