

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-1003.01 Michael Dohr x4347

SENATE BILL 20-179

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SENATE SPONSORSHIP

**Foote,**

HOUSE SPONSORSHIP

**Herod and Tipper,**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING REQUIRED DATA COLLECTION BY DISTRICT ATTORNEYS**  
102 **RELATED TO DEFENDANTS THAT IS AVAILABLE TO THE PUBLIC.**

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**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 each district attorney to collect data regarding defendants related to demographics, charges filed, pretrial release results, and sentencing. The district attorney is required to create an annual report with the data collected and make the data collected available to the public upon request.

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.*

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 20-1-115 as  
3 follows:

4           **20-1-115. Prosecution data reports - definition.** (1) EACH  
5 DISTRICT ATTORNEY IN THE STATE SHALL COLLECT THE FOLLOWING DATA  
6 RELATED TO EACH DEFENDANT IN THE JUDICIAL DISTRICT:

7           (a) A DEFENDANT'S DEMOGRAPHIC DATA INCLUDING:

8           (I) THE DEFENDANT'S AGE, RACE, ETHNICITY, AND GENDER;

9           (II) THE DEFENDANT'S ZIP CODE;

10          (III) THE DEFENDANT'S PRIMARY LANGUAGE;

11          (IV) THE DEFENDANT'S NATIONAL ORIGIN; AND

12          (V) WHETHER THE COURT DETERMINED THE DEFENDANT IS  
13 INDIGENT;

14          (b) CRIMINAL CHARGE DATA INCLUDING:

15          (I) EACH CHARGE FILED AND, IF THE CHARGE IS A CHARGE  
16 PURSUANT TO ARTICLE 18 OF TITLE 18, THE DRUG AND AMOUNT OF DRUG  
17 THAT IS THE BASIS FOR THE CHARGE; AND

18          (II) THE ALLEGED DATE AND PLACE OF THE OFFENSE;

19          (c) BAIL AND PRETRIAL RELEASE DATA INCLUDING:

20          (I) THE PRETRIAL RELEASE DETERMINATION AT THE ARRAIGNMENT  
21 HEARING;

22          (II) THE CONDITIONS OF RELEASE;

23          (III) THE AMOUNT OF BAIL OR BOND, IF ANY;

24          (IV) WHETHER REVOCATION OF BAIL, BOND, OR PRETRIAL RELEASE  
25 OCCURRED DUE TO A NEW OFFENSE OR FAILURE TO APPEAR; AND

26          (V) THE DISTRICT ATTORNEY'S RECOMMENDATION REGARDING

1 BAIL, BOND, OR PRETRIAL RELEASE; AND

2 (d) SENTENCING DATA INCLUDING:

3 (I) THE OFFENSE AND OFFENSE CLASSIFICATION FOR EACH  
4 CONVICTION;

5 (II) THE DISTRICT ATTORNEYS' RECOMMENDATION ON THE  
6 SENTENCE;

7 (III) THE SENTENCE IMPOSED;

8 (IV) DIVERSIONARY PROGRAMS OFFERED AND COMPLETED; AND

9 (V) PLEA BARGAINS OFFERED AND WHETHER A PLEA BARGAIN WAS  
10 ACCEPTED.

11 (2) THE DATA COLLECTED PURSUANT TO SUBSECTION (1) OF THIS  
12 SECTION MUST NOT PERSONALLY IDENTIFY THE DEFENDANT OR ANY  
13 VICTIMS. THE DATA COLLECTED PURSUANT TO SUBSECTION (1) OF THIS  
14 SECTION MUST BE COLLECTED SO THAT EACH DEFENDANT'S DATA IS  
15 IDENTIFIED AS BELONGING TO THE DEFENDANT WITHOUT IDENTIFYING  
16 THAT DEFENDANT.

17 (3) THE DISTRICT ATTORNEY SHALL CREATE AN ANNUAL REPORT  
18 OF DATA COLLECTED PURSUANT TO SUBSECTION (2) OF THIS SECTION AND  
19 MAKE THE DATA COLLECTED PURSUANT TO THIS SECTION AVAILABLE TO  
20 THE PUBLIC.

21 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
22 REQUIRES, "DEFENDANT" MEANS A PERSON, INCLUDING A JUVENILE,  
23 ARRESTED OR CITED FOR A FELONY, MISDEMEANOR, DRUG FELONY, OR  
24 DRUG MISDEMEANOR.

25 **SECTION 2. Act subject to petition - effective date.** This act  
26 takes effect at 12:01 a.m. on the day following the expiration of the  
27 ninety-day period after final adjournment of the general assembly (August

1 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
2 referendum petition is filed pursuant to section 1 (3) of article V of the  
3 state constitution against this act or an item, section, or part of this act  
4 within such period, then the act, item, section, or part will not take effect  
5 unless approved by the people at the general election to be held in  
6 November 2020 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.