

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 25-062

BY SENATOR(S) Hinrichsen and Weissman, Amabile, Cutter, Exum, Gonzales J., Jodeh, Kipp, Michaelson Jenet, Rodriguez, Winter F., Coleman;
also REPRESENTATIVE(S) Carter and Gilchrist, Bacon, Camacho, Espenosa, Garcia, Lindsay, Mabrey, McCormick, Phillips, Smith, Story, Velasco.

CONCERNING CONTEMPT OF COURT FOR FAILURE TO APPEAR CHARGES IN MUNICIPAL COURT.

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

SECTION 1. In Colorado Revised Statutes, **amend** 13-10-103 as follows:

13-10-103. Applicability. This article 10 applies to and governs the operation of municipal courts in the cities and towns of this state. Except for the provisions relating to the method of salary payment for municipal judges; the incarceration of children pursuant to sections 19-2.5-305 and 19-2.5-1511; the appearance of the parent, guardian, or lawful custodian of any child under eighteen years of age who is charged with a municipal offense as required by section 13-10-111; THE FAILURE TO APPEAR

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.

PURSUANT TO SECTION 13-10-127; the right to a trial by jury for petty offenses pursuant to section 16-10-109; relief from improperly entered guilty pleas pursuant to section 18-1-410.6; the prosecution of an alleged act of domestic violence, as defined in section 18-6-800.3; making a criminal court proceeding conducted in open court available for remote public viewing and listening in real time; rules of procedure promulgated by the supreme court; and appellate procedure, this article 10 may be superseded by charter or ordinance enacted by a home rule city.

SECTION 2. In Colorado Revised Statutes, **add** 13-10-127 as follows:

13-10-127. Failure to appear. (1) A PERSON'S FAILURE TO APPEAR IN PERSON OR BY COUNSEL AT THE PLACE AND TIME SPECIFIED IN THE SUMMONS OR SUMMONS AND COMPLAINT, OR FAILURE TO APPEAR IN PERSON OR BY COUNSEL ON ANY SUBSEQUENT DATE, SERVED UPON THE PERSON MUST NOT FORM THE BASIS OF A MUNICIPAL CRIMINAL CHARGE AGAINST THE PERSON.

(2) THIS SECTION APPLIES TO ANY MUNICIPAL ORDINANCE PREMISED ON A PERSON'S FAILURE TO APPEAR, REGARDLESS OF WHETHER A MUNICIPALITY REFERS TO THIS SITUATION AS A FAILURE TO APPEAR, CONTEMPT OF COURT FOR A FAILURE TO APPEAR, OR BY ANY OTHER NAME.

(3) NOTHING IN THIS SECTION LIMITS A MUNICIPAL COURT'S INHERENT JUDICIAL CONTEMPT POWER OR PROHIBITS A MUNICIPAL JUDGE FROM ISSUING A BENCH WARRANT UPON A PERSON'S FAILURE TO APPEAR OR FROM CONSIDERING A PERSON'S FAILURE TO APPEAR FOR THE PURPOSE OF SETTING AN APPROPRIATE BOND AT A SUBSEQUENT BOND HEARING.

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

the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO