

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0312.01 Veronica Parish x2606

SENATE BILL 26-037

SENATE SPONSORSHIP

Rich and Roberts,

HOUSE SPONSORSHIP

Soper and Espenoza,

Senate Committees

Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING ALLOWING LOCAL ELECTED JUDICIAL OFFICERS TO SET**

102 **WEEKEND BONDS.**

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 <http://leg.colorado.gov>.)

Under current law, magistrates appointed as bond hearing officers hold bond hearings in judicial districts on the weekend to ensure that citizens are able to be heard on bond within 48 hours of their arrest. The bond hearing officers set bonds, and staff help with the bond process.

The bill allows available local elected judges to preside over

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.

weekend bond hearings while utilizing the weekend bond court staff.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Timely bond hearings are essential to protecting public safety
5 and ensuring the rights of defendants;

6 (b) Local judicial officers are accountable to the voters of their
7 districts, while bond hearing officers are not subject to local retention
8 elections;

9 (c) Current administrative practices prevent bond hearing staff
10 from opening cases for local judicial officers, even when those local
11 judicial officers are available and willing to preside; and

12 (d) The practice of preventing bond hearing staff from
13 participating in the bond process creates unnecessary risks to public
14 safety and undermines accountability to local communities.

15 **SECTION 2.** In Colorado Revised Statutes, 16-4-116, **add** (2.5)
16 as follows:

17 **16-4-116. Bond hearing officer.**

18 (2.5) (a) A JUDICIAL DISTRICT THAT IS ELIGIBLE TO UTILIZE BOND
19 HEARING OFFICERS PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION
20 MAY, IN THE DISCRETION OF THE CHIEF JUDGE OF THE JUDICIAL DISTRICT,
21 UTILIZE JUDICIAL OFFICERS FROM THEIR OWN JUDICIAL DISTRICT TO
22 PRESIDE OVER WEEKEND BOND HEARINGS.

23 (b) UPON REQUEST OF THE CHIEF JUDGE OF THE JUDICIAL DISTRICT,
24 BOND HEARING OFFICER STAFF SHALL PROVIDE ADMINISTRATIVE SUPPORT
25 TO A JUDICIAL DISTRICT UTILIZING JUDICIAL OFFICERS FROM THEIR OWN

1 JUDICIAL DISTRICT TO PRESIDE OVER WEEKEND BOND HEARINGS IN THE
2 SAME MANNER AS BOND HEARING OFFICER STAFF PROVIDE TO BOND
3 HEARING OFFICERS FOR WEEKEND BOND HEARINGS AS DESCRIBED IN
4 SUBSECTION (2)(a)(I) OF THIS SECTION. THE CHIEF JUDGE OF THE
5 REQUESTING DISTRICT MAY ASSIGN WEEKEND BOND HEARING CASES TO A
6 JUDICIAL OFFICER OF THAT DISTRICT FOR THE PURPOSES OF PRESIDING
7 OVER THE BOND HEARING, OR TO THE BOND HEARING OFFICERS.

8 **SECTION 3. Safety clause.** The general assembly finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, or safety or for appropriations for
11 the support and maintenance of the departments of the state and state
12 institutions.