

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 22, 2018
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB18-1081 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, strike lines 12 through 25 and substitute:
2 "(10) (a) ON AND AFTER JANUARY 1, 2019, IN ACCORDANCE WITH
3 SUBSECTION (2) OF THIS SECTION, THE STATE COURT ADMINISTRATOR
4 SHALL ADMINISTER A COURT REMINDER PROGRAM WITH THE OBJECTIVE TO
5 REMIND CRIMINAL DEFENDANTS IN COUNTY COURTS AND DISTRICT
6 COURTS, EXCEPT FOR THE DENVER COUNTY COURT, TO APPEAR AT EACH
7 OF THEIR SCHEDULED COURT APPEARANCES. THE OBJECTIVE OF SUCH
8 REMINDERS IS TO SIGNIFICANTLY REDUCE THE NUMBER OF CRIMINAL
9 DEFENDANTS WHO ARE COMMITTED TO THE CUSTODY OF A COUNTY JAIL
10 SOLELY AS A RESULT OF THEIR FAILURE TO APPEAR IN COURT.
11 (b) IN ADMINISTERING THE PROGRAM, THE STATE COURT
12 ADMINISTRATOR SHALL PRIORITIZE THE USE OF TEXT MESSAGES TO
13 REMIND CRIMINAL DEFENDANTS WITH THE CAPACITY TO RECEIVE TEXT
14 MESSAGES, UNLESS AND UNTIL A MORE EFFECTIVE TECHNOLOGICAL MEANS
15 OF REMINDING DEFENDANTS BECOMES AVAILABLE. IN ADDITION, OR WHEN
16 A DEFENDANT IS UNABLE TO RECEIVE TEXT MESSAGES, THE STATE COURT
17 ADMINISTRATOR, AT HIS OR HER DISCRETION, MAY ALSO USE TELEPHONIC
18 COMMUNICATIONS, E-MAIL, OR OTHER INTERNET-BASED TECHNOLOGY TO
19 REMIND DEFENDANTS OF COURT DATES.
20 (c) ON AND AFTER SEPTEMBER 1, 2018, THE STATE COURT
21 ADMINISTRATOR SHALL TRACK DATA IN EACH COUNTY COURT AND
22 DISTRICT COURT, EXCEPT FOR THE DENVER COUNTY COURT, CONCERNING
23 THE FAILURE OF CRIMINAL DEFENDANTS TO APPEAR FOR THEIR SCHEDULED
24 COURT APPEARANCES.

1 (d) THE PROGRAM SHALL:
2 (I) PROVIDE TEXT MESSAGE REMINDERS FOR ALL COURT
3 APPEARANCES FOR STATE AND COUNTY CRIMINAL DEFENDANTS WITH THE
4 CAPACITY TO RECEIVE TEXT MESSAGES AND FOR WHOM THE STATE COURT
5 ADMINISTRATOR HAS A WORKING PHONE NUMBER;
6 (II) IDENTIFY EACH INSTANCE IN WHICH A CRIMINAL DEFENDANT
7 RECEIVED A TEXT MESSAGE REMINDER;
8 (III) IDENTIFY CRIMINAL DEFENDANTS WITH UPCOMING COURT
9 APPEARANCES WHO CANNOT BE REACHED BECAUSE THEY LACK THE
10 CAPACITY TO RECEIVE TEXT MESSAGES;
11 (IV) COLLECT DATA CONCERNING THE NUMBER OF CRIMINAL
12 DEFENDANTS WHO FAIL TO APPEAR AT THEIR SCHEDULED COURT
13 APPEARANCES DESPITE HAVING RECEIVED ONE OR MORE REMINDERS;
14 (V) HAVE THE CAPACITY, AT THE DISCRETION OF THE STATE
15 COURT ADMINISTRATOR, TO PROVIDE ADDITIONAL INFORMATION TO
16 CRIMINAL DEFENDANTS CONCERNING THEIR SCHEDULED COURT DATES,
17 WHICH MAY INCLUDE BUT NEED NOT BE LIMITED TO THE LOCATION OF A
18 COURT APPEARANCE; TRANSPORTATION OPTIONS, IF AVAILABLE; CHILD
19 CARE, IF AVAILABLE; AND WHAT A DEFENDANT MAY DO IF THE DEFENDANT
20 IS UNABLE TO ATTEND THE COURT APPEARANCE;
21 (VI) HAVE THE CAPACITY TO SUPPORT PARTNERSHIPS BETWEEN
22 THE STATE COURT ADMINISTRATOR AND LOCAL LAW ENFORCEMENT
23 AGENCIES, LOCAL GOVERNMENTS, AND THE STATE PUBLIC DEFENDER, FOR
24 THE PURPOSES DESCRIBED IN SUBSECTIONS (10)(e), (10)(f), (10)(g), AND
25 (10)(h) OF THIS SECTION; AND
26 (VII) UTILIZE ONE OR MORE PUBLICLY AVAILABLE WEBSITES AT
27 WHICH CRIMINAL DEFENDANTS MAY REQUEST TEXT REMINDERS.
28 (e) THE STATE COURT ADMINISTRATOR MAY PARTNER WITH LOCAL
29 LAW ENFORCEMENT AGENCIES, AT THE STATE COURT ADMINISTRATOR'S
30 AND THE AGENCIES' DISCRETION, TO ALLOW INDIVIDUALS WHO ARE CITED
31 AND RELEASED BY LAW ENFORCEMENT OFFICERS TO RECEIVE TEXT
32 MESSAGE REMINDERS.
33 (f) THE STATE COURT ADMINISTRATOR MAY, AT THE STATE COURT
34 ADMINISTRATOR'S AND EACH LOCAL GOVERNMENT'S DISCRETION, PARTNER
35 WITH LOCAL GOVERNMENTS TO ALLOW CRIMINAL DEFENDANTS IN
36 MUNICIPAL COURTS TO RECEIVE REMINDERS PURSUANT TO THIS
37 SUBSECTION (10). ANY LOCAL GOVERNMENT THAT PARTNERS WITH THE
38 STATE COURT ADMINISTRATOR PURSUANT TO THIS SUBSECTION (10) SHALL
39 PAY ALL COSTS OF SENDING REMINDERS TO CRIMINAL DEFENDANTS,
40 INCLUDING THE COST OF LINKING THE MUNICIPAL COURT DATABASE WITH
41 THE STATE COURT ADMINISTRATOR DATABASE.

1 (g) THE STATE COURT ADMINISTRATOR MAY PARTNER WITH THE
2 STATE PUBLIC DEFENDER, AT THE STATE COURT ADMINISTRATOR'S AND
3 THE STATE PUBLIC DEFENDER'S DISCRETION, TO PROVIDE REMINDERS AND
4 OTHER INFORMATION TO CRIMINAL DEFENDANTS WHOM THE STATE PUBLIC
5 DEFENDER REPRESENTS.

6 (h) THE STATE COURT ADMINISTRATOR, AT HIS OR HER
7 DISCRETION, MAY EXPAND THE PROGRAM TO PROVIDE TEXT MESSAGE
8 REMINDERS TO PROBATIONERS TO REMIND THEM OF TIME-SENSITIVE
9 REQUIREMENTS OF THEIR PROBATION.

10 (i) EACH COUNTY COURT AND DISTRICT COURT, EXCEPT FOR THE
11 DENVER COUNTY COURT, SHALL UTILIZE THE REMINDER SERVICES OF THE
12 STATE COURT ADMINISTRATOR DESCRIBED IN THIS SUBSECTION (10)
13 UNLESS THE COURT HAS ITS OWN PROCEDURE FOR USING TEXT MESSAGING
14 TO REMIND CRIMINAL DEFENDANTS TO APPEAR AT THEIR SCHEDULED
15 COURT APPEARANCES.

16 (j) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION
17 (10), THE DENVER COUNTY COURT IS NOT REQUIRED TO UTILIZE THE
18 PROGRAM.

19 (k) IN ITS ANNUAL REPORT TO THE COMMITTEES OF REFERENCE
20 PURSUANT TO SECTION 2-7-203, THE JUDICIAL DEPARTMENT SHALL
21 INCLUDE INFORMATION CONCERNING THE ACTIVITIES OF THE STATE COURT
22 ADMINISTRATOR PURSUANT TO THIS SUBSECTION (10). TO THE EXTENT
23 PRACTICABLE, THE REPORT MUST INCLUDE:

24 (I) THE NUMBER OF REMINDERS RECEIVED BY CRIMINAL
25 DEFENDANTS IN EACH COUNTY AND EACH JUDICIAL DISTRICT;

26 (II) THE NUMBER OF CRIMINAL DEFENDANTS IN EACH COUNTY AND
27 EACH JUDICIAL DISTRICT WHO FAILED TO APPEAR FOR A COURT HEARING;

28 (III) THE NUMBER OF CRIMINAL DEFENDANTS IN EACH COUNTY
29 AND EACH JUDICIAL DISTRICT WHO RECEIVED A REMINDER FROM THE
30 PROGRAM BUT WHO NONETHELESS FAILED TO APPEAR FOR A COURT
31 HEARING;

32 (IV) ANY OTHER DATA COLLECTED BY THE STATE COURT
33 ADMINISTRATOR THAT THE STATE COURT ADMINISTRATOR DETERMINES TO
34 BE USEFUL TO THE GENERAL ASSEMBLY IN ASSESSING THE EFFECTIVENESS
35 OF THE PROGRAM AT REDUCING THE NUMBER OF CRIMINAL DEFENDANTS
36 WHO FAIL TO APPEAR FOR THEIR COURT APPEARANCES AND REDUCING THE
37 NUMBER OF CRIMINAL DEFENDANTS WHO ARE JAILED FOR FAILURE TO
38 APPEAR AT A COURT APPEARANCE;

39 (V) TO THE EXTENT PRACTICABLE, ANY SAVINGS OR EXPENSES
40 THAT THIS SUBSECTION (10) HAS GENERATED FOR THE STATE; AND

41 (VI) ANY RECOMMENDATION THAT THE STATE COURT

1 ADMINISTRATOR MAY HAVE CONCERNING THE IMPLEMENTATION OF THIS
2 SUBSECTION (10).

3 (l) NOTHING IN THIS SUBSECTION (10) CREATES A RIGHT FOR ANY
4 CRIMINAL DEFENDANT TO RECEIVE A REMINDER FROM THE PROGRAM.

5 (m) IN ADMINISTERING THE PROGRAM, THE STATE COURT
6 ADMINISTRATOR SHALL COMPLY WITH ANY FEDERAL OR STATE LAW THAT
7 REQUIRES THE STATE COURT ADMINISTRATOR TO OBTAIN A PERSON'S
8 CONSENT BEFORE SENDING TEXT MESSAGE REMINDERS TO THE PERSON.".

9 Page 3, strike lines 1 through 6.

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