

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0532.01 Michael Dohr x4347

SENATE BILL 20-161

SENATE SPONSORSHIP

Lee and Gardner,

HOUSE SPONSORSHIP

Herod and Soper,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING PRETRIAL RELEASE, AND, IN CONNECTION THEREWITH,
102 REQUIRING A PRETRIAL RELEASE ASSESSMENT PROCESS, AN
103 ADMINISTRATIVE ORDER FOR IMMEDIATE PRETRIAL RELEASE
104 WITHOUT MONETARY CONDITIONS, AND A PRETRIAL SERVICES
105 PROGRAM.

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>.)

The bill requires each judicial district to implement a pretrial release assessment process to assess arrested persons as soon as

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

practicable but no later than 24 hours after admission to a detention facility. Each judicial district shall also adopt written criteria in an administrative order allowing for the immediate pretrial release of certain arrested persons on a summons or an unsecured personal recognizance bond without any monetary condition after a pretrial release assessment is completed and without an initial hearing before the court. The division of criminal justice in the department of public safety (DCJ) shall develop statewide standards and guidelines for the development of the pretrial release assessment process, the written criteria for immediate pretrial release, and standards for the setting of the type of bond and conditions of release. The DCJ shall also compile an inventory of approved pretrial risk assessment instruments available for use in Colorado. By October 1, 2022, and every October 1 thereafter, the DCJ shall evaluate the outcome of the bond setting process, including the type of bond set, the amount of any secured or unsecured monetary condition of bond, and any other conditions of release, if available, for bias on the basis of race, ethnicity, or gender by judicial district. Beginning April 1, 2021, if a person is not released without a monetary bond pursuant to an administrative order, the court shall hold a hearing as soon as practicable to determine bond and the conditions of release. The bill creates a presumption that a person will be released without any monetary conditions of release. The court is required to use specified criteria in determining the bond and conditions of release. The bill specifies the types of bond that the court can order including:

- ! An unsecured personal recognizance bond;
- ! An unsecured personal recognizance bond with additional nonmonetary conditions of release;
- ! A bond with a monetary condition; or
- ! A bond with secured real estate conditions.

The bill specifies the required conditions of release and permissive conditions of release.

The bill requires all counties to develop a pretrial services program by April 1, 2021, which is approved by the chief judge of the judicial district where the county is located. The pretrial services program shall use a pretrial risk assessment instrument approved by the DCJ. Each pretrial services program shall provide an annual report to the department of public safety, which shall provide a report to specified legislative committees. The bill creates a pretrial services fund to provide counties with funds to operate or assist in the operation of a pretrial services program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-4-102, **amend** (1)

1 as follows:

2 **16-4-102. Right to bail - before conviction.** (1) ~~Any person who~~
3 ~~is in custody, and for whom the court has not set bond and conditions of~~
4 ~~release pursuant to the applicable rule of criminal procedure, and who is~~
5 ~~not subject to the provisions of section 16-4-101 (5), has the right to a~~
6 ~~hearing to determine bond and conditions of release. A person in custody~~
7 ~~may also request a hearing so that bond and conditions of release can be~~
8 ~~set. Upon receiving the request, the judge shall notify the district attorney~~
9 ~~immediately of the arrested person's request, and the district attorney has~~
10 ~~the right to attend and advise the court of matters pertinent to the type of~~
11 ~~bond and conditions of release to be set. The judge shall also order the~~
12 ~~appropriate law enforcement agency having custody of the prisoner to~~
13 ~~bring him or her before the court forthwith, and the judge shall set bond~~
14 ~~and conditions of release if the offense for which the person was arrested~~
15 ~~is bailable. It is not a prerequisite to bail that a criminal charge of any~~
16 ~~kind has been filed~~ ANY PERSON WHO IS ARRESTED AND HAS NOT BEEN
17 RELEASED PURSUANT TO SECTION 16-4-103 HAS THE RIGHT TO A HEARING
18 TO DETERMINE THE TYPE OF BOND AND CONDITIONS OF RELEASE. THE
19 COURT SHALL REQUIRE THE APPROPRIATE LAW ENFORCEMENT AGENCY
20 HAVING CUSTODY OF THE ARRESTED PERSON TO BRING THE ARRESTED
21 PERSON BEFORE THE COURT AS SOON AS PRACTICABLE, AND THE COURT
22 SHALL SET THE TYPE OF BOND AND CONDITIONS OF RELEASE IF THE
23 OFFENSE FOR WHICH THE PERSON WAS ARRESTED IS BAILABLE. IT IS NOT A
24 PREREQUISITE TO THE COURT SETTING THE TYPE OF BOND AND CONDITIONS
25 OF RELEASE THAT A CRIMINAL CHARGE OF ANY KIND HAS BEEN FILED.

26 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
27 **with amendments,** 16-4-103 as follows:

1 **16-4-103. Pretrial release assessment process - development of**
2 **written criteria for pretrial release by each judicial district - risk**
3 **assessment and release program - definition.** (1) (a) IN ORDER TO
4 AVOID UNNECESSARY INCARCERATION AND DELAY IN RELEASING
5 ARRESTED PERSONS, ON OR BEFORE MARCH 1, 2021, EACH JUDICIAL
6 DISTRICT SHALL DEVELOP FOR IMPLEMENTATION BY APRIL 1, 2021:

7 (I) A PRETRIAL RELEASE ASSESSMENT PROCESS TO ASSESS
8 ARRESTED PERSONS AS SOON AS PRACTICABLE BUT NO LATER THAN
9 TWENTY-FOUR HOURS AFTER ADMISSION TO A DETENTION FACILITY; AND

10 (II) AN ADMINISTRATIVE ORDER FROM THE CHIEF JUDGE OF THE
11 JUDICIAL DISTRICT SPECIFYING WRITTEN CRITERIA ALLOWING FOR THE
12 IMMEDIATE PRETRIAL RELEASE OF CERTAIN ARRESTED PERSONS ON A
13 SUMMONS OR AN UNSECURED PERSONAL RECOGNIZANCE BOND WITHOUT
14 ANY MONETARY CONDITION AFTER A PRETRIAL RELEASE ASSESSMENT IS
15 COMPLETED AND WITHOUT AN INITIAL HEARING BEFORE THE COURT. THE
16 WRITTEN CRITERIA FOR PRETRIAL RELEASE MUST BE DEVELOPED IN
17 CONJUNCTION WITH ALL LOCAL STAKEHOLDERS, WHICH STAKEHOLDERS
18 MUST INCLUDE, AT A MINIMUM, A VICTIM'S ADVOCATE AND A
19 REPRESENTATIVE OF: THE DISTRICT ATTORNEY'S OFFICE, THE PUBLIC
20 DEFENDER, A SHERIFF'S OFFICE WITHIN THE JUDICIAL DISTRICT, THE
21 PRETRIAL SERVICES PROGRAM, AND THE OFFICE OF THE STATE COURT
22 ADMINISTRATOR. EACH JUDICIAL DISTRICT SHALL ALSO, IN DEVELOPING
23 THE WRITTEN CRITERIA FOR PRETRIAL RELEASE, SOLICIT, OBTAIN, AND
24 CONSIDER THE INPUT OF AT LEAST ONE INDIVIDUAL, OR THE FAMILY
25 MEMBER OF ONE INDIVIDUAL, WHO HAS BEEN INCARCERATED PRETRIAL IN
26 THE JUDICIAL DISTRICT BECAUSE OF AN INABILITY TO PAY A MONETARY
27 CONDITION OF BOND.

1 (b) THE WRITTEN CRITERIA FOR PRETRIAL RELEASE IN THE
2 ADMINISTRATIVE ORDER DESCRIBED IN SUBSECTION (1)(a)(II) OF THIS
3 SECTION MUST BE OBJECTIVE AND GUIDED BY THE PRINCIPLES OF RELEASE
4 AS OUTLINED IN SECTION 16-4-104 AND MUST ADOPT THE BEST PRACTICES
5 STANDARDS AS DEVELOPED BY THE DEPARTMENT OF PUBLIC SAFETY
6 PURSUANT TO SECTION 16-4-103.5. EACH JUDICIAL DISTRICT IN
7 DEVELOPING THE WRITTEN CRITERIA FOR PRETRIAL RELEASE SHALL
8 CONSIDER THE PRACTICES IN OTHER SIMILARLY SITUATED JUDICIAL
9 DISTRICTS THROUGHOUT THE STATE TO PROMOTE STATEWIDE
10 CONSISTENCY IN IMPLEMENTATION, WITH DEVIATION FROM CORE
11 PRACTICES ONLY TO THE EXTENT THAT IS NECESSARY TO ADDRESS
12 SPECIFIC ISSUES THAT EXIST WITHIN THAT JUDICIAL DISTRICT.

13 (c) IN THE ADMINISTRATIVE ORDER CREATED PURSUANT TO
14 SUBSECTION (1)(a)(II) OF THIS SECTION, THE CHIEF JUDGE SHALL
15 DESIGNATE A PERSON, AGENCY, OR PROGRAM FOR EACH DETENTION
16 FACILITY WITHIN THE JUDICIAL DISTRICT TO CONDUCT THE PRETRIAL
17 RELEASE ASSESSMENT. THE CHIEF JUDGE SHALL ALSO DESIGNATE A
18 PERSON, AGENCY, OR PROGRAM AS A BONDING AND RELEASE
19 COMMISSIONER THAT IS AUTHORIZED TO RELEASE PERSONS ELIGIBLE FOR
20 IMMEDIATE RELEASE PURSUANT TO THE WRITTEN CRITERIA FOR PRETRIAL
21 RELEASE WITHOUT ANY MONETARY CONDITION OF RELEASE AND PRIOR TO
22 ANY COURT APPEARANCE.

23 (2) THE PRETRIAL RELEASE ASSESSMENT DESCRIBED IN
24 SUBSECTION (1)(a)(I) OF THIS SECTION MUST BE COMPLETED BY A
25 PRETRIAL SERVICES AGENCY OR PROGRAM, OR OTHER COUNTY EMPLOYEE
26 OR GOVERNMENTAL CONTRACT OFFICIAL, AND SHALL NOT BE COMPLETED
27 BY A FOR-PROFIT OR NONPROFIT ENTITY OR NONGOVERNMENTAL AGENCY.

1 (3) ALL RELEASES ON PERSONAL RECOGNIZANCE BONDS PURSUANT
2 TO THIS SECTION MUST INCLUDE THE STATUTORILY MANDATED
3 CONDITIONS PURSUANT TO SECTION 16-4-105 AND MAY INCLUDE OTHER
4 LEAST RESTRICTIVE AND NECESSARY NONMONETARY CONDITIONS AS
5 DETERMINED BY THE PRETRIAL ASSESSMENT PROCESS AND THE WRITTEN
6 CRITERIA FOR PRETRIAL RELEASE. ALL NONMONETARY CONDITIONS MUST
7 BE REASONABLE AND FOR THE PURPOSE OF ENSURING: THE SAFETY OF ANY
8 OTHER PERSON OR THE COMMUNITY, THAT THE PERSON WILL NOT ATTEMPT
9 TO FLEE PROSECUTION, AND THAT THE PERSON WILL NOT ATTEMPT TO
10 OBSTRUCT OR OTHERWISE WILLFULLY AVOID THE CRIMINAL JUSTICE
11 PROCESS. CONDITIONS OF RELEASE ARE SUBJECT TO THE LIMITATIONS OF
12 SECTION 16-4-105 REGARDING PERMISSIBLE FORMS OF SUPERVISION AND
13 MONITORING.

14 (4) A COUNTY SHERIFF'S OFFICE AND ANY OTHER DETENTION
15 FACILITY INTAKE PERSONNEL ARE ENCOURAGED, TO THE EXTENT
16 PRACTICABLE, TO DELAY THE ADMISSION OF ANY PERSON INTO THE
17 GENERAL POPULATION OF ANY DETENTION FACILITY UNTIL THE PRETRIAL
18 RELEASE ASSESSMENT IS COMPLETED TO AVOID UNNECESSARY DELAYS IN
19 THE RELEASE OF ANY PERSON ELIGIBLE TO BE RELEASED PURSUANT TO
20 THIS SECTION AND THE NEGATIVE CONSEQUENCES OF UNNECESSARY
21 INCARCERATION.

22 (5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (1)(a)
23 AND (2) OF THIS SECTION DOES NOT PROHIBIT THE RELEASE OF A PERSON
24 PURSUANT TO LOCAL PRETRIAL RELEASE POLICIES THAT REQUIRE PAYMENT
25 OF A MONETARY CONDITION OF RELEASE PRIOR TO AN INDIVIDUALIZED
26 DECISION BY A JUDGE, A PRETRIAL OFFICER, A BONDING AND RELEASE
27 COMMISSIONER, OR ANY OTHER JUDICIAL OFFICER.

1 (6) THIS SECTION DOES NOT CHANGE THE MANDATORY
2 REQUIREMENTS OF SECTION 18-1-1001 (5) REGARDING THE ISSUANCE OF
3 PROTECTION ORDERS.

4 (7) THE CHIEF JUDGE SHALL PROVIDE EACH LOCAL LAW
5 ENFORCEMENT AGENCY IN THE JUDICIAL DISTRICT WITH THE
6 ADMINISTRATIVE ORDER CREATED PURSUANT TO SUBSECTION (1)(a)(II) OF
7 THIS SECTION TO ENSURE THAT LAW ENFORCEMENT AGENCIES CAN
8 PROPERLY ADVISE ANY PERSON ARRESTED, VICTIM, OR MEMBER OF THE
9 PUBLIC.

10 (8) AS USED IN THIS ARTICLE 4, "BONDING AND RELEASE
11 COMMISSIONER" MEANS A PERSON EMPLOYED BY A PRETRIAL SERVICES
12 PROGRAM DESCRIBED IN SECTION 16-4-106 OR ANY OTHER PERSON OR
13 PROGRAM DESIGNATED AS A BONDING AND RELEASE COMMISSIONER BY
14 THE CHIEF JUDGE OF THE JUDICIAL DISTRICT TO CARRY OUT THE
15 PROVISIONS OF THIS ARTICLE 4.

16 **SECTION 3.** In Colorado Revised Statutes, **add** 16-4-103.5 as
17 follows:

18 **16-4-103.5. Duties of the department of public safety -**
19 **development of best practice standards for pretrial release -**
20 **inventory and approval of pretrial risk assessment instruments -**
21 **measurement of risk factors and bias evaluation and monitoring.**

22 (1) BY DECEMBER 1, 2020, THE DIVISION OF CRIMINAL JUSTICE IN THE
23 DEPARTMENT OF PUBLIC SAFETY SHALL DEVELOP STATEWIDE STANDARDS
24 AND GUIDELINES FOR THE DEVELOPMENT OF THE PRETRIAL RELEASE
25 ASSESSMENT PROCESS, THE WRITTEN CRITERIA FOR IMMEDIATE PRETRIAL
26 RELEASE AS REQUIRED BY SECTION 16-4-103, AND STANDARDS FOR THE
27 SETTING OF THE TYPE OF BOND AND CONDITIONS OF RELEASE. THE

1 DIVISION OF CRIMINAL JUSTICE SHALL DEVELOP THE STANDARDS AND
2 GUIDELINES IN CONJUNCTION WITH A REVIEW OF THE RELEVANT RESEARCH
3 AND BEST PRACTICES THROUGHOUT THE COUNTRY, INCLUDING:

4 (a) STUDIES RELATED TO THE IMPACT OF PRETRIAL DETENTION ON
5 LOW-RISK PERSONS AND RECIDIVISM;

6 (b) THE NATIONAL AND STATE DATA AND RESEARCH REGARDING
7 THE USE OF MONETARY AND NONMONETARY CONDITIONS OF BOND AS
8 THEY RELATE TO REASONABLY ENSURING THE SAFETY OF ANY PERSON OR
9 THE COMMUNITY AND COURT APPEARANCE RATES; AND

10 (c) THE RELEVANT CASE LAW.

11 (2) WHEN DEVELOPING THE STANDARDS AND GUIDELINES
12 PURSUANT TO THIS SECTION, THE DIVISION OF CRIMINAL JUSTICE SHALL
13 CONSULT WITH REPRESENTATIVES OF INTERESTED STAKEHOLDERS,
14 INCLUDING:

15 (a) A PRETRIAL SERVICES AGENCY OR PROGRAM;

16 (b) THE OFFICE OF THE STATE COURT ADMINISTRATOR;

17 (c) THE OFFICE OF THE STATE PUBLIC DEFENDER;

18 (d) THE COLORADO DISTRICT ATTORNEYS' COUNCIL;

19 (e) A LOCAL LAW ENFORCEMENT DEPARTMENT OR OFFICE;

20 (f) A VICTIM SERVICES AGENCY OR PROGRAM;

21 (g) A NONGOVERNMENTAL ORGANIZATION WITH EXPERTISE IN
22 PRETRIAL JUSTICE; AND

23 (h) AN INDIVIDUAL WHO HAS BEEN INCARCERATED PRETRIAL IN
24 THE JUDICIAL DISTRICT OR A FAMILY MEMBER OF AN INDIVIDUAL WHO HAS
25 BEEN INCARCERATED PRETRIAL IN THE JUDICIAL DISTRICT.

26 (3) (a) AS SOON AS PRACTICABLE, BUT NO LATER THAN DECEMBER
27 1, 2020, THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF

1 PUBLIC SAFETY SHALL COMPILE AN INVENTORY OF APPROVED PRETRIAL
2 RISK ASSESSMENT INSTRUMENTS AVAILABLE FOR USE IN COLORADO. THE
3 DIVISION OF CRIMINAL JUSTICE SHALL ONLY APPROVE AND AUTHORIZE
4 INSTRUMENTS THAT ARE EMPIRICALLY DEVELOPED AND VALIDATED.

5 (b) ANY PRETRIAL RISK ASSESSMENT INSTRUMENT APPROVED FOR
6 USE MUST BE VALIDATED IN COLORADO WITHIN THREE YEARS OF USE TO
7 MAXIMIZE ACCURACY AND STATISTICALLY MINIMIZE BIAS ON THE BASIS OF
8 RACE, ETHNICITY, AND GENDER.

9 (4) IF A JUDICIAL DISTRICT USES ANY OTHER INSTRUMENTS IN THE
10 PRETRIAL DECISION-MAKING PROCESS, THE DECISION TO USE THE
11 INSTRUMENT MUST BE RESEARCH-BASED AND THE JURISDICTION SHALL
12 COLLECT DATA TO STUDY AND STATISTICALLY MINIMIZE BIAS ON THE
13 BASIS OF RACE, ETHNICITY, AND GENDER.

14 (5) (a) BY OCTOBER 1, 2022, AND EVERY OCTOBER 1 THEREAFTER,
15 THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY
16 SHALL EVALUATE AND REPORT THE OUTCOMES OF THE BOND SETTING
17 PROCESS, INCLUDING THE TYPE OF BOND SET, THE AMOUNT OF ANY
18 SECURED OR UNSECURED MONETARY CONDITION OF BOND, AND ANY
19 OTHER CONDITIONS OF RELEASE, IF AVAILABLE, FOR BIAS ON THE BASIS OF
20 RACE, ETHNICITY, AND GENDER BY JUDICIAL DISTRICT.

21 (b) THE DIVISION OF CRIMINAL JUSTICE SHALL DEVELOP A DATA
22 COLLECTION PROCESS FOR ALL JUDICIAL DISTRICTS IN ORDER TO OBTAIN
23 THE NECESSARY DATA TO CONDUCT THE EVALUATION.

24 (6) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
25 PUBLIC SAFETY SHALL REEVALUATE ANY APPROVED PRETRIAL RISK
26 ASSESSMENT INSTRUMENTS, AS WELL AS THE OUTCOMES OF THE BOND
27 SETTING PROCESS PURSUANT TO SUBSECTIONS (3) AND (4) OF THIS

1 SECTION, AT LEAST ONCE EVERY THREE YEARS. THESE EVALUATIONS
2 MUST, AT A MINIMUM, CONSIDER RELEASE RATES; RELEASE CONDITIONS,
3 IF AVAILABLE; TECHNICAL VIOLATIONS OR REVOCATIONS; AND
4 PERFORMANCE BY RACE, ETHNICITY, AND GENDER TO MONITOR DISPARATE
5 IMPACT.

6 (7) THE DEPARTMENT OF PUBLIC SAFETY SHALL PRESENT THE
7 FINDINGS OF ANY STUDY, AND THE LIMITS OF ANY DATA USED TO CONDUCT
8 THE STUDY, TO EVALUATE THE PRETRIAL RISK ASSESSMENT INSTRUMENTS,
9 THE OUTCOMES OF THE BOND SETTING PROCESS, AND EFFORTS TO REDUCE
10 ANY IDENTIFIED BIAS AT ITS HEARING PURSUANT TO SECTION 2-7-203.

11 (8) BEGINNING ON JANUARY 1, 2024, ANY PRETRIAL RISK
12 ASSESSMENT INSTRUMENT APPROVED FOR USE PURSUANT TO SUBSECTION
13 (3)(a) OF THIS SECTION MUST PROVIDE PRETRIAL DECISION-MAKERS
14 SEPARATE RISK CATEGORY INFORMATION FOR EACH OF THE PRETRIAL RISK
15 FACTORS IDENTIFIED IN SECTION 16-4-104 (1)(a), IF STATISTICALLY
16 POSSIBLE.

17 (9) IN ORDER TO EVALUATE AN APPROVED PRETRIAL RISK
18 ASSESSMENT INSTRUMENT FOR ACCURACY, BIAS, AND PROPER
19 MEASUREMENT OF RISK FACTORS, BEGINNING ON APRIL 1, 2021, PRETRIAL
20 SERVICES PROGRAMS, PERSONS COMPLETING THE PRETRIAL RELEASE
21 ASSESSMENT AND REPORT PROCESS, AND THE JUDICIAL DEPARTMENT
22 SHALL COLLECT ALL RELEVANT DATA AS REQUESTED BY THE DIVISION OF
23 CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY. THE DATA
24 MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION FOR EACH
25 CASE ASSESSED:

26 (a) RACE, ETHNICITY, AND GENDER;

27 (b) THE PRETRIAL RISK CATEGORY;

- 1 (c) NUMBER OF POINTS ASSIGNED TO EACH UNDERLYING VARIABLE
2 USED BY A PRETRIAL RISK ASSESSMENT INSTRUMENT;
- 3 (d) THE TOTAL PRETRIAL RISK ASSESSMENT INSTRUMENT SCORE;
- 4 (e) ANY RECOMMENDATION MADE BY A STRUCTURED
5 DECISION-MAKING GUIDE OR MATRIX, IF AVAILABLE;
- 6 (f) WHETHER THE RECOMMENDATION OF A STRUCTURED
7 DECISION-MAKING GUIDE OR MATRIX WAS FOLLOWED BY THE COURT, IF
8 AVAILABLE;
- 9 (g) THE TYPE OF BOND SET BY THE COURT;
- 10 (h) THE CONDITIONS OF RELEASE SET BY THE COURT, INCLUDING
11 WHETHER A MONETARY CONDITION WAS IMPOSED AND THE AMOUNT OF
12 ANY MONETARY CONDITION;
- 13 (i) WHETHER THE DEFENDANT WAS RELEASED PRIOR TO THE FINAL
14 DISPOSITION OF THE CASE;
- 15 (j) IF THE DEFENDANT FAILED TO APPEAR FOR COURT AND
16 WHETHER THE DEFENDANT SUBSEQUENTLY APPEARED IN COURT ON THAT
17 CASE WITHIN THIRTY DAYS, SIXTY DAYS, NINETY DAYS, OR ONE HUNDRED
18 TWENTY DAYS;
- 19 (k) THE PRETRIAL SUPERVISION OUTCOME; AND
- 20 (l) THE RESULTS OF ANY ADDITIONAL PRETRIAL RISK ASSESSMENTS
21 USED IN ORDER TO PROVIDE ADDITIONAL INFORMATION TO THE COURT.
- 22 (10) UPON REQUEST BY THE DIVISION OF CRIMINAL JUSTICE IN THE
23 DEPARTMENT OF PUBLIC SAFETY, THE STATE COURT ADMINISTRATOR
24 SHALL PROVIDE ANY AVAILABLE INFORMATION NECESSARY TO EVALUATE
25 AN APPROVED PRETRIAL RISK ASSESSMENT INSTRUMENT PURSUANT TO
26 THIS SECTION. THE STATE COURT ADMINISTRATOR'S OFFICE AND THE
27 DIVISION OF CRIMINAL JUSTICE SHALL COOPERATE TO DEVELOP

1 INFORMATION SHARING AND REPORTING METHODOLOGIES TO BE USED TO
2 ALLOW FOR THE DATA COLLECTION AND EVALUATIONS REQUIRED
3 PURSUANT TO THIS SECTION.

4 (11) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
5 PUBLIC SAFETY SHALL PROVIDE TECHNICAL ASSISTANCE TO LOCAL
6 JURISDICTIONS, INCLUDING TRAINING, EDUCATION, INFORMATIONAL
7 MATERIALS, AND TOOLS TO TRACK OUTCOMES AND FIDELITY TO BEST
8 PRACTICES IN PROVIDING PRETRIAL SERVICES. THE DIVISION OF CRIMINAL
9 JUSTICE SHALL COLLECT, ANALYZE, AND REPORT CENTRALIZED DATA TO
10 IDENTIFY PRETRIAL RELEASE TRENDS AND OUTCOMES THROUGHOUT THE
11 STATE.

12 **SECTION 4.** In Colorado Revised Statutes, **repeal and reenact,**
13 **with amendments,** 16-4-104 as follows:

14 **16-4-104. Initial hearing - factors for setting type of bond -**
15 **presumption of release - least restrictive conditions - presumption of**
16 **release without monetary conditions - right to competent counsel.**

17 (1) BEGINNING APRIL 1, 2021, IF AN ARRESTED PERSON IS NOT RELEASED
18 PURSUANT TO THE PRETRIAL RELEASE ASSESSMENT PROCESS DEVELOPED
19 IN SECTION 16-4-103, THE COURT SHALL BRING THE PERSON BEFORE THE
20 COURT AS SOON AS PRACTICABLE FOR AN INITIAL HEARING TO DETERMINE
21 THE TYPE OF BOND AND THE CONDITIONS OF RELEASE. IN MAKING SUCH
22 DETERMINATIONS, THE COURT SHALL PRESUME THE RELEASE OF THE
23 PERSON WITH THE LEAST RESTRICTIVE CONDITIONS. THE COURT SHALL
24 SELECT A TYPE OF BOND AND IMPOSE CONDITIONS OF RELEASE THAT
25 REASONABLY ENSURE:

26 (a) THE SAFETY OF ANY OTHER PERSON OR THE COMMUNITY;

27 (b) THAT THE PERSON IN CUSTODY WILL NOT ATTEMPT TO FLEE

1 PROSECUTION; AND

2 (c) THAT THE PERSON IN CUSTODY WILL NOT ATTEMPT TO
3 OBSTRUCT OR OTHERWISE WILLFULLY AVOID THE CRIMINAL JUSTICE
4 PROCESS.

5 (2) THE COURT SHALL PRESUME THE RELEASE OF THE PERSON
6 WITHOUT THE USE OF ANY MONETARY CONDITION UNLESS THE COURT
7 FINDS THAT ONE OR MORE OF THE FOLLOWING EXIST:

8 (a) THE PERSON IN CUSTODY POSES A SUBSTANTIAL RISK OF
9 DANGER TO THE SAFETY OF ANY OTHER PERSON OR THE COMMUNITY; OR

10 (b) THERE IS A SUBSTANTIAL RISK THAT THE PERSON IN CUSTODY
11 WILL ATTEMPT TO FLEE PROSECUTION; OR

12 (c) THERE IS A SUBSTANTIAL RISK THAT THE PERSON IN CUSTODY
13 WILL ATTEMPT TO OBSTRUCT OR OTHERWISE WILLFULLY AVOID THE
14 CRIMINAL JUSTICE PROCESS; AND

15 (d) THERE ARE NO NONMONETARY CONDITIONS OF RELEASE THAT
16 WILL REASONABLY ENSURE:

17 (I) THE SAFETY OF ANY OTHER PERSON OR THE COMMUNITY;

18 (II) THAT THE PERSON IN CUSTODY WILL NOT ATTEMPT TO FLEE
19 PROSECUTION; OR

20 (III) THAT THE PERSON IN CUSTODY WILL NOT ATTEMPT TO
21 OBSTRUCT OR OTHERWISE WILLFULLY AVOID THE CRIMINAL JUSTICE
22 PROCESS.

23 (3) IN MAKING THE DETERMINATION ABOUT THE TYPE OF BOND
24 AND CONDITIONS OF RELEASE, THE COURT SHALL CONSIDER:

25 (a) THE INDIVIDUAL CIRCUMSTANCES OF THE PERSON IN CUSTODY,
26 INCLUDING HIS OR HER FINANCIAL CIRCUMSTANCES;

27 (b) THE NATURE AND SEVERITY OF THE ALLEGED OFFENSE;

- 1 (c) VICTIM INPUT, IF RECEIVED;
- 2 (d) ALL TYPES OF BOND AND CONDITIONS OF RELEASE AVAILABLE
3 TO AVOID UNNECESSARY PRETRIAL INCARCERATION AND CONDITIONS;
- 4 (e) THE WRITTEN CRITERIA FOR PRETRIAL RELEASE DEVELOPED BY
5 THE JUDICIAL DISTRICT PURSUANT TO SECTION 16-4-103 (1)(a)(II);
- 6 (f) THE EMPLOYMENT STATUS AND HISTORY OF THE PERSON IN
7 CUSTODY;
- 8 (g) THE NATURE AND EXTENT OF FAMILY RELATIONSHIPS OF THE
9 PERSON IN CUSTODY;
- 10 (h) PAST AND PRESENT RESIDENCES OF THE PERSON IN CUSTODY;
- 11 (i) THE CHARACTER AND REPUTATION OF THE PERSON IN CUSTODY;
- 12 (j) IDENTITY OF PERSONS WHO AGREE TO ASSIST THE PERSON IN
13 CUSTODY IN ATTENDING COURT AT THE PROPER TIME;
- 14 (k) THE LIKELY SENTENCE, CONSIDERING THE NATURE OF THE
15 OFFENSE PRESENTLY CHARGED, ESPECIALLY IF THE PERSON IN CUSTODY IS
16 NOT LIKELY TO BE SENTENCED TO INCARCERATION;
- 17 (l) THE PRIOR CRIMINAL RECORD, IF ANY, OF THE PERSON IN
18 CUSTODY;
- 19 (m) PRIOR FAILURES TO APPEAR THAT INDICATE THE PERSON IN
20 CUSTODY'S INTENT TO FLEE OR AVOID PROSECUTION;
- 21 (n) ANY FACTS INDICATING THAT THE PERSON IN CUSTODY IS
22 LIKELY TO INTIMIDATE OR HARASS POSSIBLE WITNESSES;
- 23 (o) ANY OTHER FACTS TENDING TO INDICATE THAT THE PERSON IN
24 CUSTODY HAS STRONG TIES TO THE COMMUNITY AND IS NOT LIKELY TO
25 FLEE THE JURISDICTION; AND
- 26 (p) THE RESULTS OF AN EMPIRICALLY DEVELOPED AND VALIDATED
27 PRETRIAL RISK ASSESSMENT INSTRUMENT DESIGNED TO IMPROVE PRETRIAL

1 RELEASE DECISIONS, AVAILABLE AND APPROVED FOR USE IN THE STATE BY
2 THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY
3 PURSUANT TO SECTION 16-4-103.5, THAT CLASSIFIES A PERSON IN
4 CUSTODY BASED UPON THE PREDICTED LEVEL OF PRETRIAL RISK.
5 HOWEVER, THE RESULTS OF ANY RISK ASSESSMENT PROVIDED TO THE
6 COURT MUST:

7 (I) INCLUDE THE RISK CATEGORY OF THE PERSON ALONG WITH THE
8 PREDICTED SUCCESS RATES FOR EACH RISK CATEGORY, IF AVAILABLE; AND

9 (II) NOT BE USED AS THE SOLE BASIS FOR SETTING THE TYPE OF
10 BOND AND CONDITIONS OF RELEASE.

11 (4) AT THE INITIAL HEARING, THE PERSON HAS THE RIGHT TO BE
12 REPRESENTED BY AN ATTORNEY AND MUST BE ADVISED OF THE POSSIBLE
13 CHARGES, PENALTIES, AND THE PERSON'S RIGHTS AS SPECIFIED IN RULE 5
14 OF THE COLORADO RULES OF CRIMINAL PROCEDURE, UNLESS WAIVED BY
15 THE PERSON. THE COURT SHALL NOTIFY THE PUBLIC DEFENDER OF EACH
16 PERSON IN CUSTODY BEFORE THE INITIAL HEARING. EACH PERSON HAS THE
17 RIGHT TO BE REPRESENTED BY THE PUBLIC DEFENDER AT THAT HEARING.
18 THE COURT SHALL PROVIDE THE ARRESTED PERSON'S ATTORNEY
19 SUFFICIENT TIME TO PREPARE FOR AND PRESENT AN INDIVIDUALIZED
20 ARGUMENT REGARDING THE TYPE OF BOND AND CONDITIONS OF RELEASE
21 AT THE INITIAL HEARING, CONSISTENT WITH THE COURT'S DOCKET AND
22 SCHEDULING PRIORITIES.

23 (5) THE PROSECUTING ATTORNEY HAS THE RIGHT TO APPEAR AT
24 ALL HEARINGS TO PROVIDE HIS OR HER POSITION REGARDING THE TYPE OF
25 BOND AND CONDITIONS OF RELEASE AND ANY OTHER RELEVANT
26 INFORMATION.

27 (6) PRIOR TO THE INITIAL HEARING, THE PERSON, PROGRAM, OR

1 AGENCY THAT HAS CONDUCTED THE PRETRIAL RELEASE ASSESSMENT
2 SHALL PROVIDE TO THE COURT, PROSECUTION, AND THE PERSON'S
3 ATTORNEY ALL INFORMATION GATHERED REGARDING THE PERSON,
4 INCLUDING, BUT NOT LIMITED TO, THE RESULTS FROM ANY EMPIRICALLY
5 DEVELOPED AND VALIDATED PRETRIAL RISK ASSESSMENT INSTRUMENT
6 AND THE ARREST AFFIDAVIT OR OTHER PROBABLE CAUSE STATEMENT. THE
7 PERSON, PROGRAM, OR AGENCY THAT HAS CONDUCTED THE PRETRIAL
8 RELEASE ASSESSMENT SHALL PROVIDE THIS INFORMATION TO THE PARTIES
9 SUFFICIENTLY IN ADVANCE OF THE INITIAL HEARING SO THE PARTIES CAN
10 ADEQUATELY PREPARE FOR THE HEARING.

11 (7) THE SHERIFF'S OFFICE AND JAIL PERSONNEL SHALL PROVIDE
12 THE PUBLIC DEFENDER'S OFFICE OR PRIVATE COUNSEL ACCESS TO THE
13 PERSON WHO WILL BE APPEARING AT THE HEARING, AND SHALL ALLOW
14 SUFFICIENT TIME WITH THE PERSON PRIOR TO THE HEARING IN ORDER TO
15 PREPARE FOR THE HEARING PURSUANT TO THE PROVISIONS OF THIS
16 SECTION.

17 (8) BECAUSE OF THE DANGER POSED TO ANY PERSON AND THE
18 COMMUNITY, A PERSON WHO IS ARRESTED FOR AN OFFENSE PURSUANT TO
19 SECTION 42-4-1301 (1) SHALL NOT ATTEND A BAIL HEARING UNTIL THE
20 PERSON IS NO LONGER INTOXICATED OR UNDER THE INFLUENCE OF DRUGS.
21 THE PERSON MUST BE HELD IN CUSTODY UNTIL THE PERSON MAY SAFELY
22 ATTEND THE HEARING.

23 **SECTION 5.** In Colorado Revised Statutes, **add** 16-4-104.5 as
24 follows:

25 **16-4-104.5. Types of bond.** (1) THE TYPES OF BOND THE COURT
26 MAY SET INCLUDE:

27 (a) AN UNSECURED PERSONAL RECOGNIZANCE BOND, WHICH MAY

1 INCLUDE AN AMOUNT SPECIFIED BY THE COURT. THE COURT MAY REQUIRE
2 ADDITIONAL OBLIGATORS ON THE BOND AS A CONDITION OF THE BOND.

3 (b) AN UNSECURED PERSONAL RECOGNIZANCE BOND WITH
4 ADDITIONAL NONMONETARY CONDITIONS OF RELEASE IMPOSED PURSUANT
5 TO SECTION 16-4-105;

6 (c) (I) A BOND WITH A MONETARY CONDITION IF THE COURT
7 MAKES A DETERMINATION ON THE RECORD THAT FACTS AND
8 CIRCUMSTANCES EXIST THAT OVERCOME THE PRESUMPTION OF RELEASE
9 WITHOUT A MONETARY CONDITION.

10 (II) AS PROVIDED IN SECTION 16-4-104 (2), THE COURT MAY ONLY
11 REQUIRE A CERTAIN METHOD OF POSTING A MONETARY CONDITION AS
12 DESCRIBED IN SUBSECTION (1)(d) OF THIS SECTION IF THE COURT MAKES
13 FACTUAL FINDINGS ON THE RECORD THAT THE CERTAIN METHOD IS
14 REASONABLE AND NECESSARY TO ENSURE:

15 (A) THE SAFETY OF ANY OTHER PERSON OR THE COMMUNITY;

16 (B) THAT THE PERSON IN CUSTODY WILL NOT ATTEMPT TO FLEE
17 PROSECUTION; OR

18 (C) THAT THE PERSON IN CUSTODY WILL NOT ATTEMPT TO
19 OBSTRUCT OR OTHERWISE WILLFULLY AVOID THE CRIMINAL JUSTICE
20 PROCESS.

21 (III) IF A BOND WITH A SECURED MONETARY CONDITION IS SET, THE
22 PERSON SHALL BE RELEASED FROM CUSTODY UPON EXECUTION OF THE
23 BOND IN THE FULL AMOUNT OF MONEY TO BE SECURED BY ANY ONE OF THE
24 FOLLOWING METHODS:

25 (A) BY A DEPOSIT WITH THE CLERK OF THE COURT OF AN AMOUNT
26 OF CASH EQUAL TO THE MONETARY CONDITION OF THE BOND;

27 (B) BY REAL ESTATE SITUATED IN THE STATE WITH

1 UNENCUMBERED EQUITY NOT EXEMPT FROM EXECUTION OWNED BY THE
2 ACCUSED OR ANY OTHER PERSON ACTING AS SURETY ON THE BOND, WHICH
3 UNENCUMBERED EQUITY SHALL BE AT LEAST ONE AND ONE-HALF OF THE
4 AMOUNT OF THE SECURITY SET IN THE BOND;

5 (C) BY SURETIES WORTH AT LEAST ONE AND ONE-HALF OF THE
6 SECURITY SET IN THE BOND; OR

7 (D) BY A BAIL BONDING AGENT, AS DEFINED IN SECTION 16-1-104
8 (3.5); AND

9 (IV) A BOND WITH SECURED REAL ESTATE CONDITIONS. HOWEVER,
10 THE CLERK OF THE COURT SHALL NOT ACCEPT A BOND SECURED BY REAL
11 ESTATE UNLESS THE RECORD OWNER OF THE PROPERTY PRESENTS TO THE
12 CLERK OF THE COURT THE ORIGINAL DEED OF TRUST AND THE APPLICABLE
13 RECORDING FEE. UPON RECEIPT OF THE DEED OF TRUST AND FEE, THE
14 CLERK OF THE COURT SHALL RECORD THE DEED OF TRUST WITH THE CLERK
15 AND RECORDER FOR THE COUNTY IN WHICH THE PROPERTY IS LOCATED.
16 FOR A BOND SECURED BY REAL ESTATE, THE AMOUNT OF THE OWNER'S
17 UNENCUMBERED EQUITY SHALL BE DETERMINED BY DEDUCTING THE
18 AMOUNT OF ALL ENCUMBRANCES LISTED IN THE OWNER AND
19 ENCUMBRANCES CERTIFICATE FROM THE ACTUAL VALUE OF SUCH REAL
20 ESTATE AS SHOWN ON THE CURRENT NOTICE OF VALUATION. THE OWNER
21 OF THE REAL ESTATE SHALL FILE WITH THE BOND ALL OF THE FOLLOWING
22 THAT CONSTITUTES A MATERIAL PART OF THE BOND:

23 (A) THE CURRENT NOTICE OF VALUATION OF SUCH REAL ESTATE
24 PREPARED BY THE COUNTY ASSESSOR PURSUANT TO SECTION 39-5-121;

25 (B) EVIDENCE OF TITLE ISSUED BY A TITLE INSURANCE COMPANY
26 OR AGENT LICENSED PURSUANT TO ARTICLE 11 OF TITLE 10, WITHIN
27 THIRTY-FIVE DAYS AFTER THE DATE UPON WHICH THE BOND IS FILED;

1 (C) A SWORN STATEMENT BY THE OWNER OF THE REAL ESTATE
2 THAT THE REAL ESTATE IS SECURITY FOR THE PERSON'S COMPLIANCE WITH
3 THE PRIMARY CONDITION OF THE BOND; AND

4 (D) A DEED OF TRUST TO THE PUBLIC TRUSTEE OF THE COUNTY OR
5 CITY AND COUNTY IN WHICH THE REAL ESTATE IS LOCATED THAT IS
6 EXECUTED AND ACKNOWLEDGED BY ALL RECORD OWNERS OF THE REAL
7 ESTATE. THE DEED OF TRUST MUST NAME THE CLERK OF THE COURT
8 APPROVING THE BOND AS BENEFICIARY. THE DEED OF TRUST MUST SECURE
9 AN AMOUNT EQUAL TO ONE AND ONE-HALF TIMES THE AMOUNT OF THE
10 BOND.

11 **SECTION 6.** In Colorado Revised Statutes, 16-4-105, **add** (7),
12 (8), (9), and (10) as follows:

13 **16-4-105. Conditions of release on bond.** (7) A PERSON IN
14 CUSTODY MAY BE RELEASED ON A BOND WITH A MONETARY CONDITION
15 ONLY AS DESCRIBED IN SECTION 16-4-104.5 (1)(c).

16 (8)(a) THE COURT MAY IMPOSE ADDITIONAL, LEAST-RESTRICTIVE,
17 NONMONETARY CONDITIONS OF RELEASE ONLY IF THEY ARE DESIGNED
18 SPECIFICALLY TO REASONABLY ENSURE:

19 (I) THE SAFETY OF ANY OTHER PERSON OR THE COMMUNITY;

20 (II) THAT THE PERSON IN CUSTODY WILL NOT ATTEMPT TO FLEE
21 PROSECUTION; OR

22 (III) THAT THE PERSON IN CUSTODY WILL NOT ATTEMPT TO
23 OBSTRUCT OR OTHERWISE WILLFULLY AVOID THE CRIMINAL JUSTICE
24 PROCESS.

25 (b) THE CONDITIONS OF RELEASE MAY INCLUDE, BUT ARE NOT
26 LIMITED TO, SUPERVISION BY A QUALIFIED PERSON OR ORGANIZATION OR
27 SUPERVISION BY A PRETRIAL SERVICES PROGRAM ESTABLISHED PURSUANT

1 TO SECTION 16-4-106. WHILE UNDER SUPERVISION, THE CONDITIONS OF
2 RELEASE IMPOSED BY THE COURT MAY INCLUDE, BUT ARE NOT LIMITED TO:

3 (I) PERIODIC TELEPHONE CONTACT WITH THE PRETRIAL SERVICES
4 PROGRAM;

5 (II) PERIODIC OFFICE VISITS BY THE PERSON TO THE PRETRIAL
6 SERVICES PROGRAM OR ORGANIZATION;

7 (III) PERIODIC ALCOHOL OR DRUG TESTING OF THE PERSON,
8 SUBJECT TO THE LIMITATIONS IN SUBSECTION (9) OF THIS SECTION;

9 (IV) TREATMENT OF THE PERSON'S MENTAL HEALTH, BEHAVIORAL
10 HEALTH, OR SUBSTANCE USE DISORDER IF THE PERSON CONSENTS TO THE
11 TREATMENT;

12 (V) ELECTRONIC OR GLOBAL POSITION MONITORING OF THE
13 PERSON SUBJECT TO THE LIMITATIONS IN SUBSECTION (9) OF THIS SECTION;

14 (VI) PRETRIAL WORK RELEASE FOR THE PERSON; AND

15 (VII) OTHER SUPERVISION TECHNIQUES SHOWN BY RESEARCH TO
16 INCREASE COURT APPEARANCE AND PUBLIC SAFETY RATES FOR PERSONS
17 RELEASED ON BOND.

18 (9) THE COURT SHALL NOT ORDER ELECTRONIC MONITORING OF
19 ANY TYPE, PERIODIC ALCOHOL OR DRUG TESTING, MONITORED SOBRIETY,
20 OR PROHIBIT THE USE OF ALCOHOL OR ANY OTHER CONTROLLED
21 SUBSTANCE AS A CONDITION OF RELEASE FOR ANY MUNICIPAL OFFENSE,
22 PETTY OFFENSE, TRAFFIC OFFENSE, OR MISDEMEANOR OFFENSE UNLESS:

23 (a) THE CASE INVOLVES A CRIME AS ENUMERATED IN SECTION
24 24-4.1-302 (1) FOR PURPOSES OF VICTIMS RIGHTS; A CRIME IN VIOLATION
25 OF SECTION 42-4-1301; A CRIME INVOLVING THE USE, POSSESSION, OR
26 DISTRIBUTION OF A CONTROLLED SUBSTANCE AS DEFINED IN SECTION
27 18-18-102 (5); OR A CRIME INVOLVING THE USE OR POSSESSION OF A

1 FIREARM AS DEFINED IN SECTION 18-1-901 (3)(h); AND

2 (b) THE COURT ENTERS SPECIFIC AND INDIVIDUALIZED FINDINGS ON
3 THE RECORD THAT SUCH CONDITION IS NECESSARY IN THE INDIVIDUAL
4 CASE BECAUSE IT WILL:

5 (I) PROTECT THE PHYSICAL SAFETY OF A PERSON OR PERSONS
6 OTHER THAN THE DEFENDANT; OR

7 (II) MITIGATE A SUBSTANTIAL RISK OF FLIGHT.

8 (10) A PERSON UNDER SUPERVISION ON PRETRIAL RELEASE SHALL
9 NOT BE PLACED UNDER ANY CONDITIONS OF SUPERVISION THAT HAVE NOT
10 BEEN DIRECTLY ORDERED BY THE COURT. A PERSON RELEASED WITH A
11 MONETARY CONDITION OF BOND THROUGH A COMMERCIAL SURETY SHALL
12 NOT BE REQUIRED TO COMPLY WITH CONDITIONS OF SUPERVISION THAT
13 HAVE NOT BEEN DIRECTLY ORDERED BY THE COURT.

14 **SECTION 7.** In Colorado Revised Statutes, **repeal and reenact,**
15 **with amendments,** 16-4-106 as follows:

16 **16-4-106. Pretrial services programs - community pretrial**
17 **advisory board - mandate for risk assessment and annual report.**

18 (1) (a) TO REDUCE BARRIERS TO PRETRIAL RELEASE, ALL COUNTIES AND
19 CITIES AND COUNTIES SHALL DEVELOP BY APRIL 1, 2021, A PRETRIAL
20 SERVICES PROGRAM IN CONSULTATION WITH THE CHIEF JUDGE OF THE
21 JUDICIAL DISTRICT. IN ORDER TO ESTABLISH THE PRETRIAL SERVICES
22 PROGRAM, THE CHIEF JUDGE SHALL ESTABLISH A COMMUNITY PRETRIAL
23 ADVISORY BOARD TO FORMULATE A PLAN FOR A PRETRIAL SERVICES
24 PROGRAM. IN ADDITION TO THE CHIEF JUDGE OR A DESIGNATED JUDICIAL
25 OFFICER, MEMBERSHIP ON SUCH COMMUNITY PRETRIAL ADVISORY BOARD
26 MUST INCLUDE, AT A MINIMUM:

27 (I) A REPRESENTATIVE OF A LOCAL LAW ENFORCEMENT AGENCY;

1 (II) A REPRESENTATIVE OF THE DISTRICT ATTORNEY'S OFFICE;
2 (III) A REPRESENTATIVE OF THE OFFICE OF THE PUBLIC DEFENDER;
3 (IV) A VICTIM ADVOCATE; AND
4 (V) AN INDIVIDUAL WHO HAS BEEN INCARCERATED PRETRIAL IN
5 THE JUDICIAL DISTRICT OR A FAMILY MEMBER OF AN INDIVIDUAL WHO HAS
6 BEEN INCARCERATED PRETRIAL IN THE JUDICIAL DISTRICT.

7 (b) THE CHIEF JUDGE IS ENCOURAGED TO APPOINT TO THE
8 COMMUNITY PRETRIAL ADVISORY BOARD AT LEAST ONE COUNTY
9 COMMISSIONER OR CITY COUNCIL MEMBER FROM A COUNTY OR CITY AND
10 COUNTY WITHIN THE JUDICIAL DISTRICT.

11 (c) THE CHIEF JUDGE SHALL APPROVE THE PLAN FORMULATED BY
12 THE COMMUNITY ADVISORY BOARD PRIOR TO THE ESTABLISHMENT AND
13 UTILIZATION OF THE PRETRIAL SERVICES PROGRAM. THE PROVISION
14 REQUIRING THAT A PRETRIAL SERVICES PROGRAM BE ESTABLISHED
15 PURSUANT TO A PLAN FORMULATED BY THE COMMUNITY PRETRIAL
16 ADVISORY BOARD DOES NOT APPLY TO ANY PRETRIAL SERVICES PROGRAM
17 THAT EXISTED BEFORE MAY 31, 1991.

18 (2) COUNTIES, CITY AND COUNTIES, OR GOVERNMENTAL
19 CONTRACT OFFICIALS SHALL DIRECTLY PROVIDE THE PRETRIAL RELEASE
20 ASSESSMENT REQUIRED PURSUANT TO SECTION 16-4-103 AND MAY
21 DIRECTLY PROVIDE PRETRIAL SUPERVISION SERVICES OR MAY ENTER INTO
22 A CONTRACT WITH A PRIVATE ENTITY OR AN AGREEMENT WITH ANOTHER
23 LOCAL GOVERNMENTAL ENTITY TO PROVIDE PRETRIAL SUPERVISION
24 SERVICES IN THE COUNTY OR CITY AND COUNTY. PRIOR TO ENTERING INTO
25 A CONTRACT WITH A PRIVATE ENTITY, THE COUNTY OR CITY AND COUNTY
26 SHALL ENSURE THE PRIVATE ENTITY OPERATES WITHOUT AN IDENTIFIABLE
27 CONFLICT. ADDITIONALLY, EACH JUDGE REQUIRING PRETRIAL SERVICES

1 SUPERVISION FOR A PERSON RELEASED ON BOND SHALL ENSURE THAT ANY
2 SUPERVISION OR OTHER CONDITIONS OF RELEASE ARE THE LEAST
3 RESTRICTIVE CONDITIONS OF RELEASE AND ARE NOT REQUIRED FOR THE
4 PURPOSES OF FINANCIAL BENEFIT OR GAIN BY ANY PERSON, PROGRAM, OR
5 ENTITY.

6 (3) A PRETRIAL SERVICES PROGRAM CREATED PURSUANT TO THIS
7 SECTION, INCLUDING ANY PROGRAM CONTRACTING WITH A PRIVATE
8 ENTITY PURSUANT TO SUBSECTION (2) OF THIS SECTION, MUST MEET THE
9 MINIMUM STANDARDS DEVELOPED BY THE DIVISION OF CRIMINAL JUSTICE
10 IN THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SECTION 16-4-103.5.

11 IN ADDITION, A PRETRIAL SERVICES PROGRAM MUST:

12 (a) ESTABLISH A PROCEDURE FOR THE ASSESSMENT OF PERSONS
13 WHO ARE DETAINED DUE TO AN ARREST FOR THE ALLEGED COMMISSION OF
14 A CRIME SO THAT SUCH ASSESSMENT AND INFORMATION MAY BE PROVIDED
15 TO THE BONDING AND RELEASE COMMISSIONER MAKING A DETERMINATION
16 FOR IMMEDIATE PRETRIAL RELEASE PURSUANT TO SECTION 16-4-103 AND
17 TO THE JUDGE OR OTHER DESIGNATED JUDICIAL OFFICER WHO IS DECIDING
18 THE TYPE OF BOND AND CONDITIONS OF RELEASE;

19 (b) PROVIDE INFORMATION THAT GIVES THE RELEASING
20 AUTHORITY THE ABILITY TO MAKE A DECISION THAT IS BASED UPON ALL
21 FACTS RELEVANT TO WHETHER THE PERSON POSES A SUBSTANTIAL RISK TO
22 THE SAFETY OF ANY OTHER PERSON OR THE COMMUNITY, WHETHER THE
23 PERSON WILL ATTEMPT TO FLEE PROSECUTION, OR WHETHER THE PERSON
24 WILL ATTEMPT TO OBSTRUCT OR OTHERWISE WILLFULLY AVOID THE
25 CRIMINAL JUSTICE PROCESS;

26 (c) MAKE ALL REASONABLE ATTEMPTS TO PROVIDE THE COURT,
27 OTHER DESIGNATED PERSON OR AGENCY, THE PROSECUTING ATTORNEY,

1 AND DEFENSE COUNSEL WITH THE INFORMATION SPECIFIED IN THIS
2 SECTION FOR EACH PERSON SEEKING PRETRIAL RELEASE FROM CUSTODY
3 FOR PURPOSES OF SETTING BOND AND CONDITIONS OF RELEASE;

4 (d) STARTING APRIL 1, 2021, IN THE COURSE OF A PRETRIAL
5 ASSESSMENT OF AN ARRESTED PERSON, USE A PRETRIAL RISK ASSESSMENT
6 INSTRUMENT THAT HAS BEEN APPROVED FOR USE BY THE DIVISION OF
7 CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY TO ASSESS A
8 PERSON'S PREDICTIVE LEVEL OF PRETRIAL RISK ALONG WITH A
9 STRUCTURED DECISION-MAKING GUIDE OR MATRIX BASED UPON THE
10 PERSON'S CHARGE AND THE RISK ASSESSMENT SCORE; AND

11 (e) WORK WITH ALL APPROPRIATE AGENCIES AND ASSIST WITH ALL
12 EFFORTS TO COMPLY WITH SECTIONS 24-4.1-302.5 AND 24-4.1-303.

13 (4) A PRETRIAL SERVICES PROGRAM MUST PROVIDE DIFFERENT
14 METHODS AND LEVELS OF COMMUNITY-BASED SUPERVISION AS
15 CONDITIONS OF RELEASE AND THE PRETRIAL SERVICES PROGRAM SHALL
16 USE RESEARCH-BASED METHODS FOR PERSONS WHO ARE RELEASED PRIOR
17 TO TRIAL IN ORDER TO DECREASE UNNECESSARY PRETRIAL DETENTION.
18 PRETRIAL SERVICES MAY INCLUDE, BUT ARE NOT LIMITED TO, COURT DATE
19 REMINDERS AND MUST BE LIMITED TO THE LEAST RESTRICTIVE CONDITIONS
20 OF RELEASE AS OUTLINED IN SECTION 16-4-105 (8).

21 (5) COSTS OF PRETRIAL ASSESSMENT, PRETRIAL SUPERVISION
22 SERVICES, OR A CONDITION OF PRETRIAL RELEASE SHALL NOT BE ASSESSED
23 AGAINST A PERSON BEFORE OR DURING THE PRETRIAL SUPERVISION
24 PERIOD. THE COSTS OF SUPERVISION INCLUDING THE COSTS OF
25 COMPLIANCE WITH ANY TERM AND CONDITION OF SUPERVISION MAY ONLY
26 BE ASSESSED UPON CONVICTION AS COSTS OF PROSECUTION. HOWEVER,
27 THE COURT SHALL NOT ASSESS SUCH COSTS AGAINST ANY PERSON WHO

1 QUALIFIES AS INDIGENT UNDER THE DIRECTIVES OF THE STATE SUPREME
2 COURT FOR COURT APPOINTED COUNSEL AT THE TIME OF SENTENCING ON
3 THE CASE.

4 (6) STARTING IN 2022, EACH PRETRIAL SERVICES PROGRAM
5 ESTABLISHED PURSUANT TO THIS SECTION SHALL PROVIDE AN ANNUAL
6 CALENDAR YEAR REPORT TO THE DEPARTMENT OF PUBLIC SAFETY NO
7 LATER THAN MARCH 1 OF EACH YEAR. NOTWITHSTANDING SECTION
8 24-1-136 (11)(a)(I), THE DEPARTMENT SHALL PRESENT AN ANNUAL
9 COMBINED REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF
10 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.
11 THE REPORTS MUST INCLUDE THE FOLLOWING INFORMATION:

12 (a) THE TOTAL NUMBER OF PRETRIAL RELEASE ASSESSMENTS
13 PERFORMED BY THE PRETRIAL SERVICES PROGRAM;

14 (b) THE TOTAL NUMBER OF CLOSED CASES BY THE PRETRIAL
15 SERVICES PROGRAM IN WHICH THE PERSON WAS RELEASED FROM CUSTODY
16 AND SUPERVISED BY THE PRETRIAL SERVICES PROGRAM;

17 (c) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
18 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL
19 SERVICES PROGRAM, AND, WHILE UNDER SUPERVISION, APPEARED FOR ALL
20 SCHEDULED COURT APPEARANCES ON THE CASE;

21 (d) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
22 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL
23 SERVICES PROGRAM, AND WAS NOT CHARGED WITH A NEW CRIMINAL
24 OFFENSE THAT WAS ALLEGED TO HAVE OCCURRED WHILE UNDER
25 SUPERVISION AND THAT CARRIED THE POSSIBILITY OF A SENTENCE TO JAIL
26 OR IMPRISONMENT;

27 (e) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON

1 WAS RELEASED FROM CUSTODY AND WAS SUPERVISED BY THE PRETRIAL
2 SERVICES PROGRAM AND THE PERSON'S BOND WAS NOT REVOKED BY THE
3 COURT DUE TO A VIOLATION OF ANY OTHER TERMS AND CONDITIONS OF
4 SUPERVISION;

5 (f) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
6 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL
7 SERVICES PROGRAM, AND, WHILE UNDER SUPERVISION, FAILED TO APPEAR
8 IN COURT AND BASED ON INFORMATION PROVIDED BY THE STATE JUDICIAL
9 DEPARTMENT, WHETHER ANY OF THE PERSONS WHO FAILED TO APPEAR IN
10 COURT RETURNED TO COURT:

11 (I) WITHIN THIRTY DAYS;

12 (II) WITHIN SIXTY DAYS;

13 (III) WITHIN NINETY DAYS; OR

14 (IV) WITHIN ONE HUNDRED TWENTY DAYS;

15 (g) THE TOTAL NUMBER OF CLOSED CASES OF PERSONS RELEASED
16 FROM CUSTODY, SUPERVISED BY THE PRETRIAL SERVICES PROGRAM, AND
17 CHARGED WITH A NEW CRIMINAL OFFENSE THAT CONSTITUTES A FELONY
18 OFFENSE, A CRIME OF VIOLENCE AS DEFINED IN SECTION 18-1.3-406, OR A
19 CRIME AS DEFINED IN SECTION 24-4.1-302 (1) THAT WAS ALLEGED TO
20 HAVE OCCURRED WHILE UNDER SUPERVISION;

21 (h) THE TOTAL NUMBER OF CASES IN WHICH THERE IS A
22 DISPOSITION WHICH TERMINATES OR CLOSES THE CASE OR AN ACTION OF
23 THE COURT SUCH AS A WARRANT, FAILURE TO APPEAR, FAILURE TO
24 COMPLY, OR REMOVAL OF SUPERVISION; AND

25 (i) ANY ADDITIONAL INFORMATION THE DEPARTMENT MAY
26 REQUEST.

27 (7) IN EACH ANNUAL REPORT, THE PRETRIAL SERVICES PROGRAM

1 SHALL INCLUDE INFORMATION DETAILING THE NUMBER OF CASES SUBJECT
2 TO PRETRIAL SUPERVISION AND RELEASED ON: A PERSONAL
3 RECOGNIZANCE BOND, A COMMERCIAL SURETY BOND, A CASH ONLY BOND,
4 A PRIVATE SURETY BOND, OR A PROPERTY BOND.

5 **SECTION 8.** In Colorado Revised Statutes, **add** 16-4-106.5 as
6 follows:

7 **16-4-106.5. Pretrial services fund.** (1) THERE IS CREATED IN THE
8 STATE TREASURY THE PRETRIAL SERVICES FUND, REFERRED TO IN THIS
9 SECTION AS THE "FUND", THAT CONSISTS OF MONEY APPROPRIATED BY THE
10 GENERAL ASSEMBLY TO THE FUND AND ANY MONEY RECEIVED THROUGH
11 GIFTS, GRANTS, OR DONATIONS. THE MONEY IN THE FUND IS SUBJECT TO
12 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE
13 IMPLEMENTATION OF THIS PART 1. THE DEPARTMENT OF PUBLIC SAFETY IS
14 AUTHORIZED TO ACCEPT ANY GIFTS, GRANTS, OR DONATIONS FROM ANY
15 PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF THIS SECTION. ALL
16 PRIVATE AND PUBLIC MONEY RECEIVED THROUGH GIFTS, GRANTS, OR
17 DONATIONS MUST BE TRANSMITTED TO THE STATE TREASURER, WHO
18 SHALL CREDIT THE SAME TO THE FUND.

19 (2) MONEY IN THE FUND MUST BE USED TO FUND INDIVIDUAL
20 COUNTIES, CITY AND COUNTIES, OR COUNTIES WORKING IN COOPERATION
21 WITH EACH OTHER THAT REQUEST FUNDS TO OPERATE OR ASSIST IN THE
22 OPERATION OF A PRETRIAL SERVICES PROGRAM AS REQUIRED BY SECTION
23 16-4-106 (1). MONEY MAY BE USED FOR THE ADMINISTRATIVE AND
24 PERSONNEL COSTS RELATED TO THE OPERATION OF PRETRIAL SERVICES
25 PROGRAMS AND ANY ADJUNCT SERVICES INCLUDING, BUT NOT LIMITED TO,
26 PROGRAM DEVELOPMENT, ASSESSMENT SERVICES, CONTRACT SERVICES,
27 AND SUPERVISION SERVICES. HOWEVER, FUNDING FOR PRETRIAL

1 ASSESSMENT SERVICES FOR EARLY RELEASE IS THE PRIORITY FOR ALL
2 COUNTIES AND CITY AND COUNTIES. COUNTIES, CITY AND COUNTIES, AND
3 COUNTIES WORKING IN COOPERATION WITH EACH OTHER ARE
4 ENCOURAGED TO SEEK FUNDING WHEN NECESSARY TO IMPLEMENT
5 LOCALLY BASED PROGRAMS DESIGNED TO ACHIEVE THE GOALS OF
6 EFFECTIVE PRETRIAL ASSESSMENT AND SUPERVISION.

7 (3) THE DEPARTMENT OF PUBLIC SAFETY IS AUTHORIZED TO
8 ADMINISTER THE FUND AND EXECUTE ALL CONTRACTS WITH UNITS OF
9 LOCAL GOVERNMENT OR NONGOVERNMENTAL AGENCIES FOR THE
10 PROVISION OF PRETRIAL ASSESSMENT AND SUPERVISION SERVICES
11 CONSISTENT WITH THE PROVISIONS OF THIS SECTION.

12 (4) MONEY ALLOCATED TO THE COUNTIES OR CITY AND COUNTIES
13 MAY BE USED BY THE COUNTY OR CITY AND COUNTY TO CREATE A NEW
14 PRETRIAL SERVICES PROGRAM, TO ENHANCE THE CURRENT COUNTY OR
15 CITY AND COUNTY PRETRIAL SERVICES PROGRAM, OR TO REPLACE COUNTY
16 OR CITY AND COUNTY FUNDS CURRENTLY ALLOCATED TO A PRETRIAL
17 SERVICES PROGRAM.

18 (5) (a) THE DEPARTMENT OF PUBLIC SAFETY SHALL PRIORITIZE
19 FUNDING FOR PRETRIAL ASSESSMENT SERVICES IN EACH COUNTY AND CITY
20 COUNTY, WHICH MUST BE CONSISTENT WITH THE PROVISIONS OF SECTIONS
21 16-4-103 AND 16-4-106 AND ALLOW FOR THE EARLY RELEASE OF PERSONS
22 ARRESTED WITHOUT MONETARY CONDITIONS OF BOND. PRETRIAL
23 ASSESSMENT SERVICES MUST BE FUNDED PURSUANT TO A FORMULA
24 DEVELOPED BY THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT
25 OF PUBLIC SAFETY THAT ESTIMATES THE AVERAGE AMOUNT OF TIME
26 REQUIRED TO COMPLETE AN INDIVIDUALIZED PRETRIAL RELEASE
27 ASSESSMENT, TIME IN COURT IF THE PERSON ARRESTED IS REQUIRED TO

1 APPEAR IN COURT, THE AVERAGE STATEWIDE COST FOR A PRETRIAL
2 SERVICES EMPLOYEE, AND THE NUMBER OF ASSESSMENTS PREDICTED FOR
3 THAT COUNTY OR CITY AND COUNTY BASED ON COURT FILINGS. A COUNTY
4 OR CITY AND COUNTY SHALL NOT BE PROVIDED FUNDING IN EXCESS OF
5 EITHER THE DOLLAR AMOUNT THAT IS THE EQUIVALENT TO THE
6 STATEWIDE AVERAGE COST OF TWO FULL-TIME PRETRIAL SERVICES
7 EMPLOYEES OR THE DOLLAR AMOUNT THAT IS REQUIRED TO FUND
8 PRETRIAL ASSESSMENT SERVICES IN THAT COUNTY, WHICHEVER IS LESS. A
9 COUNTY OR CITY AND COUNTY SHALL PROVIDE PRETRIAL ASSESSMENT
10 SERVICES. COSTS OF PRETRIAL ASSESSMENT SHALL NOT BE ASSESSED
11 AGAINST ANY ARRESTED PERSON AT ANY TIME.

12 (b) THE DEPARTMENT OF PUBLIC SAFETY SHALL PRIORITIZE
13 FUNDING FOR PRETRIAL SUPERVISION SERVICES IN EACH COUNTY AND CITY
14 AND COUNTY CONSISTENT WITH THE PROVISIONS OF SECTIONS 16-4-103
15 AND 16-4-106, WHICH ALLOW FOR THE CONTINUED RELEASE OF A PERSON.
16 SUPERVISION SERVICES MUST BE FUNDED FOR ONLY HIGHER-RISK
17 DEFENDANTS PURSUANT TO A FORMULA DEVELOPED BY THE DIVISION OF
18 CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY THAT
19 ESTIMATES THE AVERAGE NUMBER OF CASES INVOLVING A HIGHER-RISK
20 DEFENDANT, THE AVERAGE AMOUNT OF TIME REQUIRED FOR SUPERVISION
21 OF A HIGHER-RISK DEFENDANT, AND THE AVERAGE DURATION OF A CASE
22 FOR WHICH A PERSON WOULD BE UNDER PRETRIAL SUPERVISION. A
23 COUNTY OR CITY AND COUNTY MUST NOT BE PROVIDED PRETRIAL
24 SUPERVISION SERVICES FUNDS IN EXCESS OF EITHER THE DOLLAR AMOUNT
25 THAT IS THE EQUIVALENT, TO THE EXTENT POSSIBLE, TO THE STATEWIDE
26 AVERAGE COST OF ONE FULL-TIME PRETRIAL SERVICES EMPLOYEE OR THE
27 DOLLAR AMOUNT THAT IS REQUIRED TO SUPERVISE ONLY HIGHER-RISK

1 DEFENDANTS IN THAT COUNTY, WHICHEVER IS LESS.

2 **SECTION 9.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 16-4-107 as follows:

4 **16-4-107. Time frames for commencement of action.**

5 (1) AFTER THE INITIAL HEARING IN SECTION 16-4-104, THE COURT SHALL
6 ORDER THAT THE CRIMINAL PROSECUTION BEGIN BY FILING A COMPLAINT
7 OR INFORMATION, PURSUANT TO THE PROVISIONS OF SECTION 16-5-101,
8 WITHIN THREE DAYS AFTER THE INITIAL HEARING IF THE DEFENDANT
9 REMAINS IN CUSTODY, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
10 HOLIDAYS, UNLESS GOOD CAUSE IS SHOWN TO THE COURT FOR ADDITIONAL
11 TIME OR THE PARTIES AGREE TO ADDITIONAL TIME.

12 (2) THE COURT SHALL GIVE SCHEDULING PRECEDENCE TO A
13 DEFENDANT WHO IS UNABLE TO POST A MONETARY CONDITION OF BOND
14 FOR PURPOSES OF LITIGATED HEARINGS AND TRIALS, SUBJECT TO THE
15 PROVISIONS OF SECTIONS 18-3-411 (4) AND 18-1-405.

16 **SECTION 10.** In Colorado Revised Statutes, **repeal and reenact,**
17 **with amendments,** 16-4-109 as follows:

18 **16-4-109. Reconsideration and modification of conditions of**
19 **release - hearing - violation of conditions.** (1) THE DEFENDANT, THE
20 PROSECUTING ATTORNEY, THE PRETRIAL SERVICES PROGRAM, OR THE
21 BONDING AND RELEASE COMMISSIONER MAY ASK FOR THE
22 RECONSIDERATION AND MODIFICATION OF ANY MONETARY OR
23 NONMONETARY CONDITION OF RELEASE IF NEW INFORMATION IS
24 DISCOVERED THAT WAS NOT PRESENTED AT THE TIME OF THE PRIOR
25 DECISION REGARDING THE TYPE OF BOND AND CONDITIONS OF RELEASE OR
26 IF CIRCUMSTANCES HAVE CHANGED SINCE THE COURT MADE THE PRIOR
27 DECISION AND THIS NEW INFORMATION OR CHANGE IN CIRCUMSTANCES

1 HAS A BEARING ON WHETHER THE TYPE OF BOND AND CONDITIONS OF
2 RELEASE ARE STILL REASONABLE AND NECESSARY PURSUANT TO THE
3 PROVISIONS OF SECTIONS 16-4-104, 16-4-104.5, AND 16-4-105.

4 (2) REQUESTS FOR RECONSIDERATION OR MODIFICATION OF A
5 MONETARY OR NONMONETARY CONDITION OF RELEASE MAY, IN THE
6 COURT'S DISCRETION, BE MADE IN WRITING OR ORALLY WITH REASONABLE
7 NOTICE TO THE OPPOSING PARTY; EXCEPT THAT, IF THE DEFENDANT IS
8 CHARGED WITH A CRIME AS DEFINED IN SECTION 24-4.1-302, THE
9 DEFENDANT'S REQUEST FOR RECONSIDERATION MUST BE IN WRITING,
10 UNLESS THE DISTRICT ATTORNEY CONSENTS TO AN ORAL MOTION. UNLESS
11 THE COURT SUMMARILY DENIES THE REQUEST, THE COURT SHALL GIVE THE
12 OPPOSING PARTY UP TO SEVEN DAYS TO RESPOND TO A REQUEST FOR
13 RECONSIDERATION, IF THE OPPOSING PARTY REQUESTS TIME TO RESPOND.
14 THE COURT MAY RULE ON WRITTEN PLEADINGS OR MAY SCHEDULE A
15 HEARING ON THE MATTER. THE COURT SHALL RULE ON ANY REQUEST FOR
16 RECONSIDERATION WITHIN FOURTEEN DAYS AFTER THE REQUEST IS MADE
17 STATING ON THE RECORD, OR IN WRITING, THE REASONS FOR ANY DENIAL
18 OF THE REQUEST AND WHY ANY MONETARY OR NONMONETARY CONDITION
19 IS REASONABLE AND NECESSARY AND CONSISTENT WITH THE MANDATES
20 OF THIS ARTICLE 4. THE COURT MAY DENY SUBSEQUENT REQUESTS FOR
21 RECONSIDERATION UNLESS GOOD CAUSE IS SHOWN AND A GOOD FAITH
22 REPRESENTATION IS MADE THAT THERE IS NEW AND RELEVANT
23 INFORMATION, OR CHANGED CIRCUMSTANCES, THAT SUPPORT A
24 MODIFICATION OF THE TYPE OF BOND AND CONDITIONS OF RELEASE.

25 (3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF
26 THIS SECTION, WHEN THE DEFENDANT REMAINS IN CUSTODY DUE TO THE
27 INABILITY TO POST A MONETARY CONDITION OF RELEASE AND THE

1 DEFENDANT REQUESTS A HEARING TO RECONSIDER THE MONETARY
2 CONDITION OF RELEASE, THE COURT SHALL GRANT THE DEFENDANT'S
3 REQUEST FOR A HEARING. UNLESS OTHERWISE AGREED TO BY THE
4 PARTIES, OR FOR OTHER GOOD CAUSE SHOWN, THE HEARING MUST BE HELD
5 AS SOON AS PRACTICABLE BUT NOT MORE THAN THREE BUSINESS DAYS
6 AFTER THE MOTION IS FILED OR THE ORAL REQUEST FOR RECONSIDERATION
7 IS MADE IN COURT. THE COURT SHALL MAKE A DETERMINATION
8 REGARDING THE REASONS FOR THE MONETARY CONDITION AND THE
9 REASONABLENESS OF THE MONETARY CONDITION SET BY THE COURT. IF
10 THE COURT DOES NOT GRANT THE RECONSIDERATION OF THE MONETARY
11 CONDITION CONSISTENT WITH THE REQUEST OF THE DEFENDANT, THE
12 COURT SHALL STATE WHY THE COURT DID NOT GRANT THE REQUEST AND
13 WHY THE MONETARY CONDITION OF BOND AS SET BY THE COURT IS
14 NECESSARY AND CONSISTENT WITH THE MANDATES OF THIS ARTICLE 4.
15 THE REASONS MUST BE SPECIFIED ON THE RECORD OR IN WRITING IN ORDER
16 THAT THE DEFENDANT MAY EXERCISE HIS OR HER RIGHT TO APPEAL
17 PURSUANT TO SECTION 16-4-204, OR ANY OTHER AVAILABLE APPELLATE
18 REMEDIES. THE DEFENDANT MAY EXERCISE THE RIGHT TO A
19 RECONSIDERATION HEARING PURSUANT TO THIS SECTION ONCE DURING
20 THE PENDENCY OF THE CASE. SUBSEQUENT REQUESTS TO RECONSIDER A
21 MONETARY CONDITION OF BOND MAY BE MADE PURSUANT TO THE
22 PROVISIONS OF SUBSECTIONS (1) AND (2) OF THIS SECTION.

23 (4) UPON A MOTION FROM THE DISTRICT ATTORNEY, OR A VERIFIED
24 APPLICATION FROM A PRETRIAL SERVICES PROGRAM OR A BONDING AND
25 RELEASE COMMISSIONER, STATING FACTS OR CIRCUMSTANCES
26 CONSTITUTING A VIOLATION OR A THREATENED VIOLATION OF ANY OF THE
27 CONDITIONS OF RELEASE THAT CREATES A SUBSTANTIAL RISK OF DANGER

1 TO THE SAFETY OF ANY OTHER PERSON OR THE COMMUNITY, A
2 SUBSTANTIAL RISK THAT THE PERSON WILL ATTEMPT TO FLEE
3 PROSECUTION, OR A SUBSTANTIAL RISK THAT THE PERSON WILL ATTEMPT
4 TO OBSTRUCT OR OTHERWISE WILLFULLY AVOID THE CRIMINAL JUSTICE
5 PROCESS, THE COURT MAY ISSUE A WARRANT COMMANDING ANY PEACE
6 OFFICER TO BRING THE DEFENDANT WITHOUT UNNECESSARY DELAY
7 BEFORE THE COURT FOR A HEARING ON THE MATTERS SET FORTH IN THE
8 MOTION OR APPLICATION. A WARRANT PURSUANT TO THIS SECTION DOES
9 NOT REVOKE THE BOND. UPON ISSUANCE OF THE WARRANT, THE PRETRIAL
10 SERVICES PROGRAM OR THE BONDING AND RELEASE COMMISSIONER SHALL
11 NOTIFY THE BAIL BOND AGENT OF RECORD BY E-MAIL IF AVAILABLE
12 WITHIN TWENTY-FOUR HOURS OR BY CERTIFIED MAIL NOT MORE THAN
13 FOURTEEN DAYS AFTER THE WARRANT IS ISSUED. AT THE CONCLUSION OF
14 THE HEARING, THE COURT MAY ENTER AN ORDER AUTHORIZED BY
15 SUBSECTION (5) OF THIS SECTION. IF A PRETRIAL SERVICES PROGRAM OR
16 A BONDING AND RELEASE COMMISSIONER FILES AN APPLICATION FOR A
17 WARRANT AND HEARING PURSUANT TO THIS SUBSECTION (4), THE
18 PRETRIAL SERVICES PROGRAM OR A BONDING AND RELEASE
19 COMMISSIONER SHALL NOTIFY THE DISTRICT ATTORNEY FOR THE
20 JURISDICTION IN WHICH THE APPLICATION IS MADE OF THE APPLICATION
21 WITHIN TWENTY-FOUR HOURS FOLLOWING THE FILING OF THE
22 APPLICATION.

23 (5) (a) IF THE COURT, AFTER ADMISSION FROM THE DEFENDANT OR
24 AFTER A HEARING, DETERMINES THAT THE DEFENDANT VIOLATED A
25 CONDITION OF RELEASE, THE COURT MAY:

26 (I) CONTINUE THE BOND AND CONDITIONS OF RELEASE AFTER A
27 DETERMINATION THAT NO FURTHER ACTION BY THE COURT WITH RESPECT

1 TO THE TYPE OF BOND AND THE CONDITIONS OF RELEASE IS WARRANTED;

2 OR

3 (II) MODIFY THE NONMONETARY CONDITIONS OF RELEASE TO
4 INCLUDE AN ADDITIONAL OR CHANGED LEAST RESTRICTIVE
5 NONMONETARY CONDITION PURSUANT TO SECTION 16-4-105; OR

6 (III) REVOKE THE BOND AND SET A NEW MONETARY CONDITION
7 PURSUANT TO SECTIONS 16-4-104 AND 16-4-104.5 WITH NONMONETARY
8 CONDITIONS OF RELEASE PURSUANT TO SECTION 16-4-105; OR

9 (IV) CONTINUE THE BOND AND CONDITIONS OF RELEASE AFTER A
10 TEMPORARY SANCTION OF UP TO SEVENTY-TWO HOURS IN CUSTODY WHEN
11 THE DEFENDANT ADMITS TO A VIOLATION OF CONDITIONS OF RELEASE AND
12 AGREES TO A SHORT-TERM SANCTION; OR

13 (V) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4) OF
14 THIS SECTION AND THIS SUBSECTION (5), WHEN THE VIOLATION OF THE
15 CONDITIONS OF RELEASE INVOLVES REPEATED USE OF PROHIBITED
16 SUBSTANCES OR REPEATED VIOLATIONS OF MONITORED SOBRIETY, AND
17 THE BEHAVIOR HAS BEEN DETERMINED TO CREATE SUBSTANTIAL RISK OF
18 FLIGHT OR A RISK TO THE PHYSICAL SAFETY OF A PERSON OR PERSONS
19 OTHER THAN THE DEFENDANT, THE COURT MAY, IF THE DEFENDANT
20 CONSENTS, CONTINUE THE ORIGINAL BOND AND CONDITIONS OF RELEASE
21 AND IMPOSE A TEMPORARY SANCTION OF UP TO SEVENTY-TWO HOURS IN
22 CUSTODY AS PROVIDED IN SUBSECTION (5)(a)(IV) OF THIS SECTION. AS AN
23 ALTERNATIVE, IF THE DEFENDANT CONSENTS, THE COURT MAY REFER THE
24 PERSON FOR TREATMENT SERVICES AS A CONDITION OF RELEASE. ONLY IF
25 THE DEFENDANT REFUSES INTERMEDIATE SANCTIONS AS DESCRIBED IN
26 THIS SECTION MAY THE COURT REVOKE THE BOND AND SET A NEW BOND
27 PURSUANT TO SECTIONS 16-4-104 AND 16-4-104.5 WITH CONDITIONS OF

1 RELEASE PURSUANT TO SECTION 16-4-105.

2 (b) THE DISTRICT ATTORNEY AND THE DEFENDANT WITH HIS OR
3 HER ATTORNEY HAS THE RIGHT TO APPEAR AT ALL HEARINGS REGARDING
4 MODIFICATION OF THE TYPE OF BOND AND CONDITIONS OF RELEASE AND
5 MAY ADVISE THE COURT ON ALL PERTINENT MATTERS DURING THE
6 HEARING.

7 **SECTION 11.** In Colorado Revised Statutes, **repeal and reenact,**
8 **with amendments,** 16-4-204 as follows:

9 **16-4-204. Appellate review of terms and conditions of bail or**
10 **appeal bond.** (1) AFTER A RECONSIDERATION HEARING OR A DENIAL OF
11 RECONSIDERATION OF BOND CONDITIONS PURSUANT TO THE PROVISIONS
12 OF SECTION 16-4-109 OR ENTRY OF AN ORDER PURSUANT TO SECTION
13 16-4-201, THE DEFENDANT OR THE PROSECUTING ATTORNEY MAY SEEK
14 REVIEW OF THE COURT'S ORDER BY FILING A PETITION FOR REVIEW IN THE
15 APPELLATE COURT.

16 (2) THE PETITION MUST BE IN WRITING AND SERVED AS PROVIDED
17 BY COURT RULE FOR SERVICE OF MOTIONS, AND MUST INCLUDE A
18 TRANSCRIPT OF THE HEARING HELD PURSUANT TO SECTION 16-4-109 OR
19 16-4-203, UNLESS THE TRANSCRIPT CANNOT BE OBTAINED WITHIN THREE
20 DAYS AFTER THE PARTY REQUESTS SUCH TRANSCRIPT, EXCLUDING
21 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS. IF THE TRANSCRIPT
22 CANNOT BE OBTAINED WITHIN THREE DAYS, AN AUDIO RECORDING OF ALL
23 RELEVANT BAIL HEARINGS MAY BE PROVIDED FOR APPELLATE REVIEW IN
24 LIEU OF THE TRANSCRIPTS AND THE PETITIONER SHALL FILE THE
25 TRANSCRIPT WITH THE APPELLATE COURT AS SOON AS IT IS AVAILABLE.

26 (3) THE OPPOSING PARTY MUST FILE A RESPONSE TO THE PETITION
27 WITHIN SEVEN DAYS, UNLESS ADDITIONAL TIME IS PROVIDED BY THE

1 COURT FOR GOOD CAUSE. FURTHER BRIEFING MAY BE ALLOWED BY THE
2 COURT ON AN EXPEDITED BASIS.

3 (4) THE APPELLATE COURT SHALL ISSUE AN ORDER WITH WRITTEN
4 FINDINGS AND CONCLUSIONS ADDRESSING THE FACTUAL AND LEGAL
5 ISSUES RAISED BY THE PETITION AS SOON AS PRACTICABLE, BUT NOT LATER
6 THAN FOURTEEN DAYS AFTER THE CONCLUSION OF THE BRIEFING OF THE
7 PARTIES. THE COURT SHALL REVIEW ISSUES OF CONSTITUTIONAL LAW AND
8 STATUTORY INTERPRETATION DE NOVO AND SHALL REVIEW FACTUAL
9 FINDINGS FOR AN ABUSE OF DISCRETION.

10 (5) AFTER REVIEW OF THE PLEADINGS, THE APPELLATE COURT
11 MAY:

12 (a) REMAND THE PETITION FOR A FURTHER EXPEDITED HEARING IN
13 THE TRIAL COURT WITHIN SEVEN DAYS IF IT DETERMINES THAT THE
14 RECORD DOES NOT SUFFICIENTLY SPECIFY THE FINDINGS UPON WHICH THE
15 TRIAL COURT ENTERED THE ORDER; OR

16 (b) ORDER THE TRIAL COURT TO MODIFY THE CONDITIONS OF
17 RELEASE OR APPEAL BOND; OR

18 (c) ORDER THE TRIAL COURT TO MODIFY THE CONDITIONS OF
19 RELEASE OR APPEAL BOND AND REMAND FOR A FURTHER HEARING ON
20 ADDITIONAL CONDITIONS OF RELEASE OR APPEAL BOND; OR

21 (d) DENY THE PETITION WITH WRITTEN FINDINGS STATING THE
22 REASONS FOR THE DENIAL, AND, IF CONSTITUTIONAL ISSUES ARE RAISED,
23 ADDRESSING THE CONSTITUTIONAL ISSUES IN THE WRITTEN ORDER.

24 (6) A PETITION FOR REVIEW OF TYPE OF BOND AND CONDITIONS OF
25 RELEASE IN AN APPELLATE COURT DOES NOT STAY THE UNDERLYING
26 CRIMINAL PROCEEDINGS AND THE DEFENDANT MAY REQUEST ADDITIONAL
27 RECONSIDERATION OF CONDITIONS OF RELEASE PURSUANT TO THE

1 PROVISIONS OF SECTION 16-4-109 DURING THE PENDENCY OF THE
2 APPELLATE PROCESS.

3 (7) NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED
4 TO DENY ANY PARTY THE RIGHTS SECURED BY SECTION 21 OF ARTICLE II
5 OF THE STATE CONSTITUTION.

6 **SECTION 12.** In Colorado Revised Statutes, **repeal and reenact,**
7 **with amendments,** 16-5-206 as follows:

8 **16-5-206. Summons in lieu of warrant or arrest - mandatory**
9 **summons - exceptions - presumptions.** (1) A SUMMONS MUST BE ISSUED
10 FOR ALL TRAFFIC OFFENSES, PETTY OFFENSES, AND ANY COMPARABLE
11 MUNICIPAL OFFENSES FOR WHICH MONETARY CONDITIONS OF RELEASE ARE
12 PROHIBITED PURSUANT TO SECTION 16-4-113 (2), UNLESS THE LOCATION
13 OF THE PERSON IS UNKNOWN AND THE ISSUANCE OF AN ARREST WARRANT
14 IS NECESSARY IN ORDER TO SUBJECT THE PERSON TO THE JURISDICTION OF
15 THE COURT.

16 (2) A SUMMONS MUST BE ISSUED FOR MISDEMEANOR OFFENSES
17 AND MUNICIPAL OFFENSES FOR WHICH THERE IS A COMPARABLE STATE
18 MISDEMEANOR CHARGE UNLESS:

19 (a) ARREST IS MANDATORY PURSUANT TO THE MANDATES OF
20 ANOTHER STATUTORY PROVISION; OR

21 (b) THE OFFENSE IS A CRIME DEFINED IN SECTION 24-4.1-302 (1);
22 OR

23 (c) THE FACTS AND CIRCUMSTANCES INDICATE A SUBSTANTIAL
24 RISK THAT THE PERSON WILL ATTEMPT TO FLEE PROSECUTION IF NOT
25 ARRESTED; OR

26 (d) THE FACTS AND CIRCUMSTANCES INDICATE AN IMMINENT AND
27 SUBSTANTIAL RISK THAT A VICTIM, WITNESS, OR ANY PERSON OTHER THAN

1 THE PERSON MAY BE HARMED IF THE PERSON IS NOT ARRESTED; OR

2 (e) THERE IS PROBABLE CAUSE THAT THE PERSON COMMITTED AN
3 OFFENSE PURSUANT TO SECTION 42-4-1301; OR

4 (f) THERE IS PROBABLE CAUSE THAT THE PERSON USED OR
5 POSSESSED A DEADLY WEAPON AS DEFINED IN SECTION 18-1-901 (3)(E)
6 DURING THE COMMISSION OF THE OFFENSE; OR

7 (g) THE LOCATION OF THE PERSON IS UNKNOWN AND THE ISSUANCE
8 OF AN ARREST WARRANT IS NECESSARY TO SUBJECT THE PERSON TO THE
9 JURISDICTION OF THE COURT.

10 (3) FOR FELONY OFFENSES, UNLESS THERE IS A STATUTORY
11 PROVISION MANDATING ARREST, LAW ENFORCEMENT OFFICERS MAY
12 DELAY THE ARREST OF ANY PERSON PENDING A FILING DECISION BY THE
13 DISTRICT ATTORNEY. IF THE DISTRICT ATTORNEY HAS DETERMINED THAT
14 A FELONY CHARGE WILL BE FILED, THE DISTRICT ATTORNEY MAY REQUEST
15 THAT THE COURT ISSUE A SUMMONS OR MAY REQUEST THAT A WARRANT
16 BE ISSUED FOR THE PERSON'S ARREST.

17 (4) UNLESS THERE IS A STATUTORY PROVISION MANDATING
18 ARREST, LAW ENFORCEMENT AGENCIES AND OFFICERS MAY ISSUE A
19 SUMMONS FOR A FELONY OFFENSE PURSUANT TO LOCAL POLICY
20 DEVELOPED WITH THE CONSENT OF THE DISTRICT ATTORNEY.

21 (5) FOR CLASS 4, 5, AND 6 FELONY OFFENSES AND LEVEL 3 AND 4
22 DRUG FELONY OFFENSES, THERE IS A PREFERENCE AND A PRESUMPTION IN
23 FAVOR OF A SUMMONS INSTEAD OF AN ARREST OR ARREST WARRANT
24 UNLESS:

25 (a) ARREST IS MANDATORY PURSUANT TO THE MANDATES OF ANY
26 STATUTORY PROVISION; OR

27 (b) THE OFFENSE IS ENUMERATED AS A CRIME IN SECTION

1 24-4.1-302 (1); OR

2 (c) THE FACTS AND CIRCUMSTANCES INDICATE A SUBSTANTIAL
3 RISK THAT THE PERSON WILL ATTEMPT TO FLEE PROSECUTION IF THE
4 PERSON IS NOT ARRESTED; OR

5 (d) THE FACTS AND CIRCUMSTANCES INDICATE AN IMMINENT AND
6 SUBSTANTIAL RISK THAT A VICTIM, WITNESS, OR ANY PERSON OTHER THAN
7 THE DEFENDANT MAY BE HARMED IF THE PERSON IS NOT ARRESTED; OR

8 (e) THERE IS PROBABLE CAUSE THAT THE PERSON COMMITTED AN
9 OFFENSE PURSUANT TO SECTION 42-4-1301; OR

10 (f) THERE IS PROBABLE CAUSE THAT THE PERSON USED OR
11 POSSESSED A DEADLY WEAPON AS DEFINED IN SECTION 18-1-901 (3)(E)
12 DURING THE COMMISSION OF THE OFFENSE; OR

13 (g) THE LOCATION OF THE PERSON IS UNKNOWN AND THE ISSUANCE
14 OF AN ARREST WARRANT IS NECESSARY IN ORDER TO SUBJECT THE PERSON
15 TO THE JURISDICTION OF THE COURT.

16 **SECTION 13.** In Colorado Revised Statutes, **add** 16-4-207 as
17 follows:

18 **16-4-207. Contents of a summons - court reminders.** (1) IF A
19 SUMMONS IS ISSUED IN LIEU OF AN ARREST OR A WARRANT PURSUANT TO
20 THIS SECTION IT MUST:

21 (a) BE IN WRITING;

22 (b) STATE THE NAME OF THE PERSON SUMMONED AND THE
23 PERSON'S ADDRESS;

24 (c) IDENTIFY THE NATURE OF THE OFFENSE;

25 (d) STATE THE DATE WHEN ISSUED AND THE COUNTY WHERE
26 ISSUED;

27 (e) BE SIGNED BY THE JUDGE OR CLERK OF THE COURT WITH THE

1 TITLE OF HIS OR HER OFFICE OR BY THE LAW ENFORCEMENT OFFICER WHO
2 ISSUED THE SUMMONS;

3 (f) COMMAND THE PERSON TO APPEAR BEFORE THE COURT AT A
4 CERTAIN TIME AND PLACE;

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

10 (2) A SUMMONS ISSUED PURSUANT TO THIS SECTION MAY BE
11 SERVED IN THE SAME MANNER AS THE SUMMONS IN A CIVIL ACTION OR BY
12 MAILING IT TO THE PERSON'S LAST-KNOWN ADDRESS BY CERTIFIED MAIL
13 WITH RETURN RECEIPT REQUESTED NOT LESS THAN FOURTEEN DAYS PRIOR
14 TO THE TIME THE PERSON IS REQUESTED TO APPEAR. SERVICE BY MAIL IS
15 COMPLETE UPON THE RETURN OF THE RECEIPT SIGNED BY THE PERSON.

16 (3) IF ANY PERSON SUMMONED PURSUANT TO THIS SECTION FAILS
17 TO APPEAR AS COMMANDED BY THE SUMMONS, THE COURT SHALL ISSUE A
18 WARRANT FOR THE PERSON'S ARREST.

19 **SECTION 14.** In Colorado Revised Statutes, 18-8-212, **amend**
20 (1) and (2); and **add** (5) as follows:

21 **18-8-212. Violation of bail bond conditions.** (1) ~~A person who~~
22 ~~is released on bail bond of whatever kind, and either before, during, or~~
23 ~~after release is accused by complaint, information, indictment, or the~~
24 ~~filing of a delinquency petition of any felony arising from the conduct for~~
25 ~~which he was arrested, commits a class 6 felony if he knowingly fails to~~
26 ~~appear for trial or other proceedings in the case in which the bail bond~~
27 ~~was filed or if he knowingly violates the conditions of the bail bond A~~

1 PERSON WHO IS CHARGED WITH ANY FELONY AND IS RELEASED ON BOND
2 COMMITS A CLASS 6 FELONY IF THE PERSON KNOWINGLY FAILS TO APPEAR
3 IN THE FELONY CASE FOR WHICH THE PERSON IS ON BOND WITH THE INTENT
4 TO AVOID PROSECUTION.

5 (2) ~~A person who is released on bail bond of whatever kind, and~~
6 ~~either before, during, or after release is accused by complaint,~~
7 ~~information, indictment, or the filing of a delinquency petition of any~~
8 ~~misdemeanor arising from the conduct for which he was arrested,~~
9 ~~commits a class 3 misdemeanor if he knowingly fails to appear for trial~~
10 ~~or other proceedings in the case in which the bail bond was filed or if he~~
11 ~~knowingly violates the conditions of the bail bond~~ A PERSON WHO IS
12 RELEASED ON BOND AND IS CHARGED WITH ANY FELONY OR MISDEMEANOR
13 ARISING FROM THE CONDUCT FOR WHICH THE PERSON WAS ARRESTED
14 COMMITS A CLASS 3 MISDEMEANOR IF THE PERSON INTENTIONALLY FAILS
15 TO APPEAR IN THE CASE FOR ANY PROCEEDINGS FOR WHICH VICTIMS OR
16 WITNESSES HAVE APPEARED IN COURT.

17 (5) A VIOLATION OF BOND APPEARANCE CONDITIONS SHALL NOT
18 BE BROUGHT AGAINST ANY PERSON SUBJECT TO THE PROVISIONS OF
19 SECTION 16-4-113 (2).

20 **SECTION 15.** In Colorado Revised Statutes, 18-1-1001, **amend**
21 (3) as follows:

22 **18-1-1001. Protection order against defendant - definitions.**

23 (3) (a) Nothing in this section precludes the defendant from applying to
24 the court at any time for modification or dismissal of the protection order
25 issued pursuant to this section or the district attorney from applying to the
26 court at any time for further orders, additional provisions under the
27 protection order, or modification or dismissal of the same. The trial court

1 retains jurisdiction to enforce, modify, or dismiss the protection order
2 until final disposition of the action. Upon motion of the district attorney
3 or on the court's own motion for the protection of the alleged victim or
4 witness, the court may, in cases involving domestic violence as defined
5 in section 18-6-800.3 (1) and cases involving crimes listed in section
6 24-4.1-302, except those listed in subsections (1)(cc.5) and (1)(cc.6) of
7 that section, enter any of the following further orders against the
8 defendant:

9 (a) (I) An order to vacate or stay away from the home of the
10 alleged victim or witness and to stay away from any other location where
11 the victim or witness is likely to be found;

12 (b) (II) An order to refrain from contact or direct or indirect
13 communication with the alleged victim or witness;

14 (c) (III) An order prohibiting possession or control of firearms or
15 other weapons;

16 (d) (IV) An order prohibiting possession or consumption of
17 alcohol or controlled substances;

18 (e) (V) An order prohibiting the taking, transferring, concealing,
19 harming, disposing of, or threatening to harm an animal owned,
20 possessed, leased, kept, or held by an alleged victim or witness; and

21 (f) (VI) Any other order the court deems appropriate to protect the
22 safety of the alleged victim or witness.

23 (b) ANY FURTHER ORDERS ISSUED PURSUANT TO SUBSECTION
24 (3)(a) OF THIS SECTION ARE FOR THE PROTECTION OF A VICTIM OR WITNESS
25 AND NOT FOR THE PROTECTION OF THE DEFENDANT, INCLUDING FOR THE
26 PROTECTION OF THE DEFENDANT FROM THE USE OF ALCOHOL OR OTHER
27 SUBSTANCES.

1 (c) ANY FURTHER ORDERS ISSUED PURSUANT TO SUBSECTION
2 (3)(a) OF THIS SECTION THAT ARE NOT MANDATORY MUST REASONABLY
3 ENSURE THE SAFETY OF ANY VICTIM OR WITNESS AND MUST INCLUDE THE
4 INPUT OF THE VICTIM OR WITNESS, WHEN AVAILABLE.

5 **SECTION 16.** In Colorado Revised Statutes, 18-6-803.5, **amend**
6 (1.5)(a) as follows:

7 **18-6-803.5. Crime of violation of a protection order - penalty**
8 **- peace officers' duties - definitions.** (1.5) As used in this section:

9 (a) "Protected person" means the person or persons identified in
10 the protection order as the person or persons for whose benefit the
11 protection order was issued. "PROTECTED PERSON" DOES NOT INCLUDE
12 THE DEFENDANT.

13 **SECTION 17. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2020 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.