

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
Appropriations

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),
5 (14)(f)(VI), and (14)(i) 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) (A) Provide at least ~~two text message~~ THREE reminders for all
24 court appearances, INCLUDING THE FIRST COURT APPEARANCE, for
25 criminal defendants and juvenile participants in an eligible court. ~~with the~~
26 ~~capacity to receive text messages and for whom the state court~~
27 ~~administrator has a working mobile telephone number.~~ ONE REMINDER

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

4 (B) NOTWITHSTANDING THE REQUIREMENT IN SUBSECTION
5 (14)(c)(I)(A) OF THIS SECTION, THE PROGRAM IS NOT REQUIRED TO SEND
6 MORE THAN TWO REMINDERS WITHIN SEVEN DAYS BEFORE A COURT
7 APPEARANCE OR MORE THAN ONE REMINDER WITHIN FORTY-EIGHT HOURS
8 BEFORE A COURT APPEARANCE.

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

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

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

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

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

26 (III) The number of criminal defendants and juvenile participants
27 in each eligible court who were sent a reminder to a working telephone

1 number from the program but who nonetheless failed to appear for a court
2 hearing; and

3 (V) THE NUMBER OF CRIMINAL DEFENDANTS AND JUVENILE
4 PARTICIPANTS WHO OPT OUT OF THE PROGRAM, THE REASONS THEY
5 ELECTED TO OPT OUT, AND RECOMMENDATIONS FOR CHANGES TO
6 INCREASE PARTICIPATION IN THE PROGRAM AND REDUCE THE NUMBER OF
7 CRIMINAL DEFENDANTS AND JUVENILE PARTICIPANTS WHO OPT OUT; AND

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

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

17 (I) "CRIMINAL DEFENDANT" INCLUDES A PERSON ALLEGED TO
18 HAVE COMMITTED A TRAFFIC OFFENSE BUT DOES NOT INCLUDE A PERSON
19 ALLEGED TO HAVE COMMITTED A TRAFFIC INFRACTION.

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

23 ~~(H)~~ (III) "Juvenile participant" means a juvenile who has been
24 alleged to have committed a delinquent act, as defined in section
25 19-2.5-102, OR A TRAFFIC OFFENSE, who is required to appear before an
26 eligible court. "Juvenile participant" includes the juvenile's parent,
27 guardian, or legal custodian. "JUVENILE PARTICIPANT" DOES NOT INCLUDE

1 A JUVENILE ALLEGED TO HAVE COMMITTED A TRAFFIC INFRACTION.

2 (i) (I) THE STATE COURT ADMINISTRATOR SHALL CONVENE A
3 WORKING GROUP TO STUDY BEST PRACTICES IN COURT REMINDERS, ASSESS
4 THE EFFECTIVENESS OF THE COURT REMINDER PROGRAM ESTABLISHED IN
5 THIS SUBSECTION (14), AND RECOMMEND TO THE STATE COURT
6 ADMINISTRATOR'S OFFICE ANY APPROPRIATE CHANGES TO THE COURT
7 REMINDER PROGRAM. THE JUDICIAL DEPARTMENT SHALL PROVIDE STAFF
8 SUPPORT NECESSARY FOR THE WORKING GROUP TO CARRY OUT ITS DUTIES.

9 (II) THE WORKING GROUP CONSISTS OF THE STATE COURT
10 ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE; A PUBLIC DEFENDER
11 APPOINTED BY THE STATE PUBLIC DEFENDER; A MEMBER OF A STATEWIDE
12 ORGANIZATION OF PRETRIAL SERVICES ORGANIZATIONS, APPOINTED BY
13 THE ORGANIZATION; THE EXECUTIVE DIRECTOR OF THE COLORADO
14 DISTRICT ATTORNEYS' COUNCIL OR THE EXECUTIVE DIRECTOR'S DESIGNEE;
15 AND ONE MEMBER, APPOINTED BY THE SPEAKER OF THE HOUSE OF
16 REPRESENTATIVES, WHO REPRESENTS A COLORADO-BASED NONPROFIT
17 ORGANIZATION WITH EXPERTISE IN PRETRIAL RELEASE AND COURT
18 REMINDER PROGRAMS.

19 (III) ON OR BEFORE JULY 31, 2022, THE APPOINTING AUTHORITIES
20 SHALL MAKE APPOINTMENTS TO THE WORKING GROUP AND INFORM THE
21 STATE COURT ADMINISTRATOR OF THE APPOINTMENTS.

22 (IV) THE WORKING GROUP SHALL MEET QUARTERLY. THE STATE
23 COURT ADMINISTRATOR, OR THE ADMINISTRATOR'S DESIGNEE, SHALL
24 CONVENE THE FIRST WORKING GROUP MEETING NO LATER THAN
25 SEPTEMBER 30, 2022, AND SHALL CONVENE EACH MEETING OF THE
26 WORKING GROUP THEREAFTER.

27 (V) THE WORKING GROUP MAY REQUEST DATA AND INFORMATION

1 FROM THE JUDICIAL DEPARTMENT ABOUT THE COURT REMINDER PROGRAM.

2 (VI) IN ITS ANNUAL REPORT TO THE COMMITTEES OF REFERENCE
3 PURSUANT TO SECTION 2-7-203, THE JUDICIAL DEPARTMENT SHALL
4 PRESENT THE RECOMMENDATIONS MADE BY THE WORKING GROUP,
5 WHETHER THE RECOMMENDATIONS WERE IMPLEMENTED, AND THE
6 RATIONALE FOR IMPLEMENTING OR REJECTING ANY RECOMMENDATION.

7 (VII) THIS SUBSECTION (14)(i) IS REPEALED, EFFECTIVE JUNE 30,
8 2025.

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

11 **13-1-138. Notification of court reminder program.** A court that
12 ~~participates in the court reminder program established in section 13-3-101~~
13 ~~(14)(a)(I) shall notify a criminal defendant or juvenile participant, as~~
14 ~~defined in section 13-3-101 (14), at each court appearance that the~~
15 ~~individual can elect to provide a mobile telephone number that will be~~
16 ~~used by the court solely to provide text message reminders for future~~
17 ~~court dates and unplanned court closures, and shall provide the~~
18 ~~opportunity for the individual to provide a mobile telephone number or~~
19 ~~update a mobile telephone number for that purpose.~~

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

22 **16-4-105.5. Notification of court reminder program.** A person
23 ~~released on bond pursuant to this part 1 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 provide
3 a mobile telephone number or update a mobile telephone number for that
4 purpose.

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

7 **16-4-206. Notification of court reminder program.** A person
8 released on bond pursuant to this part 2 who is ordered to appear in a
9 court that participates in the court reminder program established in
10 section 13-3-101 (14)(a)(I), and any person otherwise ordered to appear
11 in a court that participates in the program, must be notified that the person
12 can elect to provide a mobile telephone number that will be used by the
13 court solely to provide text message reminders for future court dates and
14 unplanned court closures, and must be provided the opportunity to
15 provide a mobile telephone number or update a mobile telephone number
16 for that purpose.

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

19 **16-5-206. Summons in lieu of warrant.** (2) If a summons is
20 issued in lieu of a warrant under this section:

21 (g) It shall advise the person summoned that the person can elect
22 to provide a mobile telephone number that will solely be used to provide
23 text message reminders of future court dates and unplanned court
24 closures, and provide an opportunity for the person to provide a mobile
25 telephone number for that purpose.

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

1 **19-2.5-303. Duty of officer - screening teams - notification -**
2 **release or detention.** (5) (c) ~~A law enforcement officer who serves a~~
3 ~~juvenile or a juvenile's parent, guardian, or legal custodian with a written~~
4 ~~promise to appear in a court that participates in the court reminder~~
5 ~~program established in section 13-3-101 (14)(a)(I) shall notify the person~~
6 ~~served that the juvenile and the juvenile's parent, guardian, or legal~~
7 ~~custodian can elect to provide a mobile telephone number that will be~~
8 ~~used by the court solely to provide text message reminders for future~~
9 ~~court dates and unplanned court closures and shall provide the~~
10 ~~opportunity for the juvenile and the juvenile's parent, guardian, or legal~~
11 ~~custodian to provide a mobile telephone number or update a mobile~~
12 ~~telephone number for that purpose.~~

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

15 **19-2.5-501. Summons - issuance - contents - service -**
16 **legislative declaration.** (11) ~~A person who serves a juvenile or a~~
17 ~~juvenile's parent, guardian, or legal custodian with a summons to appear~~
18 ~~in a court that participates in the court reminder program established in~~
19 ~~section 13-3-101 (14)(a)(I) shall notify the person served that the juvenile~~
20 ~~and the juvenile's parent, guardian, or legal custodian can elect to provide~~
21 ~~a mobile telephone number that will be used by the court solely to provide~~
22 ~~text message reminders for future court dates and unplanned court~~
23 ~~closures, and provide the opportunity for the juvenile and the juvenile's~~
24 ~~parent, guardian, or legal custodian to provide a mobile telephone number~~
25 ~~or update a mobile telephone number for that purpose.~~

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

1 **19-2.5-603. Notification.** ~~A juvenile released pursuant to section~~
2 ~~19-2.5-306 and ordered to appear in a court that participates in the court~~
3 ~~reminder program established in section 13-3-101 (14)(a)(I), and the~~
4 ~~juvenile's parent, guardian, or legal custodian, must be notified that the~~
5 ~~juvenile and the juvenile's parent, guardian, or legal custodian can elect~~
6 ~~to provide a mobile telephone number that will be used by the court solely~~
7 ~~to provide text message reminders for future court dates and unplanned~~
8 ~~court closures. The juvenile and the juvenile's parent, guardian, or legal~~
9 ~~custodian must be provided the opportunity to provide a mobile telephone~~
10 ~~number or update a mobile telephone number for that purpose.~~

11 **SECTION 9. Effective date.** This act takes effect July 15, 2022;
12 except that section 13-3-101 (14)(c)(I.5), Colorado Revised Statutes, as
13 enacted in section 1 of this act, takes effect October 15, 2022.

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