

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0386.01 Michael Dohr x4347

HOUSE BILL 21-1280

HOUSE SPONSORSHIP

Woodrow and Gonzales-Gutierrez,

SENATE SPONSORSHIP

Lee and Rodriguez,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO ASSIST DEFENDANTS IN SECURING RELEASE
102 FROM JAIL THROUGH THE BONDING PROCESS.

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 a court to hold a bond setting hearing within 48 hours after an arrestee's arrival at a jail or holding center beginning on April 1, 2022.

Under current law, a person is allowed to post bond within 2 hours after the sheriff receives the bond information. The bill repeals that requirement. The bill states a bond may be paid at a minimum by cash,

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.

money order, or cashier's check, and a judge, judicial officer, or bond hearing officer shall not require a monetary bond be paid in the defendant's name. The bill requires that a defendant who posts bond be released from custody within 6 hours after bond is set. If the custodian fails to release the defendant within 6 hours after the bond has been set, the custodian shall inform the defendant and any person posting bond on behalf of the defendant the reason for the delay and shall document the reason for delay in the defendant's file. The bill requires that after a bond has been paid, the defendant and surety, if any, receive a copy of the bond paperwork, a notice of rights related to bonding, and information regarding the defendant's next court date. The bill requires each jurisdiction to establish a way to pay bond online by January 1, 2022. The bill states that a bond is posted when the surety or defendant pays the bond as evidenced by the time stamp on the bond or bond receipt.

Each sheriff shall post a notice of rights related to bonding on the sheriff's website, including information about how to file a complaint for violations. The sheriff shall include the notice in the inmate handbook and must provide the notice free of charge to anyone requesting a copy. The sheriff shall post a notice that contains the bonding information in the common area of the jail in a location clearly visible to the inmates and clearly visible in the public portion of the jail where a person posts bond.

By October 1, 2021, each sheriff shall:

- Create written policies to comply with statutory bonding requirements;
- Review and update the sheriff's website, signage, paperwork, and forms related to bonding to reflect current law; and
- File a certificate of compliance with the statutory bonding provisions with the division of criminal justice in the department of public safety.

In the case of multiple documented failures to comply with the statutory bonding provisions, the state or any agency of the state may deny any funding request of the sheriff.

The bill creates the position of a bond hearing officer to conduct bond hearings on weekends and holidays throughout the state using audiovisual technology. The bond hearing officer conducts bond hearings throughout the state in the counties that request the service of the bond hearing officer. The public will be able to view the hearings. For each case heard by the bonding hearing officer, the arresting jurisdiction shall electronically transmit the arrest report, pretrial services information, and all other relevant information to the bonding hearing officer prior to the hearing.

1 **SECTION 1.** In Colorado Revised Statutes, 16-4-102, **amend**
2 (2)(a), (2)(b), and (2)(e); and **add** (2)(h), (2)(i), and (2)(j) as follows:

3 **16-4-102. Right to bail - before conviction.** (2) (a) (I) ~~The chief~~
4 ~~judge of each judicial district shall develop, in conjunction with~~
5 ~~representatives from sheriffs' offices, public defenders' offices, district~~
6 ~~attorneys' offices, county commissioners, and any other agencies~~
7 ~~determined necessary by the chief judge, a plan for setting bond for all~~
8 ~~in-custody defendants within forty-eight hours of arrest. In developing the~~
9 ~~plan, the county commissioners, sheriffs, and district attorneys shall~~
10 ~~provide the chief judge cost estimates of feasibility as well as any~~
11 ~~potential savings from the proposal, including jail bed costs and savings.~~
12 ~~In developing the plan, the chief judge shall evaluate the potential of~~
13 ~~utilizing new or existing audiovisual conference technology. In areas~~
14 ~~where a lack of broadband coverage makes audiovisual conferencing~~
15 ~~impossible or unreliable, the chief judge may evaluate the potential of~~
16 ~~utilizing telephonic hearings. No later than November 1, 2019, the state~~
17 ~~court administrator's office shall report to the judiciary committees of the~~
18 ~~house of representatives and the senate, or any successor committees, the~~
19 ~~plans for all twenty-two judicial districts, not including the Denver county~~
20 ~~court. The report must include an estimate of resources necessary to~~
21 ~~implement this subsection (2)(a).~~ THE ARRESTING JURISDICTION SHALL
22 BRING AN IN-CUSTODY ARRESTEE BEFORE A COURT FOR BOND SETTING AS
23 SOON AS PRACTICABLE, BUT NO LATER THAN FORTY-EIGHT HOURS AFTER
24 AN ARRESTEE ARRIVES AT A JAIL OR HOLDING FACILITY. A JUDGE,
25 MAGISTRATE, OR BOND HEARING OFFICER SHALL HOLD A HEARING WITH AN
26 IN-CUSTODY ARRESTEE AT WHICH THE COURT SHALL ENTER AN
27 INDIVIDUALIZED BOND ORDER AS SOON AS PRACTICABLE, BUT NO LATER

1 THAN FORTY-EIGHT HOURS AFTER AN ARRESTEE ARRIVES AT A JAIL OR
2 HOLDING FACILITY. NOTWITHSTANDING THE REQUIREMENT FOR BOND
3 SETTING WITHIN FORTY-EIGHT HOURS, IT IS NOT A VIOLATION OF THIS
4 SECTION IF A BOND HEARING IS NOT HELD WITHIN FORTY-EIGHT HOURS
5 WHEN THE DELAY IS CAUSED BY AN EMERGENCY THAT REQUIRES THE
6 COURT TO CLOSE OR CIRCUMSTANCES IN WHICH THE DEFENDANT REFUSES
7 TO ATTEND COURT, IS UNABLE TO ATTEND COURT DUE TO A DEBILITATING
8 PHYSICAL AILMENT, OR IS UNABLE TO PROCEED DUE TO DRUG OR ALCOHOL
9 USE OR MENTAL ILLNESS. USE OF AUDIOVISUAL CONFERENCING
10 TECHNOLOGY IS PERMISSIBLE TO EXPEDITE BOND SETTING HEARINGS.
11 WHEN HIGH-SPEED INTERNET ACCESS IS UNAVAILABLE, MAKING
12 AUDIOVISUAL CONFERENCING IMPOSSIBLE, THE COURT MAY CONDUCT THE
13 HEARING TELEPHONICALLY.

14 (II) THIS SUBSECTION (2)(a) APPLIES ONLY TO THE INITIAL BOND
15 SETTING BY A JUDGE.

16 (III) THIS SUBSECTION (2)(a) APPLIES TO AN ARRESTEE WHO WAS
17 ARRESTED ON OR AFTER APRIL 1, 2022.

18 (b) (I) ~~Unless extraordinary circumstances exist, a defendant, a~~
19 ~~surety on behalf of the defendant, or another third party on behalf of the~~
20 ~~defendant must be allowed to post bond within two hours after the sheriff~~
21 ~~receives the bond information from the court.~~ A JUDGE, JUDICIAL OFFICER,
22 OR BOND HEARING OFFICER SHALL NOT REQUIRE A MONETARY BOND TO BE
23 PAID IN THE DEFENDANT'S NAME. BOND MAY BE PAID, AT A MINIMUM, BY
24 CASH, MONEY ORDER, OR CASHIER'S CHECK. IF BOND IS PAID BY MONEY
25 ORDER OR CASHIER'S CHECK, THE MONEY ORDER OR CASHIER'S CHECK MAY
26 BE PAYABLE TO THE HOLDING COUNTY. BEFORE BOND IS POSTED, THE
27 SHERIFF SHALL PROVIDE THE DEFENDANT AND SURETY, IF ANY, A COPY OF

1 THE NOTICE DESCRIBED IN SUBSECTION (2)(h)(I) OF THIS SECTION. WHEN
2 THE BOND IS POSTED, THE SHERIFF SHALL PROVIDE THE DEFENDANT AND
3 SURETY, IF ANY, A COPY OF THE BOND PAPERWORK AND INFORMATION
4 REGARDING THE DEFENDANT'S NEXT COURT DATE. THE INDIVIDUAL
5 PROCESSING THE BOND SHALL CERTIFY, IN WRITING, THAT THE PAYOR
6 RECEIVED A COPY OF THE BOND PAPERWORK, THE NOTICE DESCRIBED IN
7 SUBSECTION (2)(h)(I) OF THIS SECTION, AND INFORMATION REGARDING
8 THE DEFENDANT'S NEXT COURT DATE AND SHALL PLACE A COPY OF THE
9 CERTIFICATION IN THE DEFENDANT'S FILE. Notwithstanding the provisions
10 of this section, a sheriff may allow an individual to choose to stay in jail
11 overnight after release when extenuating circumstances exist, including
12 inclement weather, lack of transportation, or lack of shelter.

13 (II) BY JANUARY 1, 2022, EACH JAIL SHALL ESTABLISH A MEANS
14 TO PAY BOND ONLINE WITHOUT THE NEED FOR THE PAYOR TO GO TO THE
15 JAIL IN PERSON TO PAY BOND.

16 (e) Unless extraordinary circumstances exist, the custodian of a
17 jail shall release a defendant WHO HAS POSTED BOND as soon as
18 practicable but no later than ~~four~~ SIX hours after the defendant is
19 physically present in the jail and the defendant's bond has been ~~posted~~
20 SET. IF THE CUSTODIAN FAILS TO RELEASE THE DEFENDANT WITHIN SIX
21 HOURS AFTER THE BOND HAS BEEN SET, THE CUSTODIAN SHALL INFORM
22 THE DEFENDANT AND ANY PERSON POSTING BOND ON BEHALF OF THE
23 DEFENDANT THE REASON FOR THE DELAY AND SHALL DOCUMENT THE
24 REASON FOR THE DELAY IN THE DEFENDANT'S FILE. A supervisory
25 condition of release does not serve as a legal basis to continue to detain
26 the defendant; except that, if the defendant is ordered released upon
27 condition of being subject to electronic monitoring, the defendant may be

1 held up to as long as practicable but no longer than twenty-four hours
2 after the defendant is physically present in the jail and the defendant's
3 bond has been posted, if such delay is necessary to ensure the defendant
4 is fitted with electronic monitoring and the court has authorized the
5 defendant to be held until the electronic monitor is fitted. If the court
6 orders electronic monitoring for the protection of a specific individual,
7 and the defendant is ordered to have no contact with that specific
8 individual, and the judge orders that the defendant not be released without
9 electronic monitoring based on finding that the electronic monitoring is
10 necessary for public safety, then the time limits regarding release of the
11 defendant in this ~~subsection~~ SUBSECTION (2)(e) do not apply. However,
12 if a defendant is held more than twenty-four hours after posting bond
13 awaiting electronic monitoring fitting, the sheriff shall bring the
14 defendant to the court the next day the court is in session and explain the
15 reason for the delay.

16 (h) (I) (A) EACH SHERIFF SHALL POST THE FOLLOWING NOTICE OF
17 RIGHTS ON THE SHERIFF'S WEBSITE AND INFORMATION ABOUT HOW TO FILE
18 A COMPLAINT ABOUT VIOLATIONS OF SUBSECTIONS (2)(b) TO (2)(g) OF
19 THIS SECTION:

20 **LEGAL RIGHTS RELATED TO POSTING MONEY BOND**

21 **PURSUANT TO SECTION 16-4-102, COLORADO REVISED STATUTES**

- 22 1. **BOND FEES, BOOKING FEES, AND OTHER FEES OR**
23 **DEBTS NEVER NEED TO BE PAID TO SECURE A PERSON'S**
24 **RELEASE ON MONEY BOND. A PAYOR NEED ONLY PAY THE**
25 **BOND AMOUNT IN ORDER TO SECURE RELEASE.**
- 26 2. **WHILE NEVER A BASIS TO HOLD A DEFENDANT IN**
27 **JAIL, THE FOLLOWING FEES ARE CHARGEABLE AS A DEBT TO**

1 THE DEFENDANT AFTER RELEASE IF THE PAYOR CHOOSES
2 NOT TO PAY THE FEES AT THE TIME OF BONDING: A \$10
3 BOND FEE AND A MAXIMUM 3.5% CREDIT CARD PAYMENT
4 FEE. NO OTHER BOND-RELATED FEES MAY BE CHARGED AT
5 ANY TIME, INCLUDING ANY KIOSK FEES OR FEES FOR
6 PAYMENT BY CASH, CHECK, OR MONEY ORDER.

7 3. BOND PAYMENTS ARE TO BE MADE OUT TO THE
8 HOLDING COUNTY AND ARE NEVER TO BE MADE OUT IN THE
9 NAME OF THE INCARCERATED PERSON.

10 4. **A SHERIFF MUST RELEASE A DEFENDANT**
11 **PHYSICALLY PRESENT IN THE JAIL WHO POSTS BOND**
12 **WITHIN SIX HOURS AFTER BOND IS SET, UNLESS**
13 EXTRAORDINARY CIRCUMSTANCES EXIST. IN THE EVENT OF
14 A DELAY OF MORE THAN SIX HOURS, A SURETY AND THE
15 DEFENDANT HAVE A RIGHT TO KNOW WHAT, IF ANY,
16 EXTRAORDINARY CIRCUMSTANCE IS CAUSING THE DELAY.
17 SUPERVISORY CONDITIONS OF RELEASE DO NOT JUSTIFY A
18 DELAY IN RELEASE; EXCEPT THAT A SHERIFF MAY HOLD A
19 DEFENDANT FOR UP TO 24 HOURS IF NECESSARY TO ENSURE
20 A DEFENDANT IS FITTED WITH REQUIRED ELECTRONIC
21 MONITORING.

22 5. ANYONE WHO POSTS A MONEY BOND HAS THE RIGHT
23 TO RECEIVE A COPY OF THE BOND PAPERWORK, INCLUDING
24 DOCUMENTATION OF THE NEXT UPCOMING COURT DATE.

25 6. **A SURETY MAY NEVER BE ASKED TO USE POSTED**
26 **BOND MONEY TO PAY A DEFENDANT'S DEBTS. ONLY WHEN**
27 DEFENDANTS HAVE POSTED THEIR OWN MONEY BOND MAY

1 THEY BE ASKED IF THEY WOULD LIKE TO VOLUNTARILY
2 RELINQUISH BOND MONEY TO PAY THEIR DEBTS.
3 RELINQUISHMENT OF BOND MONEY BY A DEFENDANT TO
4 PAY A DEBT IS NEVER REQUIRED AND IS ENTIRELY A
5 VOLUNTARY CHOICE BY THE DEFENDANT.

6 **(B)** THE NOTICE DESCRIBED IN THIS SUBSECTION (2)(h)(I) MUST
7 INCLUDE INFORMATION ABOUT HOW TO FILE A COMPLAINT ABOUT
8 VIOLATIONS OF THESE PROVISIONS.

9 **(II)** THE SHERIFF SHALL INCLUDE THE NOTICE DESCRIBED IN
10 SUBSECTION (2)(h)(I) OF THIS SECTION IN THE INMATE HANDBOOK. THE
11 NOTICE MUST ALSO BE AVAILABLE AT THE BONDING COUNTER AND
12 PROVIDED TO ANY INDIVIDUAL, INCLUDING A DEFENDANT, INQUIRING
13 ABOUT POSTING BOND.

14 **(i)** EACH SHERIFF SHALL POST A NOTICE BOTH IN THE COMMON
15 AREA OF THE JAIL IN A LOCATION CLEARLY VISIBLE TO THE INMATES AND
16 IN THE PUBLIC PORTION OF THE JAIL WHERE A PERSON POSTS BOND,
17 CLEARLY VISIBLE TO A PERSON POSTING BOND, THAT CONTAINS THE
18 FOLLOWING INFORMATION:

19 **(I)** BOND FEES, BOOKING FEES, AND OTHER FEES OR DEBTS NEVER
20 NEED TO BE PAID TO SECURE A PERSON'S RELEASE ON MONEY BOND. A
21 PAYOR NEED ONLY PAY THE BOND AMOUNT IN ORDER TO SECURE RELEASE.

22 **(II)** THE SHERIFF SHALL RELEASE A DEFENDANT PHYSICALLY
23 PRESENT IN THE JAIL WHO POSTS BOND WITHIN SIX HOURS AFTER BOND IS
24 SET, UNLESS EXTRAORDINARY CIRCUMSTANCES EXIST. HOWEVER, A
25 SHERIFF MAY HOLD A DEFENDANT FOR UP TO TWENTY-FOUR HOURS IF
26 NECESSARY TO ENSURE A DEFENDANT IS FITTED WITH REQUIRED
27 ELECTRONIC MONITORING.

1 (III) HOW TO FILE A COMPLAINT ABOUT VIOLATIONS OF
2 SUBSECTIONS (2)(i)(I) AND (2)(i)(II) OF THIS SECTION.

3 (j) (I) EACH SHERIFF SHALL CREATE WRITTEN POLICIES TO COMPLY
4 WITH THIS SUBSECTION (2) BY OCTOBER 1, 2021. THE SHERIFF SHALL POST
5 THE POLICIES ON THE SHERIFF'S WEBSITE AND DISTRIBUTE THEM TO ALL
6 STAFF. THE SHERIFF SHALL TRAIN ALL STAFF WHO PROCESS BONDS OR
7 INTERACT WITH INMATES ON THE POLICIES.

8 (II) EACH SHERIFF SHALL REVIEW AND UPDATE THE SHERIFF'S
9 WEBSITE, SIGNAGE, PAPERWORK, AND FORMS RELATED TO BONDING TO
10 REFLECT CURRENT LAW BY OCTOBER 1, 2021, AND UPDATE THE SHERIFF'S
11 WEBSITE, SIGNAGE, PAPERWORK, AND FORMS RELATED TO BONDING AS
12 NECESSARY THEREAFTER.

13 (III) EACH SHERIFF SHALL FILE A CERTIFICATE OF COMPLIANCE
14 WITH THIS SUBSECTION (2), A COPY OF THE WRITTEN POLICIES REQUIRED
15 BY SUBSECTION (2)(j)(I) OF THIS SECTION, AND THE NOTICES REQUIRED BY
16 SUBSECTIONS (2)(h)(I)(A) AND (2)(i) OF THIS SECTION WITH THE DIVISION
17 OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, BY
18 OCTOBER 1, 2021, AND EACH OCTOBER 1 THEREAFTER. COPIES OF THE
19 POLICIES AND NOTICES ONLY HAVE TO BE PROVIDED WHEN UPDATED. THE
20 SHERIFF SHALL USE THE CERTIFICATE OF COMPLIANCE FORM DEVELOPED
21 BY THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC
22 SAFETY PURSUANT TO SECTION 24-33.5-503 (1)(bb).

23 (IV) IN THE CASE OF MULTIPLE DOCUMENTED FAILURES TO
24 COMPLY WITH THIS SUBSECTION (2) BY A SHERIFF'S OFFICE, THE STATE OR
25 ANY AGENCY OF THE STATE MAY DENY ANY FUNDING REQUEST MADE BY
26 THE SHERIFF.

27 **SECTION 2.** In Colorado Revised Statutes, **add** 16-4-116 as

1 follows:

2 **16-4-116. Bond hearing officer.** (1) (a) THERE IS CREATED IN
3 THE STATE COURT ADMINISTRATOR'S OFFICE THE POSITION OF THE BOND
4 HEARING OFFICER. THE BOND HEARING OFFICER IS APPOINTED BY THE
5 CHIEF JUSTICE OF THE COLORADO SUPREME COURT OR HIS OR HER
6 DESIGNEE AND MUST BE A QUALIFIED ATTORNEY-AT-LAW ADMITTED TO
7 PRACTICE IN THIS STATE AND IN GOOD STANDING.

8 (b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
9 CONTRARY, THE BOND HEARING OFFICER HAS THE AUTHORITY TO
10 CONDUCT BOND HEARINGS FOR ANY JURISDICTION IN THE STATE. THE
11 BOND HEARING OFFICER SHALL CONDUCT BOND HEARINGS ON WEEKENDS
12 AND HOLIDAYS USING AN INTERACTIVE AUDIOVISUAL DEVICE THAT
13 PROVIDES THE PUBLIC WITH THE OPPORTUNITY TO VIEW THE HEARING AND
14 THE CRIME VICTIM, IF ANY, WITH AN OPPORTUNITY TO PARTICIPATE IN THE
15 HEARING IF DESIRED.

16 (2) (a) (I) EACH JUDICIAL DISTRICT THAT CONTAINS A COUNTY
17 THAT IS DESIGNATED AS A HIGH PRIORITY OR ELIGIBLE COUNTY BY THE
18 UNDERFUNDED COURTHOUSE FACILITY CASH FUND COMMISSION, CREATED
19 IN SECTION 13-1-303, HAS THE RIGHT TO HAVE THE BOND HEARING
20 OFFICER CONDUCT WEEKEND AND HOLIDAY BOND HEARINGS. THE CHIEF
21 JUDGE OF THE JUDICIAL DISTRICT SHALL NOTIFY THE STATE COURT
22 ADMINISTRATOR IF THE JUDICIAL DISTRICT WANTS TO HAVE THE BOND
23 HEARING OFFICER CONDUCT BOND HEARINGS ON A WEEKEND OR HOLIDAY.

24 (II) IF ANY OTHER JUDICIAL DISTRICT WANTS TO HAVE THE BOND
25 HEARING OFFICER CONDUCT BOND HEARINGS, THE CHIEF JUDGE OF THE
26 JUDICIAL DISTRICT SHALL NOTIFY THE STATE COURT ADMINISTRATOR. THE
27 STATE COURT ADMINISTRATOR SHALL DETERMINE WHICH JUDICIAL

1 DISTRICTS NOT SUBJECT TO SUBSECTION (2)(a)(I) OF THIS SECTION THE
2 BOND HEARING OFFICER CAN SERVE WITHIN AVAILABLE RESOURCES.

3 (b) THE STATE COURT ADMINISTRATOR SHALL POST A SCHEDULE
4 FOR THE BOND HEARINGS TO BE HELD BY THE BOND HEARING OFFICER ON
5 ITS WEBSITE.

6 (3) FOR EACH CASE HEARD BY THE BONDING HEARING OFFICER,
7 THE ARRESTING JURISDICTION SHALL ELECTRONICALLY TRANSMIT THE
8 ARREST REPORT, PRETRIAL SERVICES INFORMATION, AND ALL OTHER
9 RELEVANT INFORMATION TO THE BONDING HEARING OFFICER PRIOR TO THE
10 HEARING.

11 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-503, **amend**
12 (1)(z); and **add** (1)(bb) and (1)(cc) as follows:

13 **24-33.5-503. Duties of division.** (1) The division has the
14 following duties:

15 (z) To provide training on the Colorado risk assessment scale and
16 the administrative release guideline instrument as required by section
17 17-22.5-404 (2)(c); ~~C.R.S.~~; and

18 (bb) TO DEVELOP THE CERTIFICATE OF COMPLIANCE REQUIRED BY
19 SECTION 16-4-102 (2)(j)(III) THAT INCLUDES SPECIFIC CERTIFICATIONS
20 FOR:

21 (I) POSTING THE NOTICES REQUIRED BY SECTION 16-4-102
22 (2)(h)(I)(A) AND (2)(i) FOR INMATES AND THE PUBLIC TO SEE;

23 (II) CREATION AND PROVISION OF THE NOTICE REQUIRED BY
24 SECTION 16-4-102 (2)(h);

25 (III) CREATION AND TRAINING ON THE WRITTEN POLICIES
26 REQUIRED BY SECTION 16-4-102 (2)(j)(I); AND

27 (IV) TIMELY UPDATES REQUIRED BY SECTION 16-4-102 (2)(j)(II);

1 AND

2 (cc) MAINTAIN A PUBLICLY ACCESSIBLE DATABASE OF THE
3 CERTIFICATES OF COMPLIANCE, POLICIES, AND NOTICES FILED BY A SHERIFF
4 PURSUANT TO SECTION 16-4-102 (2)(j)(III).

5 **SECTION 4. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly; except
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V
9 of the state constitution against this act or an item, section, or part of this
10 act within such period, then the act, item, section, or part will not take
11 effect unless approved by the people at the general election to be held in
12 November 2022 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.