

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

February 11, 2019

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB19-036 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, line 16, strike "CRIMINAL".
- 2 Page 2, line 17, strike "APPEARANCES." and substitute "APPEARANCES AND
3 TO PROVIDE REMINDERS ABOUT AN UNPLANNED COURT CLOSURE."
- 4 Page 2, lines 18 and 19, strike "COMMITTED TO THE CUSTODY OF A
5 COUNTY JAIL" and substitute "TAKEN INTO CUSTODY".
- 6 Page 3, after line 5 insert:
7 "(III) A PHONE NUMBER COLLECTED FOR THE EXPRESS PURPOSE OF
8 ADMINISTERING THE COURT REMINDER PROGRAM PURSUANT TO THIS
9 SECTION MUST BE KEPT SEPARATE FROM OTHER IDENTIFYING
10 INFORMATION. SUCH PHONE NUMBER MUST ONLY BE USED TO ACHIEVE
11 THE STATUTORY OBJECTIVE OF THE PROGRAM AS DESCRIBED IN
12 SUBSECTION (11)(a)(I) OF THIS SECTION AND MUST NOT BE USED OR
13 SHARED BY THE JUDICIAL DEPARTMENT FOR ANY OTHER PURPOSE."
- 14 Page 3, lines 8 and 9, strike "WITH THE CAPACITY TO RECEIVE TEXT
15 MESSAGES," and substitute "WHO HAVE AGREED TO RECEIVE TEXT
16 MESSAGES AND HAVE THE CAPACITY TO RECEIVE TEXT MESSAGES AT THE
17 MOBILE TELEPHONE NUMBER PROVIDED. THE PROGRAM MUST USE TEXT
18 MESSAGES".
- 19 Page 3, line 14, strike "DATES." and substitute "DATES AND UNPLANNED

1 COURT CLOSURES."

2 Page 3, strike lines 23 and 24 and substitute:

3 "(II) PROVIDE AN ALERT TO A DEFENDANT OR JUVENILE
4 PARTICIPANT WHO MISSES COURT THAT THE DEFENDANT OR JUVENILE HAS
5 MISSED COURT AND THAT THE DEFENDANT OR JUVENILE SHOULD
6 IMMEDIATELY CONTACT HIS OR HER ATTORNEY, IF THE DEFENDANT OR
7 JUVENILE HAS ONE, OR THE COURT TO DETERMINE NEXT STEPS;"

8 Page 4, line 12, strike "APPEARANCES." and substitute "APPEARANCES AND
9 REMIND THEM OF AN UNPLANNED COURT CLOSURE."

10 Page 4, line 22, after "DEFENDANT'S" insert "OR JUVENILE PARTICIPANT'S".

11 Page 5, strike line 12 and substitute:

12 "(h) AS USED IN THIS SUBSECTION (11), UNLESS THE CONTEXT
13 OTHERWISE REQUIRES:

14 (I) "ELIGIBLE COURT" MEANS".

15 Page 5, after line 15 insert:

16 "(II) "JUVENILE PARTICIPANT" MEANS A JUVENILE WHO HAS BEEN
17 ALLEGED TO HAVE COMMITTED A DELINQUENT ACT, AS DEFINED IN
18 SECTION 19-1-103 (36), WHO IS REQUIRED TO APPEAR BEFORE AN ELIGIBLE
19 COURT. "JUVENILE PARTICIPANT" INCLUDES THE JUVENILE'S PARENT,
20 GUARDIAN, OR LEGAL CUSTODIAN.

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

23 **13-1-138. Notification of court reminder program.** A COURT
24 THAT PARTICIPATES IN THE COURT REMINDER PROGRAM ESTABLISHED IN
25 SECTION 13-3-101 (11)(a)(I) SHALL NOTIFY A CRIMINAL DEFENDANT OR
26 JUVENILE PARTICIPANT, AS DEFINED IN SECTION 13-3-101 (11), AT EACH
27 COURT APPEARANCE THAT THE INDIVIDUAL CAN ELECT TO PROVIDE A
28 MOBILE TELEPHONE NUMBER THAT WILL BE USED BY THE COURT SOLELY
29 TO PROVIDE TEXT MESSAGE REMINDERS FOR FUTURE COURT DATES AND
30 UNPLANNED COURT CLOSURES, AND SHALL PROVIDE THE OPPORTUNITY
31 FOR THE INDIVIDUAL TO PROVIDE A MOBILE TELEPHONE NUMBER OR
32 UPDATE A MOBILE TELEPHONE NUMBER FOR THAT PURPOSE.

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

35 **16-4-105.5. Notification of court reminder program.** A PERSON
36 RELEASED ON BOND PURSUANT TO THIS PART 1 WHO IS ORDERED TO

1 APPEAR IN A COURT THAT PARTICIPATES IN THE COURT REMINDER
2 PROGRAM ESTABLISHED IN SECTION 13-3-101 (11)(a)(I), AND ANY PERSON
3 OTHERWISE ORDERED TO APPEAR IN A COURT THAT PARTICIPATES IN THE
4 PROGRAM, MUST BE NOTIFIED THAT THE PERSON CAN ELECT TO PROVIDE
5 A MOBILE TELEPHONE NUMBER THAT WILL BE USED BY THE COURT SOLELY
6 TO PROVIDE TEXT MESSAGE REMINDERS FOR FUTURE COURT DATES AND
7 UNPLANNED COURT CLOSURES, AND MUST BE PROVIDED THE OPPORTUNITY
8 TO PROVIDE A MOBILE TELEPHONE NUMBER OR UPDATE A MOBILE
9 TELEPHONE NUMBER FOR THAT PURPOSE.

10 **SECTION 4.** In Colorado Revised Statutes, **add** 16-4-206 as
11 follows:

12 **16-4-206. Notification of court reminder program.** A PERSON
13 RELEASED ON BOND PURSUANT TO THIS PART 2 WHO IS ORDERED TO
14 APPEAR IN A COURT THAT PARTICIPATES IN THE COURT REMINDER
15 PROGRAM ESTABLISHED IN SECTION 13-3-101 (11)(a)(I), AND ANY PERSON
16 OTHERWISE ORDERED TO APPEAR IN A COURT THAT PARTICIPATES IN THE
17 PROGRAM, MUST BE NOTIFIED THAT THE PERSON CAN ELECT TO PROVIDE
18 A MOBILE TELEPHONE NUMBER THAT WILL BE USED BY THE COURT SOLELY
19 TO PROVIDE TEXT MESSAGE REMINDERS FOR FUTURE COURT DATES AND
20 UNPLANNED COURT CLOSURES, AND MUST BE PROVIDED THE OPPORTUNITY
21 TO PROVIDE A MOBILE TELEPHONE NUMBER OR UPDATE A MOBILE
22 TELEPHONE NUMBER FOR THAT PURPOSE."

23 Renumber succeeding sections accordingly.

24 Page 5, lines 16 and 17, strike "**amend** (2)(b); and".

25 Page 5, strike lines 20 through 22.

26 Page 5, line 23, strike "PERSON'S" and substitute "PERSON CAN ELECT TO
27 PROVIDE A MOBILE TELEPHONE NUMBER THAT WILL SOLELY BE USED TO
28 PROVIDE TEXT MESSAGE REMINDERS OF FUTURE COURT DATES AND
29 UNPLANNED COURT CLOSURES, AND PROVIDE AN OPPORTUNITY FOR THE
30 PERSON TO PROVIDE A MOBILE TELEPHONE NUMBER FOR THAT PURPOSE."

31 Page 5, strike lines 24 through 26.

32 Page 5, after line 26 insert:

33 **"SECTION 6.** In Colorado Revised Statutes, 19-2-507, **add**
34 (5)(b.5) as follows:

35 **19-2-507. Duty of officer - screening teams - notification -**

1 **release or detention.** (5) (b.5) A LAW ENFORCEMENT OFFICER WHO
2 SERVES A JUVENILE OR A JUVENILE'S PARENT, GUARDIAN, OR LEGAL
3 CUSTODIAN WITH A WRITTEN PROMISE TO APPEAR IN A COURT THAT
4 PARTICIPATES IN THE COURT REMINDER PROGRAM ESTABLISHED IN
5 SECTION 13-3-101 (11)(a)(I) SHALL NOTIFY THE PERSON SERVED THAT THE
6 JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN
7 CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER THAT WILL BE USED
8 BY THE COURT SOLELY TO PROVIDE TEXT MESSAGE REMINDERS FOR
9 FUTURE COURT DATES AND UNPLANNED COURT CLOSURES, AND SHALL
10 PROVIDE THE OPPORTUNITY FOR THE JUVENILE AND THE JUVENILE'S
11 PARENT, GUARDIAN, OR LEGAL CUSTODIAN TO PROVIDE A MOBILE
12 TELEPHONE NUMBER OR UPDATE A MOBILE TELEPHONE NUMBER FOR THAT
13 PURPOSE.

14 **SECTION 7.** In Colorado Revised Statutes, 19-2-509, **add** (9) as
15 follows:

16 **19-2-509. Bail.** (9) A JUVENILE RELEASED PURSUANT TO THIS
17 SECTION AND ORDERED TO APPEAR IN A COURT THAT PARTICIPATES IN THE
18 COURT REMINDER PROGRAM ESTABLISHED IN SECTION 13-3-101 (11)(a)(I),
19 AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN, MUST BE
20 NOTIFIED THAT THE JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR
21 LEGAL CUSTODIAN CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER
22 THAT WILL BE USED BY THE COURT SOLELY TO PROVIDE TEXT MESSAGE
23 REMINDERS FOR FUTURE COURT DATES AND UNPLANNED COURT CLOSURES,
24 AND MUST BE PROVIDED THE OPPORTUNITY TO PROVIDE A MOBILE
25 TELEPHONE NUMBER OR UPDATE A MOBILE TELEPHONE NUMBER FOR THAT
26 PURPOSE.

27 **SECTION 8.** In Colorado Revised Statutes, 19-2-514, **add** (11)
28 as follows:

29 **19-2-514. Summons - issuance - contents - service.** (11) A
30 PERSON THAT SERVES A JUVENILE OR A JUVENILE'S PARENT, GUARDIAN, OR
31 LEGAL CUSTODIAN WITH A SUMMONS TO APPEAR IN A COURT THAT
32 PARTICIPATES IN THE COURT REMINDER PROGRAM ESTABLISHED IN
33 SECTION 13-3-101 (11)(a)(I) SHALL NOTIFY THE PERSON SERVED THAT THE
34 JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN
35 CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER THAT WILL BE USED
36 BY THE COURT SOLELY TO PROVIDE TEXT MESSAGE REMINDERS FOR
37 FUTURE COURT DATES AND UNPLANNED COURT CLOSURES, AND SHALL
38 PROVIDE THE OPPORTUNITY FOR THE JUVENILE AND THE JUVENILE'S
39 PARENT, GUARDIAN, OR LEGAL CUSTODIAN TO PROVIDE A MOBILE
40 TELEPHONE NUMBER OR UPDATE A MOBILE TELEPHONE NUMBER FOR THAT
41 PURPOSE."

- 1 Renumber succeeding sections accordingly.
- 2 After "DEFENDANTS" insert "AND JUVENILE PARTICIPANTS" on: **Page 2**,
- 3 lines 16 and 18; **Page 3**, lines 8, 10, 14, and 17; **Page 4**, lines 1, 5, 12, 15,
- 4 24, and 26; **Page 5**, lines 6 and 8.
- 5 After "DEFENDANT" insert "OR JUVENILE PARTICIPANT" on: **Page 3**, lines
- 6 11 and 25; **Page 5**, line 11.

** ** ** ** **