



SUPPORT HB17-1338 TO PROMPTLY BRING MUNICIPAL INMATES BEFORE A JUDGE

MUNICIPAL DEFENDANTS OFTEN LANGUISH IN JAIL ON BONDS THAT THEY CANNOT AFFORD

- **Statewide, the difference is striking—*municipal* defendants languish for weeks in jail on minor charges, while *state and county* defendants charged with serious offenses are brought promptly before a judge.**
 - *Municipal* defendants sometimes wait a week or more in jail to see a judge, even though most municipal inmates are incarcerated for low-level offenses, like littering, panhandling or dog-off-leash.
 - In comparison, *state and county* court defendants usually appear before a judge within 24-48 hours of being incarcerated, even for serious offenses such as DUI or felony assault.
 - Because most municipal warrants are for low-level offenses, defendants often end up spending more time in jail waiting to see a judge than they would ever receive as a sentence.
- **Infrequent municipal court schedules unfairly cause long jail stays.** Some municipal courts choose to see municipal inmates *only once per week or even once per month*, causing lengthy jail waits.
- **Only impoverished defendants are forced to endure long pre-trial detention.** People who can pay their bonds walk free until their next court date, while those who are poor must wait in jail to see a judge.
- **Lengthy pre-trial jail stays are costly to the tax payer with no benefit to public safety.** Jail is expensive and should be reserved only for people who pose a threat to public safety, not minor municipal violators who are simply too poor to buy their freedom while waiting for a municipal court to meet.

WHAT WILL HB17-1338 ACCOMPLISH?

- **A prompt court appearance:** HB17-1338 will ensure that in-custody municipal defendants appear in court within *two days* after court notification—excluding Sundays and federal holidays. This window extends to *four days* if the person is held out-of-county and has failed to appear at least twice. If a defendant does not appear before the court within these time frames, they are to be released on a personal recognizance bond, returnable to the municipal court.

WHY IS HB17-1338 THE SOLUTION?

- **It safeguards defendants against unfair and lengthy jail stays.** For municipal inmates unable to buy their freedom who are forced to wait in jail, this bill guarantees prompt appearance before a judge.
- **It brings municipal courts in line with state and county courts.** In practice, state and county courts in Colorado generally have systems in place to bring in-custody defendants to court promptly. However, many municipal courts have no systems in place to avoid lengthy pre-trial jail stays.
- **It safely decreases jail overcrowding.** By requiring courts to hold a hearing within a certain time after arrest, the bill curbs overcrowding of local jails and reserves jail beds for those who pose a safety threat.
- **It prevents collateral consequences.** The bill helps prevent consequences associated with prolonged pre-trial detention – wrongful conviction, lost housing, unemployment, interrupted medical care, and broken families.

—SEE REVERSE FOR RECENT EXAMPLES OF MUNICIPAL COURT DELAY—

EXAMPLES OF LENGTHY DELAY WHEN HELD SOLELY ON A MUNICIPAL WARRANT

Metro region – city population approx. 400,000 – ***18 day wait to see judge***

B.M. was issued a summons for panhandling. She missed her first court appearance, and a warrant issued. She was arrested on that warrant in December 2014. **Over the next two weeks, B.M. filed kites requesting to be brought before the court.** B.M. was told that the demanding city would come get her when she was scheduled in court, but she never actually appeared before a judge. **Finally, after 18 days in jail, the city court dismissed the charges against B.M. and jail released her.**

Metro region – city population approx. 50,000 – ***14 day wait to see judge***

In June 2016, N.A. was picked up on two municipal court warrants (for failing to appear in “Trespass” and “Possession of Marijuana” cases) and held in an out-of-county jail. Total bond for release was \$300, but N.A. could not afford to pay. He waited in jail to see a judge. N.A. was not transferred to the in-county jail until 7 days after he was arrested. Then, he was not brought before the municipal court for an additional 7 days. **In total, N.A. waited in jail 14 days on two minor municipal holds before seeing a judge.**

San Luis Valley region – city population approx. 3,500 – ***22 day wait to see judge***

R.A. had failed to appear for trial [underlying charge unknown at this time] in November 2016 because she was in labor. The court issued a warrant for her arrest. She was arrested that same month on the failure to appear warrant. **She waited 22 days before coming before a judge. When she finally appeared before the judge in December 2016, she explained that she missed her court date only because she was in labor.**

Central mountain region – town population approx. 3,000 – ***23 day wait to see judge***

M.B., who suffers from a debilitating disease, was cited for “Disorderly Conduct” when he urinated outside of a trailer that lacked plumbing. He was arrested for failure to appear in July 2015. Bond was set at \$500, but he was too poor to pay it. His next court date was scheduled nearly a month later. After 12 days in custody, M.B. wrote a letter to the court saying that he was sorry and that he couldn’t find anyone with money to bail him out. Eleven days later, after M.B. had spent 23 days in jail waiting to see a judge, the municipal court sent M.B. a plea by fax to the jail. **M.B. pleaded guilty by fax and was released that day with credit for time served for the 23 days spent in jail waiting to see a judge, having spent far longer in jail waiting to see a judge than he would have ever received as a jail sentence for a urinating in his back yard.**

San Luis Valley region – city population approx. 10,000 – ***14 day wait to see judge***

A.M. had two shoplifting cases—the first for \$37.94 of merchandise (two tide pods and fireworks), and the second for \$69.00 of merchandise (female razors, two bras, and a heating blanket). The court received several letters from A.M.’s family that she struggled with a heroin addiction; they were trying to get help but Medicaid didn’t cover the services. After conviction, A.M. was sentenced to fines and fees. **A warrant issued when A.M. was unable to pay. She was arrested in June 2016—but was not brought before a judge until 14 days after booking.**

San Luis Valley region – city population approx. 3,500 – ***jailed when late for trial, 7 day wait***

R.M. was charged with “Obstruction” and “False Reporting,” and pled not guilty. **She arrived to court late for trial in December 2016, and the judge had her taken into custody for failure to appear on time that day. R.M. waited in custody for 7 days until the next session of court before appearing in front of the judge.**