

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

April 3, 2019

Committee on Judiciary.

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

SB19-191 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 3, line 2, before "ARRESTEE" insert  
2 "IN-CUSTODY".
- 3 Page 3, line 4, strike "THE DEFENDANT'S ARREST." and substitute "AN  
4 ARRESTED DEFENDANT ARRIVES AT A JAIL OR HOLDING FACILITY."
- 5 Page 3, line 5, strike "A" and substitute "AN IN-CUSTODY".
- 6 Page 3, line 5 and 6, strike "THE DEFENDANT'S ARREST." and substitute  
7 "AN ARRESTED DEFENDANT ARRIVES AT A JAIL OR HOLDING FACILITY.  
8 AFTER SETTING BOND FOR A DEFENDANT WHO IS IN JAIL CUSTODY, THE  
9 COURT SHALL PROMPTLY PROVIDE THE JAIL WITH THE DEFENDANT'S BOND  
10 INFORMATION".
- 11 Page 3, line 7, after the period add "WHEN HIGH-SPEED INTERNET ACCESS  
12 IS UNAVAILABLE IN A RURAL JURISDICTION MAKING AUDIOVISUAL  
13 CONFERENCING IMPOSSIBLE, THE COURT MAY CONDUCT THE HEARING  
14 TELEPHONICALLY. THE CHIEF JUDGE OF EACH JUDICIAL DISTRICT SHALL  
15 DEVELOP, IN CONJUNCTION WITH REPRESENTATIVES FROM SHERIFFS'  
16 OFFICES, PUBLIC DEFENDERS' OFFICES, DISTRICT ATTORNEYS' OFFICES, AND  
17 ANY OTHER AGENCIES DETERMINED NECESSARY BY THE CHIEF JUDGE,  
18 PLANS FOR COMPLYING WITH THIS SUBSECTION (2)(a). IN DEVELOPING THE  
19 PLAN, THE CHIEF JUDGE SHALL EVALUATE THE POTENTIAL OF UTILIZING  
20 NEW OR EXISTING AUDIOVISUAL CONFERENCE TECHNOLOGY. IN AREAS  
21 WHERE A LACK OF BROADBAND COVERAGE MAKES AUDIOVISUAL

1 CONFERENCING IMPOSSIBLE OR UNRELIABLE, THE CHIEF JUDGE MAY  
2 EVALUATE THE POTENTIAL OF UTILIZING TELEPHONIC HEARINGS. NO  
3 LATER THAN NOVEMBER 1, 2019, THE STATE COURT ADMINISTRATOR'S  
4 OFFICE SHALL REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF  
5 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES,  
6 THE PLANS FOR ALL TWENTY-TWO JUDICIAL DISTRICTS, NOT INCLUDING  
7 THE DENVER COUNTY COURT. THE REPORT MUST INCLUDE AN ESTIMATE  
8 OF RESOURCES NECESSARY TO IMPLEMENT THIS SUBSECTION (2)(a)."

9 Page 3, line 12, after the period insert "NOTWITHSTANDING THE  
10 PROVISIONS OF THIS SECTION, A SHERIFF MAY ALLOW AN INDIVIDUAL TO  
11 CHOOSE TO STAY IN JAIL OVERNIGHT AFTER RELEASE WHEN EXTENUATING  
12 CIRCUMSTANCES EXIST, INCLUDING INCLEMENT WEATHER, LACK OF  
13 TRANSPORTATION, OR LACK OF SHELTER."

14 Page 3, lines 23 and 24, strike "DEFENDANT WITHIN TWO HOURS AFTER  
15 THE DEFENDANT'S BOND HAS BEEN POSTED." and substitute "DEFENDANT  
16 AS SOON AS PRACTICABLE BUT NO LATER THAN FOUR HOURS AFTER THE  
17 DEFENDANT IS PHYSICALLY PRESENT IN THE JAIL AND THE DEFENDANT'S  
18 BOND HAS BEEN POSTED."

19 Page 3, strike line 26, and substitute "TO DETAIN THE DEFENDANT; EXCEPT  
20 THAT, IF THE DEFENDANT IS ORDERED RELEASED UPON CONDITION OF  
21 BEING SUBJECT TO ELECTRONIC MONITORING, THE DEFENDANT MAY BE  
22 HELD UP TO AS LONG PRACTICABLE BUT NO LATER THAN TWENTY-FOUR  
23 HOURS AFTER THE DEFENDANT IS PHYSICALLY PRESENT IN THE JAIL AND  
24 THE DEFENDANT'S BOND HAS BEEN POSTED, IF SUCH DELAY IS NECESSARY  
25 TO ENSURE THE DEFENDANT IS FITTED WITH ELECTRONIC MONITORING AND  
26 THAT THE COURT HAS AUTHORIZED THE DEFENDANT TO BE HELD UNTIL  
27 THE ELECTRONIC MONITOR IS FITTED."

28 Page 3, line 27, strike "SERVICES, INCLUDING BEING FITTED".

29 Page 4, line 1, strike "TWO" and substitute "FOUR".

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