

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 25-0150.01 Chelsea Princell x4335

SENATE BILL 25-062

SENATE SPONSORSHIP

Hinrichsen and Weissman,

HOUSE SPONSORSHIP

Carter and Bird,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

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

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 prohibits a person's failure to appear from forming the basis of a municipal criminal charge against the person and prohibits a municipal judge from imposing a jail sentence for a person's failure to appear. The bill adds the failure to appear and contempt of court for the failure to appear prohibitions to the list of state laws that cannot be superseded by a charter or ordinance enacted by a home rule city.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

The bill clarifies that, for purposes of the bill, failure to appear includes contempt of court for the failure to appear or any other term used by a municipality to refer to a person's failure to appear at a scheduled court date.

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

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

4 **13-10-103. Applicability.** This article 10 applies to and governs
5 the operation of municipal courts in the cities and towns of this state.
6 Except for the provisions relating to the method of salary payment for
7 municipal judges; the incarceration of children pursuant to sections
8 19-2.5-305 and 19-2.5-1511; the appearance of the parent, guardian, or
9 lawful custodian of any child under eighteen years of age who is charged
10 with a municipal offense as required by section 13-10-111; THE FAILURE
11 TO APPEAR PURSUANT TO SECTION 13-10-127; the right to a trial by jury
12 for petty offenses pursuant to section 16-10-109; relief from improperly
13 entered guilty pleas pursuant to section 18-1-410.6; the prosecution of an
14 alleged act of domestic violence, as defined in section 18-6-800.3;
15 making a criminal court proceeding conducted in open court available for
16 remote public viewing and listening in real time; rules of procedure
17 promulgated by the supreme court; and appellate procedure, this article
18 10 may be superseded by charter or ordinance enacted by a home rule
19 city.

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

22 **13-10-127. Failure to appear. (1) A PERSON'S FAILURE TO**
23 **APPEAR IN PERSON OR BY COUNSEL AT THE PLACE AND TIME SPECIFIED IN**

1 THE SUMMONS OR SUMMONS AND COMPLAINT, OR FAILURE TO APPEAR IN
2 PERSON OR BY COUNSEL ON ANY SUBSEQUENT DATE, SERVED UPON THE
3 PERSON MUST NOT FORM THE BASIS OF A MUNICIPAL CRIMINAL CHARGE
4 AGAINST THE PERSON.

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

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

14 **SECTION 3. Safety clause.** The general assembly finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety or for appropriations for
17 the support and maintenance of the departments of the state and state
18 institutions.