

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0662.01 Michael Dohr x4347

HOUSE BILL 23-1151

HOUSE SPONSORSHIP

Woodrow and Bockenfeld, Epps

SENATE SPONSORSHIP

Rodriguez and Gardner,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CLARIFICATIONS TO THE REQUIREMENTS THAT THE
102 COURT CONDUCT A BOND HEARING WITHIN FORTY-EIGHT HOURS
103 AFTER AN INDIVIDUAL IS PLACED IN JAIL.

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>.)

Current law requires an individual who is in jail to be brought before a judge for a bond hearing within 48 hours of arriving at the jail. The bill clarifies the circumstances when the 48-hour requirement does not apply when the individual is unable to attend court. The bill also clarifies that the 48-hour requirement applies regardless of whether:

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

- The individual is held in custody in a jurisdiction other than the one that issues the arrest warrant; or
- Money bond was previously set ex parte.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-10-111.5, **amend**
3 (2) as follows:

4 **13-10-111.5. Notice to municipal courts of municipal holds.**

5 (2) Once a municipal court receives notice that the defendant is being
6 held solely on the basis of a municipal hold, the municipal court shall
7 hold a hearing within forty-eight hours after the receipt of such a notice.

8 The county sheriff shall make the in-custody defendant available to
9 appear in a timely manner before a municipal judge for a hearing required
10 by this subsection (2) at the date and time mutually agreed to by the
11 county sheriff and municipal court. This subsection (2) must not be
12 construed to require the county sheriff to transport the in-custody
13 defendant to the municipal court. It is not a violation of this section if a
14 bond hearing is not held within forty-eight hours when the delay is caused
15 by circumstances in which the defendant refuses to attend court, is unable
16 to attend court due to ~~a debilitating physical ailment, or is unable to~~
17 ~~proceed due to drug or alcohol use or mental illness~~ DRUG OR ALCOHOL
18 USE, A SERIOUS MEDICAL OR BEHAVIORAL HEALTH EMERGENCY, or when
19 the delay is caused by an emergency that requires the court to close.

20 WHEN THE DEFENDANT IS UNABLE TO ATTEND COURT, THE SHERIFF SHALL
21 PROVIDE THE COURT WITH A LIST OF PEOPLE SUBJECT TO THIS SECTION
22 WHO DID NOT TIMELY ATTEND COURT, THE DATE OF THE PERSON'S ARREST,
23 AND THE LOCATION WHERE THE PERSON IS IN CUSTODY. THE SHERIFF
24 SHALL DOCUMENT THE LENGTH OF THE DELAY, THE REASON FOR THE

1 DELAY, AND THE EFFORTS TO ABATE THE EMERGENCY. AS SOON AS THE
2 EMERGENCY HAS SUFFICIENTLY ABATED, THE SHERIFF SHALL BRING THE
3 DEFENDANT BEFORE A JUDGE AT THE NEXT SCHEDULED BOND HEARING.
4 Use of audiovisual conferencing technology is permissible to expedite the
5 hearing. When high-speed internet access is unavailable, making
6 audiovisual conferencing impossible, the court may conduct the hearing
7 telephonically.

8 **SECTION 2.** In Colorado Revised Statutes, 16-4-102, **amend**
9 (2)(a)(I) and (2)(a)(II); and **add** (2)(a)(I.5) and (2)(a)(IV) as follows:

10 **16-4-102. Right to bail - before conviction.** (2) (a) (I) The
11 arresting jurisdiction shall bring an in-custody arrestee before a court for
12 bond setting as soon as practicable, but no later than forty-eight hours
13 after an arrestee arrives at a jail or holding facility. A judge, magistrate,
14 or bond hearing officer shall hold a hearing with an in-custody arrestee
15 at which the court shall enter an individualized bond order as soon as
16 practicable, but no later than forty-eight hours after an arrestee arrives at
17 a jail or holding facility. Notwithstanding the requirement for bond
18 setting within forty-eight hours, it is not a violation of this section if a
19 bond hearing is not held within forty-eight hours when the delay is caused
20 by an emergency that requires the court to close or circumstances in
21 which the ~~defendant~~ IN-CUSTODY ARRESTEE refuses to attend court, OR is
22 unable to attend court due to a ~~debilitating physical ailment, or is unable~~
23 ~~to proceed due to drug or alcohol use or mental illness~~ DRUG OR ALCOHOL
24 USE OR A SERIOUS MEDICAL OR BEHAVIORAL HEALTH EMERGENCY. IN
25 SUCH INSTANCES, THE SHERIFF SHALL PROVIDE THE PUBLIC DEFENDER'S
26 OFFICE WITH A LIST OF PEOPLE SUBJECT TO THIS SECTION WHO DID NOT
27 TIMELY ATTEND COURT, THE DATE OF THE PERSON'S ARREST, AND THE

1 LOCATION WHERE THE PERSON IS IN CUSTODY. THE SHERIFF SHALL
2 DOCUMENT THE LENGTH OF THE DELAY, THE REASON FOR THE DELAY, AND
3 THE EFFORTS TO ABATE THE EMERGENCY. AS SOON AS THE EMERGENCY
4 HAS SUFFICIENTLY ABATED, THE SHERIFF SHALL BRING THE IN-CUSTODY
5 ARRESTEE BEFORE A JUDGE AT THE NEXT SCHEDULED BOND HEARING. Use
6 of audiovisual conferencing technology is permissible to expedite bond
7 setting hearings, including prior to extradition of the ~~defendant~~
8 IN-CUSTODY ARRESTEE from one county to another in the state of
9 Colorado. When high-speed internet access is unavailable, making
10 audiovisual conferencing impossible, the court may conduct the hearing
11 telephonically.

12 (I.5) THIS SUBSECTION (2)(a) REQUIRES AN INDIVIDUALIZED BOND
13 HEARING AT WHICH THE IN-CUSTODY ARRESTEE IS PRESENT, REGARDLESS
14 OF WHETHER:

15 (A) AN IN-CUSTODY ARRESTEE IS HELD IN CUSTODY IN A
16 JURISDICTION OTHER THAN THE ONE THAT ISSUED THE ARREST WARRANT;

17 (B) MONEY BOND WITH A MONETARY CONDITION WAS PREVIOUSLY
18 SET EX PARTE; OR

19 (C) THE IN-CUSTODY ARRESTEE DID NOT APPEAR FOR A FIRST
20 APPEARANCE.

21 (II) This subsection (2)(a) applies only to the initial bond setting
22 AT AN INDIVIDUALIZED BOND HEARING by a judge, JUDICIAL OFFICER, OR
23 BOND HEARING OFFICER.

24 (IV) FOR AN IN-CUSTODY ARRESTEE WHO IS NOT SUBJECT TO THIS
25 SUBSECTION (2)(a), NOTHING IN THIS SECTION EXTENDS OR JUSTIFIES
26 DELAYS IN TIMELY ADVISEMENT OR BOND HEARINGS PURSUANT TO OTHER
27 LAWS OR RULES.

1 **SECTION 3. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety.