

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 17, 2025
Date

Committee on Judiciary.

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

SB25-009 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

- 1 Amend printed bill, page 2, strike lines 9 through 13.
- 2 Renumber succeeding subsections accordingly.
- 3 Page 2, lines 16 and 17, strike "IN COLORADO,".
- 4 Page 3, line 1, strike "TRIBE OR" and substitute "TRIBE,".
- 5 Page 3, line 2, strike "TRIBE." and substitute "TRIBE, OR A FEDERALLY
6 RECOGNIZED TRIBE ACKNOWLEDGED BY THE "FEDERALLY RECOGNIZED
7 INDIAN TRIBE LIST ACT OF 1994", PUB.L. 103-454, 108 STAT. 4791.".
- 8 Page 3, lines 6 and 7, strike "TRIBE WITH A RESERVATION WITHIN THE
9 EXTERIOR BOUNDARIES OF THE STATE." and substitute "TRIBE.".
- 10 Page 3, line 9, after "**process.**" insert "(1)".
- 11 Page 3, strike lines 11 through 19 and substitute "THE TRIBAL WARRANT
12 IF THE PEACE OFFICER VERIFIES THE VALIDITY OF THE WARRANT AND
13 CONFIRMS THAT THE WARRANT PERMITS EXTRADITION. THE LAW
14 ENFORCEMENT AGENCY IN THE ARRESTING JURISDICTION MAY SURRENDER
15 A PERSON ARRESTED PURSUANT TO A TRIBAL ARREST WARRANT TO THE
16 LAW ENFORCEMENT AGENCY OF THE TRIBAL JURISDICTION IF THE LAW
17 ENFORCEMENT AGENCY OF THE TRIBAL JURISDICTION IS AVAILABLE TO
18 TAKE CUSTODY OF THE PERSON. IF THE LAW ENFORCEMENT AGENCY OF
19 THE TRIBAL JURISDICTION IS NOT AVAILABLE TO TAKE CUSTODY OF THE
20 PERSON, THE LAW ENFORCEMENT AGENCY IN THE ARRESTING JURISDICTION

1 SHALL HOLD THE PERSON IN THE COUNTY DETENTION FACILITY OF THE
2 LAW ENFORCEMENT AGENCY IN THE ARRESTING JURISDICTION. IF THE
3 ARREST WARRANT IS NON-EXTRADITABLE OR IF THE BOND ON THE ARREST
4 WARRANT IS A PERSONAL RECOGNIZANCE BOND, THE LAW ENFORCEMENT
5 AGENCY IN THE ARRESTING JURISDICTION MUST IMMEDIATELY RELEASE
6 THE PERSON FROM STATE CUSTODY.

7 (2) **Court Process.** (a) DISTRICT COURTS SHALL FOLLOW THE
8 PROCESS OUTLINED IN THIS SUBSECTION (2) FOR EXTRADITION CASES
9 ARISING FROM A TRIBAL COURT ORDER.

10 (b) IF A PERSON IS ARRESTED ON A TRIBAL COURT ARREST
11 WARRANT AND THE LAW ENFORCEMENT AGENCY IN THE ARRESTING
12 JURISDICTION DOES NOT SURRENDER THE PERSON IMMEDIATELY TO THE
13 LAW ENFORCEMENT AGENCY OF THE TRIBAL JURISDICTION AS DESCRIBED
14 IN SUBSECTION (1) OF THIS SECTION, A PEACE OFFICER OF THE LAW
15 ENFORCEMENT AGENCY WITH CUSTODY OF THE PERSON SHALL BRING THE
16 PERSON BEFORE A JUDGE IN THE NEAREST DISTRICT COURT THE NEXT DAY
17 THE COURT IS IN SESSION. THE DISTRICT COURT SHALL APPOINT THE
18 PERSON COURT-APPOINTED COUNSEL IF THE PERSON IS ELIGIBLE AND
19 INFORM THE PERSON OF THE EXISTENCE OF THE ARREST WARRANT, THE
20 NATURE OF THE ARREST WARRANT, AND THE PERSON'S RIGHTS, INCLUDING
21 THE RIGHT TO COUNSEL, THE RIGHT TO REMAIN SILENT, THE RIGHT TO
22 CONTEST THE LEGALITY OF THE EXTRADITION REQUEST, AND THE RIGHT TO
23 WAIVE EXTRADITION AND KNOWINGLY, INTELLIGENTLY, AND
24 VOLUNTARILY AGREE TO RETURN TO THE TRIBAL JURISDICTION.

25 (c) (I) THE ARRESTED PERSON IDENTIFIED IN SUBSECTION (2)(b) OF
26 THIS SECTION MAY, IN THE PRESENCE OF A DISTRICT COURT JUDGE, SIGN A
27 WAIVER OF EXTRADITION VERIFYING THAT THE PERSON CONSENTS TO THE
28 RETURN TO THE TRIBAL JURISDICTION. BEFORE THE PERSON SIGNS THE
29 WAIVER OF EXTRADITION, THE DISTRICT COURT JUDGE SHALL INFORM THE
30 PERSON OF THE PERSON'S RIGHT TO TEST THE LEGALITY OF THE
31 EXTRADITION REQUEST.

32 (II) IF A PERSON REQUESTS A HEARING TO TEST THE LEGALITY OF
33 THE EXTRADITION REQUEST, THE DISTRICT COURT SHALL HOLD THE
34 HEARING WITHIN SEVEN DAYS AFTER THE PERSON FACING EXTRADITION
35 REQUESTS THE HEARING UNLESS THE DISTRICT COURT GRANTS THE PERSON
36 MORE TIME TO PREPARE FOR THE HEARING. THE DISTRICT COURT SHALL
37 NOT PLACE A BURDEN ON THE STATE AT THE HEARING. THE DISTRICT
38 COURT SHALL NOT CONSIDER THE PERSON'S GUILT OR INNOCENCE DURING
39 THE HEARING. AT THE HEARING, THE DISTRICT COURT SHALL ORDER THE
40 PERSON EXTRADITED UNLESS THE PERSON CHALLENGING THE
41 EXTRADITION SHOWS BY A PREPONDERANCE OF THE EVIDENCE THAT:

42 (A) THE LAW ENFORCEMENT AGENCY IN THE ARRESTING
43 JURISDICTION DID NOT VERIFY THE VALIDITY OF THE ARREST WARRANT

1 AND DID NOT CONFIRM THAT THE WARRANT PERMITTED EXTRADITION
2 PRIOR TO THE PERSON'S ARREST, RESULTING IN AN UNCONSTITUTIONAL
3 ILLEGAL SEIZURE PURSUANT TO THE STATE CONSTITUTION OR THE UNITED
4 STATES CONSTITUTION;

5 (B) EXTRADITION OF THE PERSON WOULD VIOLATE THE STATE
6 CONSTITUTION OR THE UNITED STATES CONSTITUTION; OR

7 (C) THE PERSON APPEARING BEFORE THE COURT IS NOT THE
8 PERSON NAMED IN THE ARREST WARRANT.

9 (d) (I) **Eligibility for bail.** UNLESS THE TRIBAL COURT WITH
10 JURISDICTION OVER THE ARREST WARRANT REQUESTS THE PERSON BE
11 HELD WITHOUT BAIL, THE DISTRICT COURT MAY SET BAIL ON THE
12 EXTRADITION CASE. IF THE DISTRICT COURT RELEASES THE PERSON ON
13 BAIL, THE DISTRICT COURT SHALL ALSO SET A REVIEW HEARING DATE AND
14 A DEADLINE FOR THE PERSON TO TRAVEL TO THE TRIBAL COURT'S
15 JURISDICTION AND ANSWER THE ARREST WARRANT. IN SETTING THE
16 AMOUNT AND CONDITIONS OF BAIL, THE DISTRICT COURT SHALL CONSIDER
17 THE CONDITIONS NECESSARY TO ENSURE THE PERSON'S APPEARANCE
18 BEFORE THE DISTRICT COURT AND TO CONSIDER THE COMMUNITY'S
19 SAFETY. WHEN SETTING BAIL, THE DISTRICT COURT SHALL CONSIDER THE
20 AMOUNT OF BAIL ON THE TRIBAL COURT ARREST WARRANT.

21 (II) IF THE DISTRICT COURT RECEIVES NOTICE ON OR BEFORE THE
22 REVIEW HEARING FROM THE TRIBAL COURT THAT THE PERSON HAS
23 APPEARED BEFORE THE TRIBAL COURT, THE DISTRICT COURT SHALL
24 DISMISS THE EXTRADITION CASE.

25 (III) IF THE PERSON APPEARS BEFORE THE DISTRICT COURT BUT HAS
26 NOT APPEARED BEFORE THE TRIBAL COURT AS ORDERED, THE DISTRICT
27 COURT SHALL REVOKE THE EXTRADITION BOND AND ORDER THE PERSON
28 EXTRADITED.

29 (IV) IF THE PERSON FAILS TO APPEAR BEFORE THE DISTRICT COURT,
30 THE DISTRICT COURT SHALL ISSUE AN ARREST WARRANT AND ORDER
31 FORFEITURE OF THE EXTRADITION BOND AS SET FORTH IN SECTION
32 16-4-111 (3).

33 (3) **Extradition process.** (a) THE DISTRICT COURT SHALL GIVE
34 THE EXTRADITION ORDERS TO THE PERSON, THE PERSON'S COUNSEL, THE
35 PROSECUTION, THE LAW ENFORCEMENT AGENCY WITH CUSTODY OF THE
36 PERSON, THE TRIBAL COURT, AND THE TRIBAL LAW ENFORCEMENT
37 AGENCY.

38 (b) IF THE DISTRICT COURT DETERMINES THAT THE PERSON MUST
39 BE HELD WITHOUT BAIL PENDING EXTRADITION, THE DISTRICT COURT
40 SHALL ORDER THE LAW ENFORCEMENT AGENCY WITH CUSTODY OF THE
41 PERSON TO NOTIFY THE REQUESTING TRIBAL COURT WHEN ANY OTHER
42 LOCAL HOLDS ARE RESOLVED AND THE PERSON MAY BE TRANSPORTED TO
43 THE TRIBAL COURT'S JURISDICTION.

1 (c) WHEN THE LAW ENFORCEMENT AGENCY WITH CUSTODY OF THE
2 PERSON NOTIFIES THE TRIBAL JURISDICTION THAT A PERSON IS AVAILABLE
3 FOR EXTRADITION, THE LAW ENFORCEMENT AGENCY SHALL NOTIFY THE
4 DISTRICT COURT OF THE DATE AND TIME OF THE NOTICE.

5 (d) (I) UPON RECEIVING A VALID ORDER FROM A DISTRICT COURT
6 AUTHORIZING THE EXTRADITION OF THE PERSON AND NOTIFICATION FROM
7 THE LAW ENFORCEMENT AGENCY WITH CUSTODY OF THE PERSON THAT
8 THERE ARE NO LOCAL HOLDS PREVENTING TRANSPORT, THE TRIBE SHALL
9 ARRANGE TRANSPORT OF THE PERSON TO THE TRIBE'S DETENTION FACILITY
10 WITHOUT UNDUE DELAY UNLESS OTHERWISE AGREED UPON BY THE LAW
11 ENFORCEMENT AGENCY WITH CUSTODY OF THE PERSON AND THE LAW
12 ENFORCEMENT AUTHORITY OF THE TRIBAL JURISDICTION. THE TRIBE
13 SHALL TAKE CUSTODY OF THE PERSON WITHIN SEVENTY-TWO HOURS
14 AFTER RECEIPT OF THE EXTRADITION ORDER AND NOTICE THAT THE
15 PERSON IS AVAILABLE FOR TRANSPORT.

16 (II) NOTWITHSTANDING SUBSECTION (3)(d)(I) OF THIS SECTION TO
17 THE CONTRARY, IF A TRIBE IS NOT ABLE TO TAKE CUSTODY OF THE PERSON
18 WITHIN SEVENTY-TWO HOURS AFTER RECEIPT OF THE EXTRADITION ORDER
19 AND NOTICE THAT THE PERSON IS AVAILABLE FOR TRANSPORT, THE
20 DISTRICT COURT MAY, UPON A FINDING OF GOOD CAUSE, ADJUST THE TIME
21 FRAME AS NECESSARY FOR THE TRIBE TO TAKE CUSTODY OF THE PERSON.

22 (e) IF A DISTRICT COURT ORDERS EXTRADITION AND THE DISTRICT
23 COURT RECEIVES INFORMATION THAT THE TRIBAL JURISDICTION HAS
24 CUSTODY OF THE PERSON OR THE PERSON HAS APPEARED BEFORE THE
25 TRIBAL COURT, THE DISTRICT COURT SHALL DISMISS THE EXTRADITION
26 CASE AND ORDER THE EXTRADITION BOND RELEASED.

27 (f) EXCEPT FOR A DISTRICT COURT'S FINDING OF GOOD CAUSE TO
28 HOLD A PERSON LONGER THAN SEVENTY-TWO HOURS PURSUANT TO
29 SUBSECTION (3)(d)(II) OF THIS SECTION, THE LAW ENFORCEMENT AGENCY
30 WITH CUSTODY OF THE PERSON SHALL RELEASE THE PERSON IF THE TRIBE
31 HAS NOT TAKEN CUSTODY OF THE PERSON WITHIN THE TIME FRAME SET
32 FORTH IN SUBSECTION (3)(d)(I) OF THIS SECTION. A PERSON WHO HAS
33 BEEN HELD IN EXCESS OF THE TIME LIMIT SET FORTH IN SUBSECTION
34 (3)(d)(I) OF THIS SECTION MAY FILE A MOTION FOR RELEASE, AND UPON
35 RECEIPT OF THE MOTION, THE COURT SHALL CONDUCT AN IMMEDIATE
36 HEARING. IF THE COURT DETERMINES AT THE HEARING THAT THE PERSON
37 HAS BEEN HELD IN EXCESS OF THE TIME LIMIT SET FORTH IN SUBSECTION
38 (3)(d)(I) OF THIS SECTION, THE COURT SHALL ORDER THE PERSON'S
39 IMMEDIATE RELEASE."

40 Page 3, line 22, strike "orders -" and substitute "orders - applicability
41 -".

- 1 Page 4, strikes lines 14 through 18.
- 2 Reletter succeeding subparagraphs accordingly.
- 3 Page 4, lines 21 and 22, strike "IN COLORADO,".
- 4 Page 4, line 25, strike "TRIBE OR" and substitute "TRIBE,".
- 5 Page 4, line 26, strike "TRIBE." and substitute "TRIBE, OR A FEDERALLY
6 RECOGNIZED TRIBE ACKNOWLEDGED BY THE "FEDERALLY RECOGNIZED
7 INDIAN TRIBE LIST ACT OF 1994", PUB.L. 103-454, 108 STAT. 4791.".
- 8 Page 5, line 2, after "STATE" insert "RESPONSIBLE FOR".
- 9 Page 5, lines 5 and 6, strike "WITH A RESERVATION WITHIN THE EXTERIOR
10 BOUNDARIES OF THE STATE".
- 11 Page 5, after line 19 insert:
- 12 "(4) IF A TRIBAL COURT ISSUES AN ORDER RESCINDING THE TRIBAL
13 COURT'S ORIGINAL BEHAVIORAL COMMITMENT ORDER, THE STATE,
14 COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCIES; STATE COURTS;
15 HOSPITALS; BEHAVIORAL HEALTH FACILITIES; HEALTH-CARE PROVIDERS;
16 AND OTHERS WITHIN THE STATE RESPONSIBLE FOR PROVIDING SERVICES TO
17 THE PERSON SUBJECT TO A BEHAVIORAL HEALTH COMMITMENT ORDER
18 SHALL RECOGNIZE THE ORDER RESCINDING THE TRIBAL COURT'S ORIGINAL
19 BEHAVIORAL HEALTH COMMITMENT ORDER AND RELEASE THE PERSON
20 SUBJECT TO THE BEHAVIORAL HEALTH COMMITMENT ORDER.
- 21 (5) THIS SECTION APPLIES TO PEOPLE SUBJECT TO TRIBAL COURT
22 BEHAVIORAL HEALTH COMMITMENT ORDERS.".
- 23 Page 5, strike lines 20 through 26 and substitute:
- 24 "**SECTION 3. Safety clause.** The general assembly finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety or for appropriations for
27 the support and maintenance of the departments of the state and state
28 institutions.".
- 29 Strike page 6.

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