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An Act

SENATE BILL 19-036

BY SENATOR(S) Lee and Cooke, Bridges, Court, Donovan, Fenberg, Foote, Gardner, Ginal, Gonzales, Moreno, Pettersen, Rankin, Scott, Story, Tate, Todd, Williams A., Winter, Woodward, Garcia;
also REPRESENTATIVE(S) Benavidez and Carver, Coleman, Duran, Esgar, Exum, Galindo, Gonzales-Gutierrez, Gray, Hansen, Herod, Hooton, Jaquez Lewis, Kipp, Melton, Michaelson Jenet, Roberts, Sirota, Snyder, Soper, Tipper, Titone, Valdez A., Valdez D., Weissman, Becker.

CONCERNING REQUIRING THE STATE COURT ADMINISTRATOR TO ADMINISTER A PROGRAM TO REMIND CRIMINAL DEFENDANTS TO APPEAR IN COURT AS SCHEDULED, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 13-3-101, **amend** (1); and **add** (14) as follows:

13-3-101. State court administrator - definition - repeal.

(1) There is created, pursuant to section 5 (3) of article VI of the state constitution, the position of state court administrator, who ~~shall be~~ IS appointed by the justices of the supreme court at such compensation as ~~shall~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

be IS determined by them. The state court administrator is responsible to the supreme court, and IN ADDITION TO THE DUTIES DESCRIBED WITHIN THIS SECTION, THE STATE COURT ADMINISTRATOR shall perform ~~such~~ THE duties as assigned to him OR HER by the chief justice and the supreme court.

(14) (a) (I) ON AND AFTER JANUARY 1, 2020, THE STATE COURT ADMINISTRATOR SHALL ADMINISTER A COURT REMINDER PROGRAM IN AT LEAST FOUR JUDICIAL DISTRICT COURTS TO REMIND CRIMINAL DEFENDANTS AND JUVENILE PARTICIPANTS TO APPEAR AT EACH OF THEIR SCHEDULED COURT APPEARANCES AND TO PROVIDE REMINDERS ABOUT AN UNPLANNED COURT CLOSURE. THE OBJECTIVE OF SUCH REMINDERS IS TO SIGNIFICANTLY REDUCE THE NUMBER OF CRIMINAL DEFENDANTS AND JUVENILE PARTICIPANTS WHO ARE TAKEN INTO CUSTODY SOLELY AS A RESULT OF THEIR FAILURE TO APPEAR IN COURT. NO LATER THAN JULY 1, 2020, THE PROGRAM MUST BE ADMINISTERED IN EVERY ELIGIBLE COURT, AS DEFINED IN SUBSECTION (14)(h) OF THIS SECTION, IN THE STATE.

(II) THE STATE COURT ADMINISTRATOR SHALL ISSUE A REQUEST FOR PROPOSAL TO CHOOSE A THIRD-PARTY VENDOR TO DEVELOP AND OPERATE THE COURT REMINDER PROGRAM. AT THE CONCLUSION OF THE REQUEST FOR PROPOSAL PROCESS, THE STATE COURT ADMINISTRATOR MAY CHOOSE TO DEVELOP AND OPERATE THE PROGRAM WITHOUT UTILIZING A THIRD-PARTY VENDOR.

(III) A PHONE NUMBER COLLECTED FOR THE EXPRESS PURPOSE OF ADMINISTERING THE COURT REMINDER PROGRAM PURSUANT TO THIS SECTION MUST BE KEPT SEPARATE FROM OTHER IDENTIFYING INFORMATION. SUCH PHONE NUMBER MUST ONLY BE USED TO ACHIEVE THE STATUTORY OBJECTIVE OF THE PROGRAM AS DESCRIBED IN SUBSECTION (14)(a)(I) OF THIS SECTION AND MUST NOT BE USED OR SHARED BY THE JUDICIAL DEPARTMENT FOR ANY OTHER PURPOSE.

(b) IN ADMINISTERING THE PROGRAM, THE STATE COURT ADMINISTRATOR SHALL PRIORITIZE THE USE OF TEXT MESSAGES TO REMIND CRIMINAL DEFENDANTS AND JUVENILE PARTICIPANTS WHO HAVE AGREED TO RECEIVE TEXT MESSAGES AND HAVE THE CAPACITY TO RECEIVE TEXT MESSAGES AT THE MOBILE TELEPHONE NUMBER PROVIDED. THE PROGRAM MUST USE TEXT MESSAGES UNLESS AND UNTIL A MORE EFFECTIVE TECHNOLOGICAL MEANS OF REMINDING DEFENDANTS AND JUVENILE PARTICIPANTS BECOMES AVAILABLE. IN ADDITION, OR WHEN A DEFENDANT

OR JUVENILE PARTICIPANT IS UNABLE TO RECEIVE TEXT MESSAGES, THE STATE COURT ADMINISTRATOR, AT HIS OR HER DISCRETION, MAY ALSO USE OTHER COMMUNICATION METHODS, INCLUDING TELEPHONE, E-MAIL, OR OTHER INTERNET-BASED TECHNOLOGY TO REMIND DEFENDANTS AND JUVENILE PARTICIPANTS OF COURT DATES AND UNPLANNED COURT CLOSURES.

(c) THE PROGRAM MUST:

(I) PROVIDE AT LEAST TWO TEXT MESSAGE REMINDERS FOR ALL COURT APPEARANCES FOR CRIMINAL DEFENDANTS AND JUVENILE PARTICIPANTS IN AN ELIGIBLE COURT WITH THE CAPACITY TO RECEIVE TEXT MESSAGES AND FOR WHOM THE STATE COURT ADMINISTRATOR HAS A WORKING MOBILE TELEPHONE NUMBER. THE REMINDERS MUST INCLUDE AT LEAST THE DATE, LOCATION, AND TIME OF THE COURT APPEARANCE AND CONTACT INFORMATION FOR QUESTIONS RELATED TO THE COURT APPEARANCE.

(II) PROVIDE AN ALERT TO A DEFENDANT OR JUVENILE PARTICIPANT WHO MISSES COURT THAT THE DEFENDANT OR JUVENILE HAS MISSED COURT AND THAT THE DEFENDANT OR JUVENILE SHOULD IMMEDIATELY CONTACT HIS OR HER ATTORNEY, IF THE DEFENDANT OR JUVENILE HAS ONE, OR THE COURT TO DETERMINE NEXT STEPS;

(III) IDENTIFY EACH INSTANCE IN WHICH A CRIMINAL DEFENDANT OR JUVENILE PARTICIPANT WAS SENT A TEXT MESSAGE REMINDER TO A WORKING MOBILE TELEPHONE NUMBER;

(IV) IDENTIFY DEFENDANTS AND JUVENILE PARTICIPANTS WITH UPCOMING COURT APPEARANCES WHO CANNOT BE REACHED AND, AS RESOURCES ALLOW, ATTEMPT TO ACQUIRE CURRENT CONTACT INFORMATION; AND

(V) COLLECT DATA CONCERNING THE NUMBER OF CRIMINAL DEFENDANTS AND JUVENILE PARTICIPANTS WHO FAIL TO APPEAR AT THEIR SCHEDULED COURT APPEARANCES DESPITE HAVING BEEN SENT ONE OR MORE REMINDERS TO A WORKING TELEPHONE NUMBER.

(d) EACH ELIGIBLE COURT SHALL UTILIZE THE REMINDER SERVICES OF THE STATE COURT ADMINISTRATOR DESCRIBED IN THIS SUBSECTION (14)

UNLESS THE COURT CHOOSES TO OPT OUT AND HAS ITS OWN PROCEDURE FOR USING TEXT MESSAGING TO REMIND ALL CRIMINAL DEFENDANTS AND JUVENILE PARTICIPANTS TO APPEAR AT THEIR SCHEDULED COURT APPEARANCES AND REMIND THEM OF AN UNPLANNED COURT CLOSURE.

(e) ON AND AFTER JANUARY 1, 2020, THE STATE COURT ADMINISTRATOR SHALL TRACK DATA IN EACH ELIGIBLE COURT CONCERNING THE FAILURE OF CRIMINAL DEFENDANTS AND JUVENILE PARTICIPANTS TO APPEAR FOR THEIR SCHEDULED COURT APPEARANCES.

(f) IN ITS ANNUAL REPORT TO THE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203, THE JUDICIAL DEPARTMENT SHALL INCLUDE INFORMATION CONCERNING THE ACTIVITIES OF THE STATE COURT ADMINISTRATOR PURSUANT TO THIS SUBSECTION (14). TO THE EXTENT PRACTICABLE, THE REPORT MUST INCLUDE:

(I) THE NUMBER OF REMINDERS SENT TO A CRIMINAL DEFENDANT'S OR JUVENILE PARTICIPANT'S WORKING TELEPHONE NUMBER IN EACH ELIGIBLE COURT;

(II) THE NUMBER OF CRIMINAL DEFENDANTS AND JUVENILE PARTICIPANTS IN EACH ELIGIBLE COURT WHO FAILED TO APPEAR FOR A COURT HEARING;

(III) THE NUMBER OF CRIMINAL DEFENDANTS AND JUVENILE PARTICIPANTS IN EACH ELIGIBLE COURT WHO WERE SENT A REMINDER TO A WORKING TELEPHONE NUMBER FROM THE PROGRAM BUT WHO NONETHELESS FAILED TO APPEAR FOR A COURT HEARING; AND

(IV) ANY OTHER DATA COLLECTED BY THE STATE COURT ADMINISTRATOR THAT THE STATE COURT ADMINISTRATOR DETERMINES TO BE USEFUL TO THE GENERAL ASSEMBLY IN ASSESSING THE EFFECTIVENESS OF THE PROGRAM AT REDUCING THE NUMBER OF CRIMINAL DEFENDANTS AND JUVENILE PARTICIPANTS WHO FAIL TO APPEAR FOR THEIR COURT APPEARANCES AND REDUCING THE NUMBER OF CRIMINAL DEFENDANTS AND JUVENILE PARTICIPANTS WHO ARE JAILED FOR FAILURE TO APPEAR AT A COURT APPEARANCE.

(g) NOTHING IN THIS SUBSECTION (14) CREATES A RIGHT FOR ANY CRIMINAL DEFENDANT OR JUVENILE PARTICIPANT TO RECEIVE A REMINDER

FROM THE PROGRAM.

(h) AS USED IN THIS SUBSECTION (14), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "ELIGIBLE COURT" MEANS A DISTRICT COURT, COUNTY COURT, OR MUNICIPAL COURT THAT USES THE INTEGRATED COLORADO ONLINE NETWORK THAT IS THE JUDICIAL DEPARTMENT'S CASE MANAGEMENT SYSTEM.

(II) "JUVENILE PARTICIPANT" MEANS A JUVENILE WHO HAS BEEN ALLEGED TO HAVE COMMITTED A DELINQUENT ACT, AS DEFINED IN SECTION 19-1-103 (36), WHO IS REQUIRED TO APPEAR BEFORE AN ELIGIBLE COURT. "JUVENILE PARTICIPANT" INCLUDES THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

SECTION 2. In Colorado Revised Statutes, **add** 13-1-138 as follows:

13-1-138. Notification of court reminder program. A COURT THAT PARTICIPATES IN THE COURT REMINDER PROGRAM ESTABLISHED IN SECTION 13-3-101 (14)(a)(I) SHALL NOTIFY A CRIMINAL DEFENDANT OR JUVENILE PARTICIPANT, AS DEFINED IN SECTION 13-3-101 (14), AT EACH COURT APPEARANCE THAT THE INDIVIDUAL CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER THAT WILL BE USED BY THE COURT SOLELY TO PROVIDE TEXT MESSAGE REMINDERS FOR FUTURE COURT DATES AND UNPLANNED COURT CLOSURES, AND SHALL PROVIDE THE OPPORTUNITY FOR THE INDIVIDUAL TO PROVIDE A MOBILE TELEPHONE NUMBER OR UPDATE A MOBILE TELEPHONE NUMBER FOR THAT PURPOSE.

SECTION 3. In Colorado Revised Statutes, **add** 16-4-105.5 as follows:

16-4-105.5. Notification of court reminder program. A PERSON RELEASED ON BOND PURSUANT TO THIS PART 1 WHO IS ORDERED TO APPEAR IN A COURT THAT PARTICIPATES IN THE COURT REMINDER PROGRAM ESTABLISHED IN SECTION 13-3-101 (14)(a)(I), AND ANY PERSON OTHERWISE ORDERED TO APPEAR IN A COURT THAT PARTICIPATES IN THE PROGRAM, MUST BE NOTIFIED THAT THE PERSON CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER THAT WILL BE USED BY THE COURT SOLELY TO PROVIDE

TEXT MESSAGE REMINDERS FOR FUTURE COURT DATES AND UNPLANNED COURT CLOSURES, AND MUST BE PROVIDED THE OPPORTUNITY TO PROVIDE A MOBILE TELEPHONE NUMBER OR UPDATE A MOBILE TELEPHONE NUMBER FOR THAT PURPOSE.

SECTION 4. In Colorado Revised Statutes, **add** 16-4-206 as follows:

16-4-206. Notification of court reminder program. A PERSON RELEASED ON BOND PURSUANT TO THIS PART 2 WHO IS ORDERED TO APPEAR IN A COURT THAT PARTICIPATES IN THE COURT REMINDER PROGRAM ESTABLISHED IN SECTION 13-3-101 (14)(a)(I), AND ANY PERSON OTHERWISE ORDERED TO APPEAR IN A COURT THAT PARTICIPATES IN THE PROGRAM, MUST BE NOTIFIED THAT THE PERSON CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER THAT WILL BE USED BY THE COURT SOLELY TO PROVIDE TEXT MESSAGE REMINDERS FOR FUTURE COURT DATES AND UNPLANNED COURT CLOSURES, AND MUST BE PROVIDED THE OPPORTUNITY TO PROVIDE A MOBILE TELEPHONE NUMBER OR UPDATE A MOBILE TELEPHONE NUMBER FOR THAT PURPOSE.

SECTION 5. In Colorado Revised Statutes, 16-5-206, **add** (2)(g) as follows:

16-5-206. Summons in lieu of warrant. (2) If a summons is issued in lieu of a warrant under this section:

(g) IT SHALL ADVISE THE PERSON SUMMONED THAT THE PERSON CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER THAT WILL SOLELY BE USED TO PROVIDE TEXT MESSAGE REMINDERS OF FUTURE COURT DATES AND UNPLANNED COURT CLOSURES, AND PROVIDE AN OPPORTUNITY FOR THE PERSON TO PROVIDE A MOBILE TELEPHONE NUMBER FOR THAT PURPOSE.

SECTION 6. In Colorado Revised Statutes, 19-2-507, **add** (5)(b.5) as follows:

19-2-507. Duty of officer - screening teams - notification - release or detention. (5) (b.5) A LAW ENFORCEMENT OFFICER WHO SERVES A JUVENILE OR A JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN WITH A WRITTEN PROMISE TO APPEAR IN A COURT THAT PARTICIPATES IN THE COURT REMINDER PROGRAM ESTABLISHED IN SECTION 13-3-101 (14)(a)(I)

SHALL NOTIFY THE PERSON SERVED THAT THE JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER THAT WILL BE USED BY THE COURT SOLELY TO PROVIDE TEXT MESSAGE REMINDERS FOR FUTURE COURT DATES AND UNPLANNED COURT CLOSURES, AND SHALL PROVIDE THE OPPORTUNITY FOR THE JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN TO PROVIDE A MOBILE TELEPHONE NUMBER OR UPDATE A MOBILE TELEPHONE NUMBER FOR THAT PURPOSE.

SECTION 7. In Colorado Revised Statutes, 19-2-509, **add** (9) as follows:

19-2-509. Bail. (9) A JUVENILE RELEASED PURSUANT TO THIS SECTION AND ORDERED TO APPEAR IN A COURT THAT PARTICIPATES IN THE COURT REMINDER PROGRAM ESTABLISHED IN SECTION 13-3-101 (14)(a)(I), AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN, MUST BE NOTIFIED THAT THE JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER THAT WILL BE USED BY THE COURT SOLELY TO PROVIDE TEXT MESSAGE REMINDERS FOR FUTURE COURT DATES AND UNPLANNED COURT CLOSURES, AND MUST BE PROVIDED THE OPPORTUNITY TO PROVIDE A MOBILE TELEPHONE NUMBER OR UPDATE A MOBILE TELEPHONE NUMBER FOR THAT PURPOSE.

SECTION 8. In Colorado Revised Statutes, 19-2-514, **add** (11) as follows:

19-2-514. Summons - issuance - contents - service. (11) A PERSON THAT SERVES A JUVENILE OR A JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN WITH A SUMMONS TO APPEAR IN A COURT THAT PARTICIPATES IN THE COURT REMINDER PROGRAM ESTABLISHED IN SECTION 13-3-101 (14)(a)(I) SHALL NOTIFY THE PERSON SERVED THAT THE JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER THAT WILL BE USED BY THE COURT SOLELY TO PROVIDE TEXT MESSAGE REMINDERS FOR FUTURE COURT DATES AND UNPLANNED COURT CLOSURES, AND SHALL PROVIDE THE OPPORTUNITY FOR THE JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN TO PROVIDE A MOBILE TELEPHONE NUMBER OR UPDATE A MOBILE TELEPHONE NUMBER FOR THAT PURPOSE.

SECTION 9. Appropriation. For the 2018-19 state fiscal year, \$203,612 is appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation for information technology infrastructure.

SECTION 10. Act subject to petition - effective date. Sections 5 and 8 of this act take effect July 1, 2020, and the remainder of this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the

people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO