

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0688.01 Richard Sweetman x4333

HOUSE BILL 18-1081

HOUSE SPONSORSHIP

Benavidez,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

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 JANUARY 1, 2019, IN ACCORDANCE WITH
13 SUBSECTION (2) OF THIS SECTION, THE STATE COURT ADMINISTRATOR
14 SHALL ADMINISTER A COURT REMINDER PROGRAM WITH THE OBJECTIVE TO
15 REMIND CRIMINAL DEFENDANTS IN COUNTY COURTS AND DISTRICT
16 COURTS, EXCEPT FOR THE DENVER COUNTY COURT, TO APPEAR AT EACH
17 OF THEIR SCHEDULED COURT APPEARANCES. THE OBJECTIVE OF SUCH
18 REMINDERS IS TO SIGNIFICANTLY REDUCE THE NUMBER OF CRIMINAL
19 DEFENDANTS WHO ARE COMMITTED TO THE CUSTODY OF A COUNTY JAIL
20 SOLELY AS A RESULT OF THEIR FAILURE TO APPEAR IN COURT.

21 (b) IN ADMINISTERING THE PROGRAM, THE STATE COURT
22 ADMINISTRATOR SHALL PRIORITIZE THE USE OF TEXT MESSAGES TO
23 REMIND CRIMINAL DEFENDANTS WITH THE CAPACITY TO RECEIVE TEXT
24 MESSAGES, UNLESS AND UNTIL A MORE EFFECTIVE TECHNOLOGICAL MEANS
25 OF REMINDING DEFENDANTS BECOMES AVAILABLE. IN ADDITION, OR WHEN

1 A DEFENDANT IS UNABLE TO RECEIVE TEXT MESSAGES, THE STATE COURT
2 ADMINISTRATOR, AT HIS OR HER DISCRETION, MAY ALSO USE TELEPHONIC
3 COMMUNICATIONS, E-MAIL, OR OTHER INTERNET-BASED TECHNOLOGY TO
4 REMIND DEFENDANTS OF COURT DATES.

5 (c) ON AND AFTER SEPTEMBER 1, 2018, THE STATE COURT
6 ADMINISTRATOR SHALL TRACK DATA IN EACH COUNTY COURT AND
7 DISTRICT COURT, EXCEPT FOR THE DENVER COUNTY COURT, CONCERNING
8 THE FAILURE OF CRIMINAL DEFENDANTS TO APPEAR FOR THEIR SCHEDULED
9 COURT APPEARANCES.

10 (d) THE PROGRAM SHALL:

11 (I) PROVIDE TEXT MESSAGE REMINDERS FOR ALL COURT
12 APPEARANCES FOR STATE AND COUNTY CRIMINAL DEFENDANTS WITH THE
13 CAPACITY TO RECEIVE TEXT MESSAGES AND FOR WHOM THE STATE COURT
14 ADMINISTRATOR HAS A WORKING PHONE NUMBER;

15 (II) IDENTIFY EACH INSTANCE IN WHICH A CRIMINAL DEFENDANT
16 RECEIVED A TEXT MESSAGE REMINDER;

17 (III) IDENTIFY CRIMINAL DEFENDANTS WITH UPCOMING COURT
18 APPEARANCES WHO CANNOT BE REACHED BECAUSE THEY LACK THE
19 CAPACITY TO RECEIVE TEXT MESSAGES;

20 (IV) COLLECT DATA CONCERNING THE NUMBER OF CRIMINAL
21 DEFENDANTS WHO FAIL TO APPEAR AT THEIR SCHEDULED COURT
22 APPEARANCES DESPITE HAVING RECEIVED ONE OR MORE REMINDERS;

23 (V) HAVE THE CAPACITY, AT THE DISCRETION OF THE STATE
24 COURT ADMINISTRATOR, TO PROVIDE ADDITIONAL INFORMATION TO
25 CRIMINAL DEFENDANTS CONCERNING THEIR SCHEDULED COURT DATES,
26 WHICH MAY INCLUDE BUT NEED NOT BE LIMITED TO THE LOCATION OF A
27 COURT APPEARANCE; TRANSPORTATION OPTIONS, IF AVAILABLE; CHILD

1 CARE, IF AVAILABLE; AND WHAT A DEFENDANT MAY DO IF THE DEFENDANT
2 IS UNABLE TO ATTEND THE COURT APPEARANCE;

3 (VI) HAVE THE CAPACITY TO SUPPORT PARTNERSHIPS BETWEEN
4 THE STATE COURT ADMINISTRATOR AND LOCAL LAW ENFORCEMENT
5 AGENCIES, LOCAL GOVERNMENTS, AND THE STATE PUBLIC DEFENDER, FOR
6 THE PURPOSES DESCRIBED IN SUBSECTIONS (10)(e), (10)(f), (10)(g), AND
7 (10)(h) OF THIS SECTION; AND

8 (VII) UTILIZE ONE OR MORE PUBLICLY AVAILABLE WEBSITES AT
9 WHICH CRIMINAL DEFENDANTS MAY REQUEST TEXT REMINDERS.

10 (e) THE STATE COURT ADMINISTRATOR MAY PARTNER WITH LOCAL
11 LAW ENFORCEMENT AGENCIES, AT THE STATE COURT ADMINISTRATOR'S
12 AND THE AGENCIES' DISCRETION, TO ALLOW INDIVIDUALS WHO ARE CITED
13 AND RELEASED BY LAW ENFORCEMENT OFFICERS TO RECEIVE TEXT
14 MESSAGE REMINDERS.

15 (f) THE STATE COURT ADMINISTRATOR MAY, AT THE STATE COURT
16 ADMINISTRATOR'S AND EACH LOCAL GOVERNMENT'S DISCRETION, PARTNER
17 WITH LOCAL GOVERNMENTS TO ALLOW CRIMINAL DEFENDANTS IN
18 MUNICIPAL COURTS TO RECEIVE REMINDERS PURSUANT TO THIS
19 SUBSECTION (10). ANY LOCAL GOVERNMENT THAT PARTNERS WITH THE
20 STATE COURT ADMINISTRATOR PURSUANT TO THIS SUBSECTION (10) SHALL
21 PAY ALL COSTS OF SENDING REMINDERS TO CRIMINAL DEFENDANTS,
22 INCLUDING THE COST OF LINKING THE MUNICIPAL COURT DATABASE WITH
23 THE STATE COURT ADMINISTRATOR DATABASE.

24 (g) THE STATE COURT ADMINISTRATOR MAY PARTNER WITH THE
25 STATE PUBLIC DEFENDER, AT THE STATE COURT ADMINISTRATOR'S AND
26 THE STATE PUBLIC DEFENDER'S DISCRETION, TO PROVIDE REMINDERS AND
27 OTHER INFORMATION TO CRIMINAL DEFENDANTS WHOM THE STATE PUBLIC

1 DEFENDER REPRESENTS.

2 (h) THE STATE COURT ADMINISTRATOR, AT HIS OR HER
3 DISCRETION, MAY EXPAND THE PROGRAM TO PROVIDE TEXT MESSAGE
4 REMINDERS TO PROBATIONERS TO REMIND THEM OF TIME-SENSITIVE
5 REQUIREMENTS OF THEIR PROBATION.

6 (i) EACH COUNTY COURT AND DISTRICT COURT, EXCEPT FOR THE
7 DENVER COUNTY COURT, SHALL UTILIZE THE REMINDER SERVICES OF THE
8 STATE COURT ADMINISTRATOR DESCRIBED IN THIS SUBSECTION (10)
9 UNLESS THE COURT HAS ITS OWN PROCEDURE FOR USING TEXT MESSAGING
10 TO REMIND CRIMINAL DEFENDANTS TO APPEAR AT THEIR SCHEDULED
11 COURT APPEARANCES.

12 (j) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION
13 (10), THE DENVER COUNTY COURT IS NOT REQUIRED TO UTILIZE THE
14 PROGRAM.

15 (k) IN ITS ANNUAL REPORT TO THE COMMITTEES OF REFERENCE
16 PURSUANT TO SECTION 2-7-203, THE JUDICIAL DEPARTMENT SHALL
17 INCLUDE INFORMATION CONCERNING THE ACTIVITIES OF THE STATE COURT
18 ADMINISTRATOR PURSUANT TO THIS SUBSECTION (10). TO THE EXTENT
19 PRACTICABLE, THE REPORT MUST INCLUDE:

20 (I) THE NUMBER OF REMINDERS RECEIVED BY CRIMINAL
21 DEFENDANTS IN EACH COUNTY AND EACH JUDICIAL DISTRICT;

22 (II) THE NUMBER OF CRIMINAL DEFENDANTS IN EACH COUNTY AND
23 EACH JUDICIAL DISTRICT WHO FAILED TO APPEAR FOR A COURT HEARING;

24 (III) THE NUMBER OF CRIMINAL DEFENDANTS IN EACH COUNTY
25 AND EACH JUDICIAL DISTRICT WHO RECEIVED A REMINDER FROM THE
26 PROGRAM BUT WHO NONETHELESS FAILED TO APPEAR FOR A COURT
27 HEARING;

1 (IV) ANY OTHER DATA COLLECTED BY THE STATE COURT
2 ADMINISTRATOR THAT THE STATE COURT ADMINISTRATOR DETERMINES TO
3 BE USEFUL TO THE GENERAL ASSEMBLY IN ASSESSING THE EFFECTIVENESS
4 OF THE PROGRAM AT REDUCING THE NUMBER OF CRIMINAL DEFENDANTS
5 WHO FAIL TO APPEAR FOR THEIR COURT APPEARANCES AND REDUCING THE
6 NUMBER OF CRIMINAL DEFENDANTS WHO ARE JAILED FOR FAILURE TO
7 APPEAR AT A COURT APPEARANCE;

8 (V) TO THE EXTENT PRACTICABLE, ANY SAVINGS OR EXPENSES
9 THAT THIS SUBSECTION (10) HAS GENERATED FOR THE STATE; AND

10 (VI) ANY RECOMMENDATION THAT THE STATE COURT
11 ADMINISTRATOR MAY HAVE CONCERNING THE IMPLEMENTATION OF THIS
12 SUBSECTION (10).

13 (l) NOTHING IN THIS SUBSECTION (10) CREATES A RIGHT FOR ANY
14 CRIMINAL DEFENDANT TO RECEIVE A REMINDER FROM THE PROGRAM.

15 (m) IN ADMINISTERING THE PROGRAM, THE STATE COURT
16 ADMINISTRATOR SHALL COMPLY WITH ANY FEDERAL OR STATE LAW THAT
17 REQUIRES THE STATE COURT ADMINISTRATOR TO OBTAIN A PERSON'S
18 CONSENT BEFORE SENDING TEXT MESSAGE REMINDERS TO THE PERSON.

19

20 **SECTION 2. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.