

HB1104\_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary:

HB16-1104 be amended as follows:

1 Amend printed bill, page 2, strike lines 2 through 14 and substitute:

2 "SECTION 1. In Colorado Revised Statutes, 16-5-206, amend  
3 (2) introductory portion and (2) (e); and add (1.5) as follows:

4 16-5-206. **Summons in lieu of warrant.** (1.5) (a) EXCEPT IN  
5 CLASS 1, CLASS 2, CLASS 3, AND CLASS 4 FELONIES; IN CRIMES DESCRIBED  
6 IN SECTION 24-4.1-302 (1), C.R.S.; AND IN UNCLASSIFIED FELONIES  
7 PUNISHABLE BY A MAXIMUM PENALTY OF MORE THAN TEN YEARS, A LAW  
8 ENFORCEMENT OFFICER MAY ISSUE A SUMMONS COMMANDING THE  
9 APPEARANCE OF THE DEFENDANT IN LIEU OF A WARRANT FOR HIS OR HER  
10 ARREST BASED ON PROBABLE CAUSE IF:

11 (I) THE LOCAL DISTRICT ATTORNEY CONSENTS TO SUCH  
12 PROCEDURE AND HAS DEVELOPED AND APPROVED CRITERIA FOR THE  
13 ISSUANCE OF SUCH A SUMMONS PURSUANT TO THIS SUBSECTION (1.5);

14 (II) THERE IS A REASONABLE LIKELIHOOD THAT THE DEFENDANT  
15 WILL APPEAR;

16 (III) THE DEFENDANT HAS HAD NO FELONY ARRESTS DURING THE  
17 PRECEDING FIVE YEARS;

18 (IV) THERE IS NO ALLEGATION THAT THE DEFENDANT USED A  
19 DEADLY WEAPON AS DEFINED IN SECTION 18-1-901 (3) (e), C.R.S., IN THE  
20 COMMISSION OF THE CRIME; AND

21 (V) THERE ARE NO OUTSTANDING WARRANTS FOR THE  
22 DEFENDANT'S ARREST.

23 (b) NO LATER THAN TEN DAYS AFTER A LAW ENFORCEMENT  
24 OFFICER ISSUES A SUMMONS PURSUANT TO THIS SUBSECTION (1.5), HE OR  
25 SHE SHALL DELIVER A COPY TO THE COURT AND TO THE OFFICE OF THE  
26 DISTRICT ATTORNEY WHERE JURISDICTION LIES.

27 (c) WHEN THE PROCEDURE DESCRIBED IN THIS SUBSECTION (1.5)  
28 IS USED, AN INFORMATION OR COMPLAINT MAY BE FILED IN OPEN COURT  
29 ON THE DATE SPECIFIED IN THE SUMMONS.

30 (2) If a summons is issued in lieu of a warrant under subsection  
31 ~~(1)~~ of this section:

32 (e) It shall be signed by the judge or clerk of the court with the  
33 title of his office OR BY THE LAW ENFORCEMENT OFFICER WHO ISSUED THE  
34 SUMMONS."

35 Strike page 3.

36 Page 4, strike lines 1 through 5.

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