

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 19-0577.01 Conrad Imel x2313

SENATE BILL 19-036

SENATE SPONSORSHIP

Lee and Cooke,

HOUSE SPONSORSHIP

Benavidez and Carver,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIRING THE STATE COURT ADMINISTRATOR TO**
102 **ADMINISTER A PROGRAM TO REMIND CRIMINAL DEFENDANTS TO**
103 **APPEAR IN COURT AS SCHEDULED, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

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 court reminder program (program) to remind criminal defendants to appear at their scheduled hearings in district courts, county courts, and municipal

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.

SENATE
Amended 2nd Reading
April 16, 2019

courts that use the judicial department's case management system. The objective of the program is to significantly reduce the number of defendants who are committed to the custody of a county jail solely as a result of their failure to appear in court. The judicial department is required to include information about the program in its annual report to the general assembly.

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** (11) as follows:

4 **13-3-101. State court administrator - definition - repeal.**

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

13 (11) (a) (I) ON AND AFTER JANUARY 1, 2020, THE STATE COURT
14 ADMINISTRATOR SHALL ADMINISTER A COURT REMINDER PROGRAM IN AT
15 LEAST FOUR JUDICIAL DISTRICT COURTS TO REMIND CRIMINAL
16 DEFENDANTS AND JUVENILE PARTICIPANTS TO APPEAR AT EACH OF THEIR
17 SCHEDULED COURT APPEARANCES AND TO PROVIDE REMINDERS ABOUT
18 AN UNPLANNED COURT CLOSURE. THE OBJECTIVE OF SUCH REMINDERS IS
19 TO SIGNIFICANTLY REDUCE THE NUMBER OF CRIMINAL DEFENDANTS AND
20 JUVENILE PARTICIPANTS WHO ARE TAKEN INTO CUSTODY SOLELY AS A
21 RESULT OF THEIR FAILURE TO APPEAR IN COURT. NO LATER THAN JULY 1,
22 2020, THE PROGRAM MUST BE ADMINISTERED IN EVERY ELIGIBLE COURT,

1 AS DEFINED IN SUBSECTION (11)(h) OF THIS SECTION, IN THE STATE.

2 (II) THE STATE COURT ADMINISTRATOR SHALL ISSUE A REQUEST
3 FOR PROPOSAL TO CHOOSE A THIRD-PARTY VENDOR TO DEVELOP AND
4 OPERATE THE COURT REMINDER PROGRAM. AT THE CONCLUSION OF THE
5 REQUEST FOR PROPOSAL PROCESS, THE STATE COURT ADMINISTRATOR MAY
6 CHOOSE TO DEVELOP AND OPERATE THE PROGRAM WITHOUT UTILIZING A
7 THIRD-PARTY VENDOR.

8 (III) A PHONE NUMBER COLLECTED FOR THE EXPRESS PURPOSE OF
9 ADMINISTERING THE COURT REMINDER PROGRAM PURSUANT TO THIS
10 SECTION MUST BE KEPT SEPARATE FROM OTHER IDENTIFYING
11 INFORMATION. SUCH PHONE NUMBER MUST ONLY BE USED TO ACHIEVE
12 THE STATUTORY OBJECTIVE OF THE PROGRAM AS DESCRIBED IN
13 SUBSECTION (11)(a)(I) OF THIS SECTION AND MUST NOT BE USED OR
14 SHARED BY THE JUDICIAL DEPARTMENT FOR ANY OTHER PURPOSE.

15 (b) IN ADMINISTERING THE PROGRAM, THE STATE COURT
16 ADMINISTRATOR SHALL PRIORITIZE THE USE OF TEXT MESSAGES TO
17 REMIND CRIMINAL DEFENDANTS AND JUVENILE PARTICIPANTS WHO HAVE
18 AGREED TO RECEIVE TEXT MESSAGES AND HAVE THE CAPACITY TO
19 RECEIVE TEXT MESSAGES AT THE MOBILE TELEPHONE NUMBER PROVIDED.
20 THE PROGRAM MUST USE TEXT MESSAGES UNLESS AND UNTIL A MORE
21 EFFECTIVE TECHNOLOGICAL MEANS OF REMINDING DEFENDANTS AND
22 JUVENILE PARTICIPANTS BECOMES AVAILABLE. IN ADDITION, OR WHEN A
23 DEFENDANT OR JUVENILE PARTICIPANT IS UNABLE TO RECEIVE TEXT
24 MESSAGES, THE STATE COURT ADMINISTRATOR, AT HIS OR HER
25 DISCRETION, MAY ALSO USE OTHER COMMUNICATION METHODS,
26 INCLUDING TELEPHONE, E-MAIL, OR OTHER INTERNET-BASED TECHNOLOGY
27 TO REMIND DEFENDANTS AND JUVENILE PARTICIPANTS OF COURT DATES

1 AND UNPLANNED COURT CLOSURES.

2 (c) THE PROGRAM MUST:

3 (I) PROVIDE AT LEAST TWO TEXT MESSAGE REMINDERS FOR ALL
4 COURT APPEARANCES FOR CRIMINAL DEFENDANTS AND JUVENILE
5 PARTICIPANTS IN AN ELIGIBLE COURT WITH THE CAPACITY TO RECEIVE
6 TEXT MESSAGES AND FOR WHOM THE STATE COURT ADMINISTRATOR HAS
7 A WORKING MOBILE TELEPHONE NUMBER. THE REMINDERS MUST INCLUDE
8 AT LEAST THE DATE, LOCATION, AND TIME OF THE COURT APPEARANCE
9 AND CONTACT INFORMATION FOR QUESTIONS RELATED TO THE COURT
10 APPEARANCE.

11 (II) PROVIDE AN ALERT TO A DEFENDANT OR JUVENILE
12 PARTICIPANT WHO MISSES COURT THAT THE DEFENDANT OR JUVENILE HAS
13 MISSED COURT AND THAT THE DEFENDANT OR JUVENILE SHOULD
14 IMMEDIATELY CONTACT HIS OR HER ATTORNEY, IF THE DEFENDANT OR
15 JUVENILE HAS ONE, OR THE COURT TO DETERMINE NEXT STEPS;

16 (III) IDENTIFY EACH INSTANCE IN WHICH A CRIMINAL DEFENDANT
17 OR JUVENILE PARTICIPANT WAS SENT A TEXT MESSAGE REMINDER TO A
18 WORKING MOBILE TELEPHONE NUMBER;

19 (IV) IDENTIFY DEFENDANTS AND JUVENILE PARTICIPANTS WITH
20 UPCOMING COURT APPEARANCES WHO CANNOT BE REACHED AND, AS
21 RESOURCES ALLOW, ATTEMPT TO ACQUIRE CURRENT CONTACT
22 INFORMATION; AND

23 (V) COLLECT DATA CONCERNING THE NUMBER OF CRIMINAL
24 DEFENDANTS AND JUVENILE PARTICIPANTS WHO FAIL TO APPEAR AT THEIR
25 SCHEDULED COURT APPEARANCES DESPITE HAVING BEEN SENT ONE OR
26 MORE REMINDERS TO A WORKING TELEPHONE NUMBER.

27 (d) EACH ELIGIBLE COURT SHALL UTILIZE THE REMINDER SERVICES

1 OF THE STATE COURT ADMINISTRATOR DESCRIBED IN THIS SUBSECTION
2 (11) UNLESS THE COURT CHOOSES TO OPT OUT AND HAS ITS OWN
3 PROCEDURE FOR USING TEXT MESSAGING TO REMIND ALL CRIMINAL
4 DEFENDANTS AND JUVENILE PARTICIPANTS TO APPEAR AT THEIR
5 SCHEDULED COURT APPEARANCES AND REMIND THEM OF AN UNPLANNED
6 COURT CLOSURE.

7 (e) ON AND AFTER JANUARY 1, 2020, THE STATE COURT
8 ADMINISTRATOR SHALL TRACK DATA IN EACH ELIGIBLE COURT
9 CONCERNING THE FAILURE OF CRIMINAL DEFENDANTS AND JUVENILE
10 PARTICIPANTS TO APPEAR FOR THEIR SCHEDULED COURT APPEARANCES.

11 (f) IN ITS ANNUAL REPORT TO THE COMMITTEES OF REFERENCE
12 PURSUANT TO SECTION 2-7-203, THE JUDICIAL DEPARTMENT SHALL
13 INCLUDE INFORMATION CONCERNING THE ACTIVITIES OF THE STATE COURT
14 ADMINISTRATOR PURSUANT TO THIS SUBSECTION (11). TO THE EXTENT
15 PRACTICABLE, THE REPORT MUST INCLUDE:

16 (I) THE NUMBER OF REMINDERS SENT TO A CRIMINAL DEFENDANT'S
17 OR JUVENILE PARTICIPANT'S WORKING TELEPHONE NUMBER IN EACH
18 ELIGIBLE COURT;

19 (II) THE NUMBER OF CRIMINAL DEFENDANTS AND JUVENILE
20 PARTICIPANTS IN EACH ELIGIBLE COURT WHO FAILED TO APPEAR FOR A
21 COURT HEARING;

22 (III) THE NUMBER OF CRIMINAL DEFENDANTS AND JUVENILE
23 PARTICIPANTS IN EACH ELIGIBLE COURT WHO WERE SENT A REMINDER TO
24 A WORKING TELEPHONE NUMBER FROM THE PROGRAM BUT WHO
25 NONETHELESS FAILED TO APPEAR FOR A COURT HEARING; AND

26 (IV) ANY OTHER DATA COLLECTED BY THE STATE COURT
27 ADMINISTRATOR THAT THE STATE COURT ADMINISTRATOR DETERMINES TO

1 BE USEFUL TO THE GENERAL ASSEMBLY IN ASSESSING THE EFFECTIVENESS
2 OF THE PROGRAM AT REDUCING THE NUMBER OF CRIMINAL DEFENDANTS
3 AND JUVENILE PARTICIPANTS WHO FAIL TO APPEAR FOR THEIR COURT
4 APPEARANCES AND REDUCING THE NUMBER OF CRIMINAL DEFENDANTS
5 AND JUVENILE PARTICIPANTS WHO ARE JAILED FOR FAILURE TO APPEAR AT
6 A COURT APPEARANCE.

7 (g) NOTHING IN THIS SUBSECTION (11) CREATES A RIGHT FOR ANY
8 CRIMINAL DEFENDANT OR JUVENILE PARTICIPANT TO RECEIVE A REMINDER
9 FROM THE PROGRAM.

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

12 (I) "ELIGIBLE COURT" MEANS A DISTRICT COURT, COUNTY COURT,
13 OR MUNICIPAL COURT THAT USES THE INTEGRATED COLORADO ONLINE
14 NETWORK THAT IS THE JUDICIAL DEPARTMENT'S CASE MANAGEMENT
15 SYSTEM.

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

1 MOBILE TELEPHONE NUMBER THAT WILL BE USED BY THE COURT SOLELY
2 TO PROVIDE TEXT MESSAGE REMINDERS FOR FUTURE COURT DATES AND
3 UNPLANNED COURT CLOSURES, AND SHALL PROVIDE THE OPPORTUNITY
4 FOR THE INDIVIDUAL TO PROVIDE A MOBILE TELEPHONE NUMBER OR
5 UPDATE A MOBILE TELEPHONE NUMBER FOR THAT PURPOSE.

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

8 **16-4-105.5. Notification of court reminder program.** A PERSON
9 RELEASED ON BOND PURSUANT TO THIS PART 1 WHO IS ORDERED TO
10 APPEAR IN A COURT THAT PARTICIPATES IN THE COURT REMINDER
11 PROGRAM ESTABLISHED IN SECTION 13-3-101 (11)(a)(I), AND ANY PERSON
12 OTHERWISE ORDERED TO APPEAR IN A COURT THAT PARTICIPATES IN THE
13 PROGRAM, MUST BE NOTIFIED THAT THE PERSON CAN ELECT TO PROVIDE
14 A MOBILE TELEPHONE NUMBER THAT WILL BE USED BY THE COURT SOLELY
15 TO PROVIDE TEXT MESSAGE REMINDERS FOR FUTURE COURT DATES AND
16 UNPLANNED COURT CLOSURES, AND MUST BE PROVIDED THE OPPORTUNITY
17 TO PROVIDE A MOBILE TELEPHONE NUMBER OR UPDATE A MOBILE
18 TELEPHONE NUMBER FOR THAT PURPOSE.

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

21 **16-4-206. Notification of court reminder program.** A PERSON
22 RELEASED ON BOND PURSUANT TO THIS PART 2 WHO IS ORDERED TO
23 APPEAR IN A COURT THAT PARTICIPATES IN THE COURT REMINDER
24 PROGRAM ESTABLISHED IN SECTION 13-3-101 (11)(a)(I), AND ANY PERSON
25 OTHERWISE ORDERED TO APPEAR IN A COURT THAT PARTICIPATES IN THE
26 PROGRAM, MUST BE NOTIFIED THAT THE PERSON CAN ELECT TO PROVIDE
27 A MOBILE TELEPHONE NUMBER THAT WILL BE USED BY THE COURT SOLELY

1 TO PROVIDE TEXT MESSAGE REMINDERS FOR FUTURE COURT DATES AND
2 UNPLANNED COURT CLOSURES, AND MUST BE PROVIDED THE OPPORTUNITY
3 TO PROVIDE A MOBILE TELEPHONE NUMBER OR UPDATE A MOBILE
4 TELEPHONE NUMBER FOR THAT PURPOSE.

5 **SECTION 5.** In Colorado Revised Statutes, 16-5-206, add
6 (2)(g) as follows:

7 **16-5-206. Summons in lieu of warrant.** (2) If a summons is
8 issued in lieu of a warrant under this section:

9 add
10 (g) IT SHALL ADVISE THE PERSON SUMMONED THAT THE PERSON
11 CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER THAT WILL SOLELY
12 BE USED TO PROVIDE TEXT MESSAGE REMINDERS OF FUTURE COURT DATES
13 AND UNPLANNED COURT CLOSURES, AND PROVIDE AN OPPORTUNITY FOR
14 THE PERSON TO PROVIDE A MOBILE TELEPHONE NUMBER FOR THAT
15 PURPOSE. add

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

18 **19-2-507. Duty of officer - screening teams - notification -**
19 **release or detention.** (5) (b.5) A LAW ENFORCEMENT OFFICER WHO
20 SERVES A JUVENILE OR A JUVENILE'S PARENT, GUARDIAN, OR LEGAL
21 CUSTODIAN WITH A WRITTEN PROMISE TO APPEAR IN A COURT THAT
22 PARTICIPATES IN THE COURT REMINDER PROGRAM ESTABLISHED IN
23 SECTION 13-3-101 (11)(a)(I) SHALL NOTIFY THE PERSON SERVED THAT THE
24 JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN
25 CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER THAT WILL BE USED
26 BY THE COURT SOLELY TO PROVIDE TEXT MESSAGE REMINDERS FOR
27 FUTURE COURT DATES AND UNPLANNED COURT CLOSURES, AND SHALL

1 PROVIDE THE OPPORTUNITY FOR THE JUVENILE AND THE JUVENILE'S
2 PARENT, GUARDIAN, OR LEGAL CUSTODIAN TO PROVIDE A MOBILE
3 TELEPHONE NUMBER OR UPDATE A MOBILE TELEPHONE NUMBER FOR THAT
4 PURPOSE.

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

7 **19-2-509. Bail. (9)** A JUVENILE RELEASED PURSUANT TO THIS
8 SECTION AND ORDERED TO APPEAR IN A COURT THAT PARTICIPATES IN THE
9 COURT REMINDER PROGRAM ESTABLISHED IN SECTION 13-3-101 (11)(a)(I),
10 AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN, MUST BE
11 NOTIFIED THAT THE JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR
12 LEGAL CUSTODIAN CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER
13 THAT WILL BE USED BY THE COURT SOLELY TO PROVIDE TEXT MESSAGE
14 REMINDERS FOR FUTURE COURT DATES AND UNPLANNED COURT CLOSURES,
15 AND MUST BE PROVIDED THE OPPORTUNITY TO PROVIDE A MOBILE
16 TELEPHONE NUMBER OR UPDATE A MOBILE TELEPHONE NUMBER FOR THAT
17 PURPOSE.

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

20 **19-2-514. Summons - issuance - contents - service. (11)** A
21 PERSON THAT SERVES A JUVENILE OR A JUVENILE'S PARENT, GUARDIAN, OR
22 LEGAL CUSTODIAN WITH A SUMMONS TO APPEAR IN A COURT THAT
23 PARTICIPATES IN THE COURT REMINDER PROGRAM ESTABLISHED IN
24 SECTION 13-3-101 (11)(a)(I) SHALL NOTIFY THE PERSON SERVED THAT THE
25 JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN
26 CAN ELECT TO PROVIDE A MOBILE TELEPHONE NUMBER THAT WILL BE USED
27 BY THE COURT SOLELY TO PROVIDE TEXT MESSAGE REMINDERS FOR

1 FUTURE COURT DATES AND UNPLANNED COURT CLOSURES, AND SHALL
2 PROVIDE THE OPPORTUNITY FOR THE JUVENILE AND THE JUVENILE'S
3 PARENT, GUARDIAN, OR LEGAL CUSTODIAN TO PROVIDE A MOBILE
4 TELEPHONE NUMBER OR UPDATE A MOBILE TELEPHONE NUMBER FOR THAT
5 PURPOSE.

6 **SECTION 9. Appropriation.** For the 2018-19 state fiscal year,
7 \$203,612 is appropriated to the judicial department. This appropriation
8 is from the general fund. To implement this act, the department may use
9 this appropriation for information technology infrastructure.

10 **SECTION 10. Act subject to petition - effective date.** Sections
11 5 and 8 of this act take effect July 1, 2020, and the remainder of this act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2020 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.