

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0688.01 Richard Sweetman x4333

HOUSE BILL 18-1081

HOUSE SPONSORSHIP

Benavidez,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING REQUIRING THE STATE COURT ADMINISTRATOR TO
102 ADMINISTER A DIVISION TO REMIND CRIMINAL DEFENDANTS TO
103 APPEAR IN COURT AS SCHEDULED.

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 requires the state court administrator to administer a division that is charged with reminding criminal defendants to appear at their scheduled hearings in the county courts and district courts of the state. The objective of the division is to significantly reduce the number of defendants who are committed to the custody of a county jail solely as

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

a result of their failure to appear in court.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-3-101, **amend** (1);
3 and **add** (10) as follows:

4 **13-3-101. State court administrator.** (1) There is created,
5 pursuant to section 5 (3) of article VI of the state constitution, the position
6 of state court administrator, who shall be appointed by the justices of the
7 supreme court at such compensation as shall be determined by them. The
8 state court administrator is responsible to the supreme court, and IN
9 ADDITION TO THE DUTIES DESCRIBED WITHIN THIS SECTION, HE OR SHE
10 shall perform ~~such~~ THE duties ~~as~~ assigned to him OR HER by the chief
11 justice and the supreme court.

12 (10)(a) ON AND AFTER NOVEMBER 1, 2018, IN ACCORDANCE WITH
13 SUBSECTION (2) OF THIS SECTION AND SECTION 5 (3) OF ARTICLE VI OF THE
14 STATE CONSTITUTION, THE STATE COURT ADMINISTRATOR SHALL
15 ADMINISTER A DIVISION THAT IS CHARGED WITH REMINDING CRIMINAL
16 DEFENDANTS TO APPEAR AT THEIR SCHEDULED HEARINGS IN THE COUNTY
17 COURTS AND DISTRICT COURTS OF THE STATE. THE OBJECTIVE OF THE
18 DIVISION IS TO SIGNIFICANTLY REDUCE THE NUMBER OF DEFENDANTS WHO
19 ARE COMMITTED TO THE CUSTODY OF A COUNTY JAIL SOLELY AS A RESULT
20 OF THEIR FAILURE TO APPEAR IN COURT. THE DIVISION MAY ACHIEVE ITS
21 OBJECTIVE VIA TELEPHONIC COMMUNICATIONS, TRADITIONAL MAIL, OR
22 INTERNET-BASED TECHNOLOGY, INCLUDING BUT NOT LIMITED TO E-MAIL
23 AND TEXT MESSAGING. THE STATE COURT ADMINISTRATOR SHALL ENSURE
24 THAT THE DIVISION IS ADEQUATELY STAFFED TO SERVICE THE DOCKETS OF
25 EVERY COUNTY COURT AND DISTRICT COURT IN THE STATE.

1 (b) EACH COUNTY COURT AND DISTRICT COURT SHALL UTILIZE THE
2 SERVICES OF THE DIVISION DESCRIBED IN SUBSECTION (10)(a) OF THIS
3 SECTION UNLESS THE COURT HAS ITS OWN PROCEDURE FOR REMINDING
4 CRIMINAL DEFENDANTS TO APPEAR AT THEIR SCHEDULED HEARINGS, SO
5 LONG AS THE PROCESS IS SATISFACTORY TO THE STATE COURT
6 ADMINISTRATOR.

7 **SECTION 2. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2018 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.