

**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. 19-0092.06 Michael Dohr x4347

HOUSE BILL 19-1225

HOUSE SPONSORSHIP

Herod and Soper, Roberts

SENATE SPONSORSHIP

Lundeen and Lee,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROHIBITING THE USE OF MONETARY BAIL FOR CERTAIN**
102 **LEVELS OF OFFENSES EXCEPT IN CERTAIN CIRCUMSTANCES.**

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>.)

Under current law, the court is required to release a person charged with a class 3 misdemeanor, petty offense, or unclassified offense on a personal recognizance bond unless certain conditions exist. The bill removes petty offenses from that requirement. The bill prohibits a court from imposing a monetary condition of release for a defendant charged with a traffic offense, petty offense, or municipal offense, except for a

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.

HOUSE
Amended 2nd Reading
March 21, 2019

traffic offense involving death or bodily injury, eluding a police officer, circumventing an interlock device, or a municipal offense with substantially similar elements to a state misdemeanor offense. The bill does not prohibit a defendant's release based on a pretrial policy that includes monetary conditions if the defendant is informed that he or she would be released without monetary conditions if he or she waits for a bond hearing. The bill does not prohibit issuance of a warrant with monetary conditions of bond for a defendant who fails to appear in court as required or who violates a condition of release.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-4-113, **amend** (1)
3 introductory portion; and **add** (2) as follows:

4 **16-4-113. Type of bond in certain misdemeanor cases.** (1) In
5 exercising the discretion mentioned in section 16-4-104, the judge shall
6 release the accused person upon personal recognizance if the charge is a
7 class 3 misdemeanor ~~or a petty offense~~, or any unclassified offense for a
8 violation of which the maximum penalty does not exceed six months'
9 imprisonment, and he or she shall not be required to supply a surety bond,
10 or give security of any kind for his or her appearance for trial other than
11 his or her personal recognizance, unless one or more of the following
12 facts are found to be present:

13 (2) (a) FOR A DEFENDANT CHARGED WITH A TRAFFIC OFFENSE, A
14 PETTY OFFENSE, OR A COMPARABLE MUNICIPAL OFFENSE, A COURT SHALL
15 NOT IMPOSE A MONETARY CONDITION OF RELEASE. IF THE COMPARABLE
16 MUNICIPAL OFFENSE IS A PROPERTY CRIME AND THE FACTUAL BASIS
17 REFLECTS A VALUE OF LESS THAN FIFTY DOLLARS AND THE OFFENSE
18 WOULD BE A PETTY OFFENSE UNDER STATE LAW, THIS SUBSECTION (2)(a)
19 APPLIES.

20 (b) FOR A DEFENDANT CHARGED WITH A MUNICIPAL OFFENSE FOR

1 WHICH THERE IS NO COMPARABLE STATE MISDEMEANOR OFFENSE, THE
2 COURT SHALL NOT IMPOSE A MONETARY CONDITION OF RELEASE.

3 (c) AFTER ARREST, BUT PRIOR TO AN INDIVIDUAL CONSIDERATION
4 OF BOND BY A JUDGE, BONDING COMMISSIONER, JUDICIAL OFFICER, OR
5 JUDICIAL DESIGNEE WITH THE POWER TO SET CONDITIONS OF RELEASE,
6 THIS SUBSECTION (2) DOES NOT PROHIBIT THE RELEASE OF A DEFENDANT
7 PURSUANT TO LOCAL PRETRIAL RELEASE POLICIES, INCLUDING THOSE THAT
8 REQUIRE PAYMENT OF A MONETARY CONDITION OF RELEASE, IF THE
9 DEFENDANT IS FIRST INFORMED THAT THE DEFENDANT IS ENTITLED TO
10 RELEASE ON A PERSONAL RECOGNIZANCE BOND.

11 (d) NOTHING IN THIS SUBSECTION (2) PROHIBITS THE ISSUANCE OF
12 A WARRANT WITH MONETARY CONDITIONS OF BOND FOR A DEFENDANT
13 WHO FAILS TO APPEAR IN COURT AS REQUIRED OR WHO VIOLATES A
14 CONDITION OF RELEASE. IF A DEFENDANT IS UNABLE TO POST THE
15 MONETARY CONDITION OF BOND PRIOR TO THE NEXT INDIVIDUALIZED
16 CONSIDERATION OF BOND, THE JUDGE, BONDING COMMISSIONER, JUDICIAL
17 OFFICER, OR JUDICIAL DESIGNEE WITH THE POWER TO SET CONDITIONS OF
18 RELEASE SHALL RELEASE THE PERSON ON PERSONAL RECOGNIZANCE.

19 (e) THE PROVISIONS OF THIS SUBSECTION (2) DO NOT APPLY TO:

20 (I) A TRAFFIC OFFENSE INVOLVING DEATH OR BODILY INJURY OR
21 A MUNICIPAL OFFENSE WITH SUBSTANTIALLY SIMILAR ELEMENTS;

22 (II) ELUDING OR ATTEMPTING TO ELUDE A POLICE OFFICER AS
23 DESCRIBED IN SECTION 42-4-1413 OR A MUNICIPAL OFFENSE WITH
24 SUBSTANTIALLY SIMILAR ELEMENTS;

25 (III) OPERATING A VEHICLE AFTER CIRCUMVENTING AN INTERLOCK
26 DEVICE AS DESCRIBED IN SECTION 42-2-132.5 (10) OR A MUNICIPAL
27 OFFENSE WITH SUBSTANTIALLY SIMILAR ELEMENTS; AND

1 (IV) A MUNICIPAL OFFENSE THAT HAS SUBSTANTIALLY SIMILAR
2 ELEMENTS TO A STATE MISDEMEANOR OFFENSE.

3 **SECTION 2. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.