

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

PREAMENDED

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

LLS NO. 20-1043.01 Michael Dohr x4347

SENATE BILL 20-172

SENATE SPONSORSHIP

Lee and Marble,

HOUSE SPONSORSHIP

Herod and Soper,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT A COURT HOLD A BOND SETTING**
102 **HEARING WITHIN FORTY-EIGHT HOURS AFTER AN ARRESTEE'S**
103 **ARRIVAL AT A DETENTION FACILITY.**

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 a court to hold a bond setting hearing within 48 hours after an arrestee's arrival at a jail or holding center beginning on July 1, 2021, for in-county arrestees and July 1, 2022, for out-of-county arrestees.

The bill creates the position of a bond hearing officer to conduct

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.

bond hearings on weekends and holidays throughout the state using audiovisual technology. The bond hearing officer conducts bond hearings throughout the state in the counties that request the service of the bond hearing officer. The public will be able to view the hearings. The bill creates the county assistance for bond hearings grant program, which will allow the state court administrator to provide grants to counties to purchase or upgrade audiovisual devices to allow jails and district attorneys to connect with the court to allow remote audiovisual bond hearings.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-4-102, **amend**
3 (2)(a) as follows:

4 **16-4-102. Right to bail - before conviction.** (2) (a) (I) ~~The chief~~
5 ~~judge of each judicial district shall develop, in conjunction with~~
6 ~~representatives from sheriffs' offices, public defenders' offices, district~~
7 ~~attorneys' offices, county commissioners, and any other agencies~~
8 ~~determined necessary by the chief judge, a plan for setting bond for all~~
9 ~~in-custody defendants within forty-eight hours of arrest. In developing the~~
10 ~~plan, the county commissioners, sheriffs, and district attorneys shall~~
11 ~~provide the chief judge cost estimates of feasibility as well as any~~
12 ~~potential savings from the proposal, including jail bed costs and savings.~~
13 ~~In developing the plan, the chief judge shall evaluate the potential of~~
14 ~~utilizing new or existing audiovisual conference technology. In areas~~
15 ~~where a lack of broadband coverage makes audiovisual conferencing~~
16 ~~impossible or unreliable, the chief judge may evaluate the potential of~~
17 ~~utilizing telephonic hearings. No later than November 1, 2019, the state~~
18 ~~court administrator's office shall report to the judiciary committees of the~~
19 ~~house of representatives and the senate, or any successor committees, the~~
20 ~~plans for all twenty-two judicial districts, not including the Denver county~~

1 court. ~~The report must include an estimate of resources necessary to~~
2 ~~implement this subsection (2)(a)~~ THE ARRESTING JURISDICTION SHALL
3 BRING AN IN-CUSTODY ARRESTEE BEFORE A COURT FOR BOND SETTING AS
4 SOON AS PRACTICABLE, BUT NO LATER THAN FORTY-EIGHT HOURS AFTER
5 AN ARRESTEE ARRIVES AT A JAIL OR HOLDING FACILITY. A JUDGE SHALL
6 HOLD AN IN-PERSON HEARING OR A HEARING VIA AUDIOVISUAL
7 TELECONFERENCING OR TELEPHONICALLY WITH AN IN-CUSTODY ARRESTEE
8 AT WHICH THE COURT SHALL ENTER AN INDIVIDUALIZED BOND ORDER AS
9 SOON AS PRACTICABLE, BUT NO LATER THAN FORTY-EIGHT HOURS AFTER
10 AN ARRESTEE ARRIVES AT A JAIL OR HOLDING FACILITY.
11 NOTWITHSTANDING THE REQUIREMENT FOR BOND SETTING WITHIN
12 FORTY-EIGHT HOURS, IT IS NOT A VIOLATION OF THIS SECTION IF A BOND
13 HEARING IS NOT HELD WITHIN FORTY-EIGHT HOURS WHEN THE DELAY IS
14 CAUSED BY AN EMERGENCY THAT REQUIRES THE COURT TO CLOSE OR
15 CIRCUMSTANCES IN WHICH THE DEFENDANT REFUSES TO ATTEND COURT,
16 IS UNABLE TO ATTEND COURT DUE TO A DEBILITATING PHYSICAL AILMENT,
17 OR IS INCOMPETENT TO PROCEED DUE TO DRUG OR ALCOHOL USE OR
18 MENTAL ILLNESS. USE OF AUDIOVISUAL CONFERENCING TECHNOLOGY IS
19 PERMISSIBLE TO EXPEDITE BOND SETTING HEARINGS. WHEN HIGH-SPEED
20 INTERNET ACCESS IS UNAVAILABLE, MAKING AUDIOVISUAL CONFERENCING
21 IMPOSSIBLE, THE COURT MAY CONDUCT THE HEARING TELEPHONICALLY.

22 (II) THIS SUBSECTION (2)(a) ONLY APPLIES TO THE INITIAL BOND
23 SETTING BY A JUDGE.

24 (III) THIS SECTION APPLIES TO AN ARRESTEE WHO WAS ARRESTED
25 IN THE COUNTY WHERE THE ALLEGED OFFENSE OCCURRED ON OR AFTER
26 JULY 1, 2021, AND APPLIES TO AN ARRESTEE WHO WAS ARRESTED IN A
27 DIFFERENT COUNTY THAN THE COUNTY WHERE THE ALLEGED OFFENSE

1 OCCURRED ON OR AFTER JULY 1, 2022.

2 **SECTION 2.** In Colorado Revised Statutes, **add** 16-4-116 and
3 16-4-117 as follows:

4 **16-4-116. Bond hearing officer.** (1) (a) THE BOND HEARING
5 OFFICER MUST BE A QUALIFIED ATTORNEY-AT-LAW ADMITTED TO
6 PRACTICE IN THIS STATE AND IN GOOD STANDING.

7 (b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
8 CONTRARY, THE BOND HEARING OFFICER HAS THE AUTHORITY TO
9 CONDUCT BOND HEARINGS FOR ANY JURISDICTION IN THE STATE. THE
10 BOND HEARING OFFICER SHALL CONDUCT BOND HEARINGS ON WEEKENDS
11 AND HOLIDAYS USING AN INTERACTIVE AUDIOVISUAL DEVICE THAT
12 PROVIDES THE PUBLIC WITH THE OPPORTUNITY TO VIEW THE HEARING.

13 (2) (a) (I) EACH JUDICIAL DISTRICT THAT CONTAINS A COUNTY
14 THAT IS DESIGNATED AS A HIGH PRIORITY OR ELIGIBLE COUNTY BY THE
15 UNDERFUNDED COURTHOUSE FACILITY CASH FUND COMMISSION, CREATED
16 IN SECTION 13-1-303, HAS THE RIGHT TO HAVE THE BOND HEARING
17 OFFICER CONDUCT WEEKEND AND HOLIDAY BOND HEARINGS. THE CHIEF
18 JUDGE OF THE JUDICIAL DISTRICT SHALL NOTIFY THE STATE COURT
19 ADMINISTRATOR IF THE JUDICIAL DISTRICT WANTS TO HAVE THE BOND
20 HEARING OFFICER CONDUCT BOND HEARINGS.

21 (II) IF ANY OTHER JUDICIAL DISTRICT WANTS TO HAVE THE BOND
22 HEARING OFFICER CONDUCT BOND HEARINGS, THE CHIEF JUDGE OF THE
23 JUDICIAL DISTRICT SHALL NOTIFY THE STATE COURT ADMINISTRATOR IF
24 THE JUDICIAL DISTRICT WANTS TO HAVE THE BOND HEARING OFFICER
25 CONDUCT BOND HEARINGS. THE STATE COURT ADMINISTRATOR SHALL
26 DETERMINE WHICH JUDICIAL DISTRICTS NOT SUBJECT TO SUBSECTION
27 (2)(a)(I) OF THIS SECTION THE BOND HEARING OFFICER CAN SERVE WITHIN

1 AVAILABLE RESOURCES.

2 (b) THE STATE COURT ADMINISTRATOR SHALL POST A SCHEDULE
3 FOR THE BOND HEARINGS TO BE HELD BY THE BOND HEARING OFFICER ON
4 ITS WEBSITE.

5 **16-4-117. County assistance for bond hearings grant program**
6 **- created - cash fund - rules - repeal.** (1) THERE IS HEREBY CREATED IN
7 THE STATE COURT ADMINISTRATOR'S OFFICE THE COUNTY ASSISTANCE FOR
8 BOND HEARINGS GRANT PROGRAM TO PROVIDE GRANTS TO ASSIST
9 COUNTIES OR DISTRICT ATTORNEYS IN COMPLYING WITH SECTION 16-4-102
10 (2)(a).

11 (2) GRANT RECIPIENTS SHALL USE THE MONEY TO PURCHASE
12 AUDIOVISUAL TECHNOLOGY OR DEVICES OR UPGRADE AUDIOVISUAL
13 TECHNOLOGY OR DEVICES TO ALLOW JAILS AND DISTRICT ATTORNEYS'
14 OFFICES TO CONNECT WITH THE COURT FOR REMOTE AUDIOVISUAL
15 HEARINGS AND TO OFFSET OTHER COSTS SPECIFICALLY CONNECTED TO
16 COMPLYING WITH SECTION 16-4-102 (2)(a).

17 (3) THE STATE COURT ADMINISTRATOR SHALL ADMINISTER THE
18 GRANT PROGRAM AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL
19 AWARD GRANTS. SUBJECT TO AVAILABLE APPROPRIATIONS, GRANTS SHALL
20 BE PAID OUT OF THE COUNTY ASSISTANCE FOR BOND HEARINGS CASH FUND
21 CREATED IN SUBSECTION (8) OF THIS SECTION.

22 (4) PURSUANT TO ARTICLE 4 OF TITLE 24, THE STATE COURT
23 ADMINISTRATOR SHALL PROMULGATE SUCH RULES AS MAY BE NECESSARY
24 TO IMPLEMENT THE GRANT PROGRAM. AT A MINIMUM, THE RULES MUST
25 SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE
26 GRANT PROGRAM APPLICATION, AND THE TIME FRAMES FOR DISTRIBUTING
27 GRANT MONEY.

1 (5) TO RECEIVE A GRANT, A COUNTY OR DISTRICT ATTORNEY MUST
2 SUBMIT AN APPLICATION TO THE STATE COURT ADMINISTRATOR IN
3 ACCORDANCE WITH RULES PROMULGATED BY THE STATE COURT
4 ADMINISTRATOR.

5 (6) THE STATE COURT ADMINISTRATOR SHALL REVIEW THE
6 APPLICATIONS RECEIVED PURSUANT TO THIS SECTION. THE STATE COURT
7 ADMINISTRATOR SHALL PRIORITIZE AWARDING GRANTS TO COUNTIES AND
8 DISTRICT ATTORNEYS THAT LACK CURRENT CAPACITY TO CONNECT WITH
9 THE COURT FOR REMOTE AUDIOVISUAL BOND HEARINGS. THE STATE
10 COURT ADMINISTRATOR SHALL PROVIDE GRANTS FOR AUDIOVISUAL
11 TECHNOLOGY OR DEVICES OR UPGRADE AUDIOVISUAL TECHNOLOGY OR
12 DEVICES TO ALLOW JAILS AND DISTRICT ATTORNEYS' OFFICES TO CONNECT
13 WITH THE COURT FOR REMOTE AUDIOVISUAL HEARINGS. ANY REMAINING
14 GRANT MONEY MAY BE DISTRIBUTED BY THE STATE COURT
15 ADMINISTRATOR TO OFFSET COSTS TO COUNTIES OR DISTRICT ATTORNEYS
16 FOR COMPLYING WITH SECTION 16-4-102 (2)(a).

17 (7) SUBJECT TO AVAILABLE APPROPRIATIONS, ON OR BEFORE
18 OCTOBER 1 EACH YEAR OF THE GRANT PROGRAM, THE STATE COURT
19 ADMINISTRATOR SHALL AWARD GRANTS.

20 (8) (a) THE COUNTY ASSISTANCE FOR BOND HEARINGS CASH FUND,
21 REFERRED TO IN THIS SUBSECTION (8) AS THE "FUND", IS HEREBY CREATED
22 IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY THAT THE
23 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

24 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
25 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
26 FUND TO THE FUND.

27 (c) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING

1 IN THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND.

2 (d) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
3 ASSEMBLY, THE STATE COURT ADMINISTRATOR MAY EXPEND MONEY FROM
4 THE FUND TO AWARD GRANTS PURSUANT TO THIS SECTION.

5 (e) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
6 AND UNENCUMBERED MONEY IN THE FUND ON JULY 1, 2025, TO THE
7 GENERAL FUND.

8 (9) THIS SECTION IS REPEALED, EFFECTIVE JULY 31, 2025.

9 **SECTION 3. Act subject to petition - effective date.** This act
10 takes effect January 1, 2021; except that, if a referendum petition is filed
11 pursuant to section 1 (3) of article V of the state constitution against this
12 act or an item, section, or part of this act within the ninety-day period
13 after final adjournment of the general assembly, then the act, item,
14 section, or part will not take effect unless approved by the people at the
15 general election to be held in November 2020 and, in such case, will take
16 effect January 1, 2021, or on the date of the official declaration of the
17 vote thereon by the governor, whichever is later.