

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0114.01 Conrad Imel x2313

SENATE BILL 22-018

SENATE SPONSORSHIP

Lee and Cooke,

HOUSE SPONSORSHIP

Benavidez and Soper,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING EXPANDING THE COURT REMINDER 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>.)

Under existing law, the court reminder program (program) provides 2 text message reminders to criminal defendants and juveniles who have been alleged to have committed a delinquent act (collectively, "defendants") to appear at each of their scheduled court appearances. The defendants must enroll in the program and provide a telephone number specifically for the purposes of the program.

The bill requires every defendant to be automatically enrolled in the program and allows a defendant to opt out of the program. The bill

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.

clarifies that defendants alleged to have committed traffic offenses are enrolled in the program. The bill requires the program to use the best contact information available to the courts. The bill requires the program to provide at least 3 reminders, including one reminder the day before the court appearance, and, for court appearances that can be attended virtually, the final reminder must include a link to the virtual court appearance. The program must send reminders by text message, but may use another method if a defendant is unable to receive text messages.

The program is required to track the number of defendants that opt out of the program and to implement or recommend changes to improve participation. The judicial department is required to report information regarding reminders sent by methods other than text message.

Because defendants are automatically enrolled in the program, the bill repeals provisions related to notifying defendants of the opportunity to enroll in the program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-3-101, **amend**
3 (14)(a)(III), (14)(b), (14)(c)(I), (14)(c)(IV), (14)(c)(V), (14)(f)(III), and
4 (14)(h); and **add** (14)(a)(IV), (14)(c)(I.5), (14)(c)(VI), (14)(f)(V), and
5 (14)(f)(VI) as follows:

6 **13-3-101. State court administrator - report - definitions -**
7 **repeal.** (14) (a) (III) ~~A phone number collected for the express purpose~~
8 ~~of administering the court reminder program pursuant to this section must~~
9 ~~be kept separate from other identifying information. Such phone number~~
10 ~~must only be used to achieve the statutory objective of the program as~~
11 ~~described in subsection (14)(a)(I) of this section and must not be used or~~
12 ~~shared by the judicial department for any other purpose.~~ EACH COURT
13 PARTICIPATING IN THE COURT REMINDER PROGRAM SHALL ENROLL EVERY
14 CRIMINAL DEFENDANT AND JUVENILE PARTICIPANT IN THE PROGRAM. A
15 CRIMINAL DEFENDANT OR JUVENILE PARTICIPANT MAY OPT OUT OF
16 PARTICIPATING IN THE PROGRAM.

17 (IV) THE PROGRAM SHALL SEND REMINDERS TO THE BEST

1 CONTACT INFORMATION AVAILABLE TO THE COURT. BEFORE SENDING
2 REMINDERS FOR THE DEFENDANT'S OR PARTICIPANT'S FIRST COURT
3 APPEARANCE, THE PROGRAM SHALL MAKE ALL REASONABLE EFFORTS TO
4 ENSURE THAT THE PROGRAM HAS THE SAME CONTACT INFORMATION
5 AVAILABLE TO THE COURT, INCLUDING CONTACT INFORMATION PROVIDED
6 BY A CRIMINAL DEFENDANT OR JUVENILE PARTICIPANT TO A LAW
7 ENFORCEMENT AGENCY ON A SUMMONS OR BY ANY OTHER MEANS.

8 (b) In administering the program, the state court administrator
9 shall ~~prioritize the use of text messages to remind criminal defendants and~~
10 ~~juvenile participants who have agreed to receive text messages and have~~
11 ~~the capacity to receive text messages at the mobile telephone number~~
12 ~~provided. The program must use text messages unless and until a more~~
13 ~~effective technological means of reminding defendants and juvenile~~
14 ~~participants becomes available.~~ OF COURT DATES AND UNPLANNED COURT
15 CLOSURES. A TEXT MESSAGE REMINDER MUST BE SENT TO THE BEST PHONE
16 NUMBER AVAILABLE TO THE COURT. In addition, or when a defendant or
17 juvenile participant is unable to receive text messages, the state court
18 administrator, at ~~his or her~~ THE ADMINISTRATOR'S discretion, may also use
19 other communication methods, including telephone, e-mail, or other
20 internet-based technology, to remind defendants and juvenile participants
21 of court dates and unplanned court closures.

22 (c) The program must:

23 (I) Provide at least ~~two text message~~ THREE reminders for all court
24 appearances, INCLUDING THE FIRST COURT APPEARANCE, for criminal
25 defendants and juvenile participants in an eligible court. ~~with the capacity~~
26 ~~to receive text messages and for whom the state court administrator has~~
27 ~~a working mobile telephone number.~~ ONE REMINDER MUST BE SENT THE

1 DAY BEFORE THE COURT APPEARANCE. The reminders must include at
2 least the date, location, and time of the court appearance and contact
3 information for questions related to the court appearance.

4 (I.5) FOR COURT APPEARANCES THAT CAN BE ATTENDED
5 VIRTUALLY, PROVIDE THE LINK TO THE VIRTUAL COURT APPEARANCE IN,
6 AT LEAST, THE FINAL REMINDER SENT BEFORE THE APPEARANCE;

7 (IV) Identify defendants and juvenile participants with upcoming
8 court appearances who cannot be reached and, as resources allow, attempt
9 to acquire current contact information; ~~and~~

10 (V) Collect data concerning the number of criminal defendants
11 and juvenile participants who fail to appear at their scheduled court
12 appearances despite having been sent one or more reminders to a working
13 telephone number; AND

14 (VI) COLLECT DATA CONCERNING THE NUMBER OF CRIMINAL
15 DEFENDANTS AND JUVENILE PARTICIPANTS WHO OPT OUT OF THE PROGRAM
16 AND, IF POSSIBLE, THEIR REASONS FOR OPTING OUT.

17 (f) In its annual report to the committees of reference pursuant to
18 section 2-7-203, the judicial department shall include information
19 concerning the activities of the state court administrator pursuant to this
20 subsection (14). To the extent practicable, the report must include:

21 (III) The number of criminal defendants and juvenile participants
22 in each eligible court who were sent a reminder to a working telephone
23 number from the program but who nonetheless failed to appear for a court
24 hearing; ~~and~~

25 (V) THE NUMBER OF CRIMINAL DEFENDANTS AND JUVENILE
26 PARTICIPANTS WHO OPT OUT OF THE PROGRAM, THE REASONS THEY
27 ELECTED TO OPT OUT, AND RECOMMENDATIONS FOR CHANGES TO

1 INCREASE PARTICIPATION IN THE PROGRAM AND REDUCE THE NUMBER OF
2 CRIMINAL DEFENDANTS AND JUVENILE PARTICIPANTS WHO OPT OUT; AND

3 (VI) IF, AT THE STATE COURT ADMINISTRATOR'S DISCRETION, THE
4 PROGRAM SENDS ANY REMINDERS BY COMMUNICATION METHODS OTHER
5 THAN TEXT MESSAGE, THE NUMBER OF CRIMINAL DEFENDANTS AND
6 JUVENILE PARTICIPANTS WHO WERE SENT A REMINDER OTHER THAN A
7 TEXT MESSAGE REMINDER, THE COMMUNICATION METHOD USED, AND
8 WHETHER THE DEFENDANTS OR PARTICIPANTS FAILED TO APPEAR AT THEIR
9 SCHEDULED COURT APPEARANCE.

10 (h) As used in this subsection (14), unless the context otherwise
11 requires:

12 (I) "CRIMINAL DEFENDANT" INCLUDES A PERSON ALLEGED TO
13 HAVE COMMITTED A TRAFFIC OFFENSE BUT DOES NOT INCLUDE A PERSON
14 ALLEGED TO HAVE COMMITTED A TRAFFIC INFRACTION.

15 (H) (II) "Eligible court" means a district court, county court, or
16 municipal court that uses the integrated Colorado online network that is
17 the judicial department's case management system.

18 (H) (III) "Juvenile participant" means a juvenile who has been
19 alleged to have committed a delinquent act, as defined in section
20 19-2.5-102, OR A TRAFFIC OFFENSE, who is required to appear before an
21 eligible court. "Juvenile participant" includes the juvenile's parent,
22 guardian, or legal custodian. "JUVENILE PARTICIPANT" DOES NOT INCLUDE
23 A JUVENILE ALLEGED TO HAVE COMMITTED A TRAFFIC INFRACTION.

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

26 **13-1-138. Notification of court reminder program.** ~~A court that~~
27 ~~participates in the court reminder program established in section 13-3-101~~

1 ~~(14)(a)(I) shall notify a criminal defendant or juvenile participant, as~~
2 ~~defined in section 13-3-101 (14), at each court appearance that the~~
3 ~~individual can elect to provide a mobile telephone number that will be~~
4 ~~used by the court solely to provide text message reminders for future~~
5 ~~court dates and unplanned court closures, and shall provide the~~
6 ~~opportunity for the individual to provide a mobile telephone number or~~
7 ~~update a mobile telephone number for that purpose.~~

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

10 **16-4-105.5. Notification of court reminder program.** A person
11 released on bond pursuant to this part 1 who is ordered to appear in a
12 court that participates in the court reminder program established in
13 section 13-3-101 (14)(a)(I), and any person otherwise ordered to appear
14 in a court that participates in the program, must be notified that the person
15 can elect to provide a mobile telephone number that will be used by the
16 court solely to provide text message reminders for future court dates and
17 unplanned court closures and must be provided the opportunity to provide
18 a mobile telephone number or update a mobile telephone number for that
19 purpose.

20 **SECTION 4.** In Colorado Revised Statutes, **repeal** 16-4-206 as
21 follows:

22 **16-4-206. Notification of court reminder program.** A person
23 released on bond pursuant to this part 2 who is ordered to appear in a
24 court that participates in the court reminder program established in
25 section 13-3-101 (14)(a)(I), and any person otherwise ordered to appear
26 in a court that participates in the program, must be notified that the person
27 can elect to provide a mobile telephone number that will be used by the

1 court solely to provide text message reminders for future court dates and
2 unplanned court closures, and must be provided the opportunity to
3 provide a mobile telephone number or update a mobile telephone number
4 for that purpose.

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

7 **16-5-206. Summons in lieu of warrant.** (2) If a summons is
8 issued in lieu of a warrant under this section:

9 (g) It shall advise the person summoned that the person can elect
10 to provide a mobile telephone number that will solely be used to provide
11 text message reminders of future court dates and unplanned court
12 closures, and provide an opportunity for the person to provide a mobile
13 telephone number for that purpose.

14 **SECTION 6.** In Colorado Revised Statutes, 19-2.5-303, **repeal**
15 (5)(c) as follows:

16 **19-2.5-303. Duty of officer - screening teams - notification -**
17 **release or detention.** (5) (c) ~~A law enforcement officer who serves a~~
18 ~~juvenile or a juvenile's parent, guardian, or legal custodian with a written~~
19 ~~promise to appear in a court that participates in the court reminder~~
20 ~~program established in section 13-3-101 (14)(a)(I) shall notify the person~~
21 ~~served that the juvenile and the juvenile's parent, guardian, or legal~~
22 ~~custodian can elect to provide a mobile telephone number that will be~~
23 ~~used by the court solely to provide text message reminders for future~~
24 ~~court dates and unplanned court closures and shall provide the~~
25 ~~opportunity for the juvenile and the juvenile's parent, guardian, or legal~~
26 ~~custodian to provide a mobile telephone number or update a mobile~~
27 ~~telephone number for that purpose.~~

1 **SECTION 7.** In Colorado Revised Statutes, 19-2.5-501, **repeal**
2 (11) as follows:

3 **19-2.5-501. Summons - issuance - contents - service -**
4 **legislative declaration.** (11) ~~A person who serves a juvenile or a~~
5 ~~juvenile's parent, guardian, or legal custodian with a summons to appear~~
6 ~~in a court that participates in the court reminder program established in~~
7 ~~section 13-3-101 (14)(a)(I) shall notify the person served that the juvenile~~
8 ~~and the juvenile's parent, guardian, or legal custodian can elect to provide~~
9 ~~a mobile telephone number that will be used by the court solely to provide~~
10 ~~text message reminders for future court dates and unplanned court~~
11 ~~closures, and provide the opportunity for the juvenile and the juvenile's~~
12 ~~parent, guardian, or legal custodian to provide a mobile telephone number~~
13 ~~or update a mobile telephone number for that purpose.~~

14 **SECTION 8.** In Colorado Revised Statutes, **repeal** 19-2.5-603 as
15 follows:

16 **19-2.5-603. Notification.** ~~A juvenile released pursuant to section~~
17 ~~19-2.5-306 and ordered to appear in a court that participates in the court~~
18 ~~reminder program established in section 13-3-101 (14)(a)(I), and the~~
19 ~~juvenile's parent, guardian, or legal custodian, must be notified that the~~
20 ~~juvenile and the juvenile's parent, guardian, or legal custodian can elect~~
21 ~~to provide a mobile telephone number that will be used by the court solely~~
22 ~~to provide text message reminders for future court dates and unplanned~~
23 ~~court closures. The juvenile and the juvenile's parent, guardian, or legal~~
24 ~~custodian must be provided the opportunity to provide a mobile telephone~~
25 ~~number or update a mobile telephone number for that purpose.~~

26 **SECTION 9. Effective date.** This act takes effect July 15, 2022;
27 except that section 13-3-101 (14)(c)(I.5), Colorado Revised Statutes, as

1 enacted in section 1 of this act, takes effect October 15, 2022.

2 **SECTION 10. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety.