

CHAPTER 191

COURTS

SENATE BILL 22-018

BY SENATOR(S) Lee and Cooke, Bridges, Buckner, Donovan, Fields, Gonzales, Hansen, Kolker, Moreno, Pettersen, Priola, Story, Winter, Fenberg;
 also REPRESENTATIVE(S) Benavidez and Soper, Amabile, Bacon, Bernett, Bird, Exum, Gonzales-Gutierrez, Herod, Hooton, Kipp, Lindsay, Lontine, McCluskie, Michaelson Jenet, Ricks, Roberts, Sirota, Sullivan, Titone, Valdez A., Weissman.

AN ACT

**CONCERNING EXPANDING THE COURT REMINDER PROGRAM, AND, IN CONNECTION THEREWITH,
 MAKING AN APPROPRIATION.**

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

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

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

(IV) THE PROGRAM SHALL SEND REMINDERS TO THE BEST CONTACT INFORMATION AVAILABLE TO THE COURT. BEFORE SENDING REMINDERS FOR THE DEFENDANT'S OR PARTICIPANT'S FIRST COURT APPEARANCE, THE PROGRAM SHALL MAKE ALL REASONABLE EFFORTS TO ENSURE THAT THE PROGRAM HAS THE SAME CONTACT INFORMATION AVAILABLE TO THE COURT, INCLUDING CONTACT INFORMATION PROVIDED BY A CRIMINAL DEFENDANT OR JUVENILE PARTICIPANT TO A LAW ENFORCEMENT AGENCY ON A SUMMONS OR BY ANY OTHER MEANS.

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

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

(c) The program must:

(I) (A) Provide at least ~~two text message~~ THREE reminders for all court appearances, INCLUDING THE FIRST COURT APPEARANCE, for criminal defendants and juvenile participants in an eligible court. ~~with the capacity to receive text messages and for whom the state court administrator has a working mobile telephone number.~~ ONE REMINDER MUST BE SENT THE DAY BEFORE THE COURT APPEARANCE. The reminders must include at least the date, location, and time of the court appearance and contact information for questions related to the court appearance.

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

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

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

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

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

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

(III) The number of criminal defendants and juvenile participants in each eligible

court who were sent a reminder to a working telephone number from the program but who nonetheless failed to appear for a court hearing; ~~and~~

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

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

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

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

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

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

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

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

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

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

(V) THE WORKING GROUP MAY REQUEST DATA AND INFORMATION FROM THE JUDICIAL DEPARTMENT ABOUT THE COURT REMINDER PROGRAM.

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

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

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

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

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

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

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

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

telephone number or update a mobile telephone number for that purpose.

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

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

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

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

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

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

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

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

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

SECTION 9. Appropriation. (9) For the 2022-23 state fiscal year, \$74,713 is

appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

- (a) \$35,842 for general courts administration, which amount is based on an assumption that the department will require an additional 0.5 FTE;
- (b) \$25,671 for trial court programs, which amount is based on an assumption that the department will require an additional 0.5 FTE; and
- (c) \$13,200 for capital outlay.

SECTION 10. Effective date. This act takes effect July 15, 2022; except that section 13-3-101 (14)(c)(I.5), Colorado Revised Statutes, as enacted in section 1 of this act, takes effect October 15, 2022.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: May 19, 2022