

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

INTRODUCED

LLS NO. 19-1017.01 Michael Dohr x4347

HOUSE BILL 19-1226

HOUSE SPONSORSHIP

Herod and Soper,

SENATE SPONSORSHIP

Lee,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO RELEASE ON BOND, AND, IN CONNECTION**
102 **THEREWITH, THE DEVELOPMENT OF A PRETRIAL SCREENING**
103 **PROCESS AND ADMINISTRATIVE ORDER FOR RELEASE WITHOUT**
104 **ANY MONETARY CONDITIONS; CREATING A PRESUMPTION OF**
105 **RELEASE WITH THE LEAST RESTRICTIVE CONDITIONS AND**
106 **WITHOUT MONETARY CONDITIONS; SPECIFYING THE**
107 **INFORMATION THE COURT CONSIDERS WHEN MAKING**
108 **DETERMINATIONS ABOUT TYPE OF BOND AND CONDITIONS OF**
109 **RELEASE; AND A REQUIREMENT FOR PRETRIAL SERVICES**
110 **PROGRAMS THROUGHOUT THE STATE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does

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.

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, if a defendant is arrested for certain crimes and the court determines that the public would be in significant peril if the accused is released, the defendant is not bailable. The bill removes from the list of crimes that are not bailable the crime of possession of a weapon by a previous offender and sex assault crimes.

The bill requires each judicial district to develop:

- ! A pretrial screening process; and
- ! A chief judge administrative order specifying written criteria for the immediate release of certain defendants without any monetary conditions.

The office of the state court administrator shall develop statewide standards and guidelines for the pretrial screening process and written criteria for immediate release of certain defendants without any monetary conditions.

The bill creates a presumption that a defendant should be released with the least restrictive conditions possible and without monetary conditions unless the court finds one or more of the following:

- ! The person poses a substantial risk of danger to the safety of any person or the community; or
- ! There is a substantial risk that the person will not appear in court as required; or
- ! There is a substantial risk that the person will attempt to obstruct the criminal process; and
- ! There are no reasonable nonmonetary conditions of release that reasonably assure:
 - ! The safety of any person or the community;
 - ! That the person will appear in court as required; or
 - ! That the person will not attempt to obstruct the criminal justice process.

The bill requires the court to consider the results of empirically developed and validated risk assessment instruction when making determinations about the type of bond and conditions of release, but the assessment cannot be the sole basis for the decision. The bill outlines the other factors to consider in selecting the type of bond and conditions of release.

The bill delineates the types of bond that a court can set:

- ! An unsecured personal recognizance bond, which may include an amount specified by the court;
- ! An unsecured personal recognizance bond with additional nonmonetary conditions of release designed specifically to reasonably ensure the appearance of the person in court and

- the safety of any person or persons or the community;
- ! A bond with secured monetary conditions; and
- ! A bond with secured real estate conditions when the court determined that release on an unsecured personal recognizance bond without monetary conditions will not reasonably ensure the appearance of the person in court or the safety of any person or persons or the community.

The bill requires all counties and cities and counties to develop a pretrial services program by July 1, 2020. A community advisory board is established in each county or city and county to develop the plan for the pretrial services program. The chief judge shall approve the plan developed by the community advisory board prior to implementing and starting the pretrial services program. The bill creates a funding program to allow judicial districts to develop and sustain pretrial programs. The office of the state court administrator shall develop minimum standards for pretrial services programs, and the bill specifies other criteria for pretrial services programs.

The bill specifies how a defendant, prosecuting attorney, or bonding and release commissioner can ask for a review and modification of bond.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-4-101, **amend** (5);
 3 and **repeal** (1)(b)(IV) and (1)(b)(V) as follows:

4 **16-4-101. Bailable offenses - definitions.** (1) All persons shall
 5 be bailable by sufficient sureties except:

6 (b) When, after a hearing held within ninety-six hours of arrest
 7 and upon reasonable notice, the court finds that the proof is evident or the
 8 presumption is great as to the crime alleged to have been committed and
 9 finds that the public would be placed in significant peril if the accused
 10 were released on bail and such person is accused in any of the following
 11 cases:

12 ~~(IV) A crime of possession of a weapon by a previous offender~~
 13 ~~alleged to have been committed in violation of section 18-12-108 (2)(b);~~
 14 ~~(2)(c), (4)(b), (4)(c), or (5), C.R.S.;~~

1 (V) ~~Sexual assault, as described in section 18-3-402, sexual~~
2 ~~assault in the first degree, as described in section 18-3-402, as it existed~~
3 ~~prior to July 1, 2000, sexual assault in the second degree, as described in~~
4 ~~section 18-3-403, as it existed prior to July 1, 2000, sexual assault on a~~
5 ~~child, as described in section 18-3-405, or sexual assault on a child by one~~
6 ~~in a position of trust, as described in section 18-3-405.3 in which the~~
7 ~~victim is fourteen years of age or younger and seven or more years~~
8 ~~younger than the accused.~~

9 (5) ~~When a person is arrested for a crime of violence, as defined~~
10 ~~in section 16-1-104 (8.5), or a criminal offense alleging the use or~~
11 ~~possession of a deadly weapon or the causing of bodily injury to another~~
12 ~~person, or a criminal offense alleging the possession of a weapon by a~~
13 ~~previous offender, as described in section 18-12-108 (2)(b), (2)(c), (4)(b),~~
14 ~~(4)(c), or (5), C.R.S., and such person is on parole, the law enforcement~~
15 ~~agency making the arrest shall notify the department of corrections within~~
16 ~~twenty-four hours. The person so arrested shall not be eligible for bail to~~
17 ~~be set until at least seventy-two hours from the time of his or her arrest~~
18 ~~has passed~~ EXCESSIVE BAIL SHOULD NOT BE REQUIRED FOR ANY PERSON
19 ELIGIBLE FOR BAIL PENDING FINAL ADJUDICATION.

20 **SECTION 2.** In Colorado Revised Statutes, **amend** 16-4-102 as
21 follows:

22 **16-4-102. Right to bail - before conviction.** Any person who is
23 ~~in custody, and for whom the court has not set bond and conditions of~~
24 ~~release pursuant to the applicable rule of criminal procedure, and who is~~
25 ~~not subject to the provisions of section 16-4-101 (5), ARRESTED AND HAS~~
26 ~~NOT BEEN RELEASED PURSUANT TO SECTION 16-4-103 has the right to a~~
27 ~~hearing to determine bond and conditions of release. A person in custody~~

1 may also request a hearing so that bond and conditions of release can be
2 set. Upon receiving the request, the judge shall notify the district attorney
3 immediately of the arrested person's request, and the district attorney shall
4 have the right to attend and advise the court of matters pertinent to the
5 type of bond and conditions of release to be set. The judge shall also
6 order REQUIRE the appropriate law enforcement agency having custody
7 of the prisoner to bring him or her before the court forthwith, and the
8 judge shall set bond and conditions of release if the offense for which the
9 person was arrested is bailable. It shall not be a prerequisite to bail that
10 a criminal charge of any kind has been filed.

11 **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**
12 **with amendments,** 16-4-103 as follows:

13 **16-4-103. Setting and selection type of bond - development of**
14 **criteria by each judicial district - assessment and release program.**

15 (1) EACH JUDICIAL DISTRICT SHALL DEVELOP, ON OR BEFORE MARCH 31,
16 2020:

17 (a) A PRETRIAL RELEASE SCREENING PROCESS TO ASSESS EACH
18 PERSON AS SOON AS PRACTICABLE BUT NO LATER THAN TWENTY-FOUR
19 HOURS AFTER ADMISSION TO A DETENTION FACILITY;

20 (b) AN ADMINISTRATIVE ORDER OF THE CHIEF JUDGE OF THAT
21 JUDICIAL DISTRICT SPECIFYING WRITTEN CRITERIA ALLOWING FOR THE
22 IMMEDIATE PRETRIAL RELEASE OF CERTAIN DETAINED PERSONS ON A
23 SUMMONS OR AN UNSECURED PERSONAL RECOGNIZANCE BOND WITHOUT
24 MONETARY CONDITIONS AFTER THE PRETRIAL ASSESSMENT IS COMPLETED
25 AND WITHOUT AN INITIAL HEARING BEFORE THE COURT. THE CRITERIA FOR
26 RELEASE MUST BE DEVELOPED IN CONJUNCTION WITH ALL LOCAL
27 STAKEHOLDERS, WHICH INCLUDE BUT ARE NOT BE LIMITED TO A

1 REPRESENTATIVE OF THE DISTRICT ATTORNEY'S OFFICE, THE PUBLIC
2 DEFENDER, THE SHERIFF'S DEPARTMENT, THE PRETRIAL SERVICES
3 PROGRAM, A VICTIM ADVOCATE, AND THE OFFICE OF THE STATE COURT
4 ADMINISTRATOR. THE CRITERIA MUST OUTLINE THE NONMONETARY
5 CONDITIONS OF BOND THAT ARE REASONABLY NECESSARY TO ASSURE
6 COURT APPEARANCE AND SAFETY OF ANY PERSON OR THE COMMUNITY
7 BASED ON THE ASSESSMENT.

8 (2) THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL
9 DEVELOP STATEWIDE STANDARDS AND GUIDELINES FOR THE
10 DEVELOPMENT OF BOTH THE PRETRIAL RELEASE SCREENING AND THE
11 WRITTEN CRITERIA FOR PRETRIAL RELEASE AS REQUIRED BY SUBSECTION
12 (1) OF THIS SECTION. THE OFFICE OF THE STATE COURT ADMINISTRATOR
13 SHALL DEVELOP THE STATEWIDE STANDARDS AND GUIDELINES IN
14 CONJUNCTION WITH A REVIEW OF THE RELEVANT RESEARCH AND BEST
15 PRACTICES MODELS THROUGHOUT THE COUNTRY, WHICH INCLUDE, BUT
16 ARE NOT LIMITED TO:

17 (a) THE IMPACT OF DETENTION ON LOW-RISK PERSONS AND
18 RECIDIVISM;

19 (b) THE NATIONAL AND STATE DATA AND RESEARCH REGARDING
20 THE USE OF NONMONETARY CONDITIONS OF BOND AS THEY RELATE TO
21 SAFETY OF ANY PERSON OR THE COMMUNITY AND APPEARANCE RATES;
22 AND

23 (c) THE RELEVANT CASE LAW AND NATIONAL BEST PRACTICES
24 REGARDING THE USE OF MONETARY CONDITIONS OF BOND.

25 (3) IN THE CHIEF JUDGE ADMINISTRATIVE ORDER CREATED
26 PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION, THE CHIEF JUDGE OF
27 THE JUDICIAL DISTRICT SHALL DESIGNATE A PERSON, AGENCY, OR

1 PROGRAM FOR EACH DETENTION FACILITY WITHIN THE JUDICIAL DISTRICT
2 TO CONDUCT THE PRETRIAL RELEASE SCREENING TO ALLOW FOR RELEASE
3 OF PERSONS TAKEN INTO CUSTODY BY LAW ENFORCEMENT OFFICIALS. THE
4 CHIEF JUDGE SHALL ALSO DESIGNATE A PERSON, AGENCY, OR PROGRAM AS
5 A BONDING AND RELEASE COMMISSIONER, AS DEFINED IN SECTION
6 16-4-109 (4)(b), WHO IS AUTHORIZED TO RELEASE PERSONS ASSESSED
7 ELIGIBLE FOR RELEASE PURSUANT TO THE CRITERIA WITHOUT MONETARY
8 CONDITIONS OF BOND. ALL RELEASES ON NONMONETARY BONDS MUST
9 INCLUDE THE STANDARD AND STATUTORILY MANDATED BOND CONDITIONS
10 PURSUANT TO SECTION 16-4-105 AND ANY OTHER APPROPRIATE AND
11 NECESSARY NONMONETARY CONDITIONS THAT WILL REASONABLY ASSURE
12 COURT APPEARANCE AND THE SAFETY OF ANY PERSON OR THE COMMUNITY
13 AS DETERMINED BY THE PRETRIAL SCREENING PROCESS AND THE WRITTEN
14 RELEASE CRITERIA OF EACH JURISDICTION. THE ADMINISTRATIVE ORDER
15 MUST INCLUDE PRETRIAL RELEASE POLICIES THAT ALLOW FOR RELEASE OF
16 ANY PERSON UPON PAYMENT OF A MONETARY CONDITION OF RELEASE OR
17 SUMMONS WHICH WILL ALLOW A DEFENDANT TO AVOID UNNECESSARY
18 INCARCERATION OR DELAYED RELEASE. A RELEASE WITH MONETARY
19 CONDITIONS MUST ALSO INCLUDE MANDATORY NONMONETARY
20 CONDITIONS OF BOND AND MAY INCLUDE ANY OTHER APPROPRIATE AND
21 NECESSARY NONMONETARY CONDITIONS THAT WILL REASONABLY ENSURE
22 THE COURT APPEARANCE AND THE SAFETY OF ANY PERSON OR THE
23 COMMUNITY.

24 **SECTION 4.** In Colorado Revised Statutes, **repeal and reenact,**
25 **with amendments,** 16-4-104 as follows:

26 **16-4-104. Initial hearing - types of bond set by the court -**
27 **factors for setting conditions of bond - right to counsel.** (1) AT THE

1 INITIAL HEARING, IF THE PERSON IS NOT RELEASED PURSUANT TO THE
2 PROVISIONS OF SECTION 16-4-103, THE COURT SHALL DETERMINE THE
3 TYPE OF BOND AND THE CONDITIONS OF RELEASE. IN MAKING THAT
4 DETERMINATION, THE COURT SHALL PRESUME THE RELEASE OF THE
5 PERSON WITH THE LEAST RESTRICTIVE CONDITIONS AND WITHOUT THE USE
6 OF ANY MONETARY CONDITIONS OF BOND UNLESS THE COURT FINDS THAT:

7 (a) ONE OR MORE OF THE FOLLOWING EXIST:

8 (I) THE PERSON POSES A SUBSTANTIAL RISK OF DANGER TO THE
9 SAFETY OF ANY PERSON OR THE COMMUNITY; OR

10 (II) THERE IS A SUBSTANTIAL RISK THAT THE PERSON WILL NOT
11 APPEAR IN COURT AS REQUIRED; OR

12 (III) THERE IS A SUBSTANTIAL RISK THAT THE PERSON WILL
13 ATTEMPT TO OBSTRUCT THE CRIMINAL PROCESS; AND

14 (b) THERE ARE NO REASONABLE NONMONETARY CONDITIONS OF
15 RELEASE THAT REASONABLY ENSURE:

16 (I) THE SAFETY OF ANY PERSON OR THE COMMUNITY;

17 (II) THAT THE PERSON WILL APPEAR IN COURT AS REQUIRED; OR

18 (III) THAT THE PERSON WILL NOT ATTEMPT TO OBSTRUCT THE
19 CRIMINAL JUSTICE PROCESS.

20 (2) IN MAKING THE DETERMINATION ABOUT THE TYPE OF BOND
21 AND CONDITIONS OF RELEASE, THE COURT SHALL CONSIDER THE RESULTS
22 OF AN EMPIRICALLY DEVELOPED AND VALIDATED RISK ASSESSMENT
23 INSTRUMENT DESIGNED TO IMPROVE PRETRIAL RELEASE DECISIONS BY
24 PROVIDING THE COURT INFORMATION THAT CLASSIFIES A PERSON IN
25 CUSTODY BASED UPON PREDICTED LEVEL OF RISK OF PRETRIAL FAILURE.
26 HOWEVER, THE COURT SHALL NOT USE THE RESULTS OF THE INSTRUMENT
27 AS THE SOLE BASIS FOR SETTING THE TYPE OF BOND AND CONDITIONS OF

1 RELEASE. THE COURT SHALL ALSO CONSIDER:

2 (a) THE INDIVIDUAL CIRCUMSTANCES OF THE DEFENDANT,
3 INCLUDING HIS OR HER FINANCIAL CIRCUMSTANCES;

4 (b) THE NATURE AND SEVERITY OF THE ALLEGED OFFENSE;

5 (c) VICTIM INPUT, IF RECEIVED;

6 (d) ALL METHODS OF RELEASE TO AVOID UNNECESSARY PRETRIAL
7 INCARCERATION AND TO AVOID UNNECESSARY LEVELS OF SUPERVISION AS
8 CONDITIONS OF PRETRIAL RELEASE;

9 (e) THE WRITTEN CRITERIA FOR PRETRIAL RELEASE DEVELOPED BY
10 THE JUDICIAL DISTRICT PURSUANT TO SECTION 16-4-103 (1)(b);

11 (f) THE EMPLOYMENT STATUS AND HISTORY OF THE PERSON IN
12 CUSTODY;

13 (g) THE NATURE AND EXTENT OF FAMILY RELATIONSHIPS OF THE
14 PERSON IN CUSTODY;

15 (h) PAST AND PRESENT RESIDENCES OF THE PERSON IN CUSTODY;

16 (i) THE CHARACTER AND REPUTATION OF THE PERSON IN CUSTODY;

17 (j) IDENTITY OF PERSONS WHO AGREE TO ASSIST THE PERSON IN
18 CUSTODY IN ATTENDING COURT AT THE PROPER TIME;

19 (k) THE LIKELY SENTENCE, CONSIDERING THE NATURE AND
20 OFFENSE PRESENTLY CHARGED, ESPECIALLY IF THE DEFENDANT IS NOT
21 LIKELY TO BE SENTENCED TO INCARCERATION;

22 (l) THE PRIOR CRIMINAL RECORD, IF ANY, OF THE PERSON IN
23 CUSTODY;

24 (m) ANY PRIOR FAILURES THAT ARE RELEVANT TO THE
25 DEFENDANT'S CURRENT ABILITY TO APPEAR IN COURT;

26 (n) ANY FACTS INDICATING THE POSSIBILITY OF VIOLATIONS OF
27 THE LAW IF THE PERSON IN CUSTODY IS RELEASED WITHOUT CERTAIN

1 CONDITIONS OF RELEASE;

2 (o) ANY FACTS INDICATING THAT THE DEFENDANT IS LIKELY TO
3 INTIMIDATE OR HARASS POSSIBLE WITNESSES; AND

4 (p) ANY OTHER FACTS TENDING TO INDICATE THAT THE
5 DEFENDANT HAS STRONG TIES TO THE COMMUNITY AND IS NOT LIKELY TO
6 FLEE THE JURISDICTION.

7 (3) BECAUSE OF THE DANGER POSED TO ANY PERSON AND THE
8 COMMUNITY, A PERSON WHO IS ARRESTED FOR AN OFFENSE UNDER
9 SECTION 42-4-1301 (1) SHALL NOT ATTEND A BAIL HEARING UNTIL THE
10 PERSON IS NO LONGER INTOXICATED OR UNDER THE INFLUENCE OF DRUGS.
11 THE PERSON MUST BE HELD IN CUSTODY UNTIL THE PERSON MAY SAFELY
12 ATTEND THE HEARING.

13 (4) THE TYPES OF BOND THAT MAY BE SET BY THE COURT INCLUDE:

14 (a) AN UNSECURED PERSONAL RECOGNIZANCE BOND, WHICH MAY
15 INCLUDE AN AMOUNT SPECIFIED BY THE COURT. THE COURT MAY REQUIRE
16 ADDITIONAL OBLIGORS ON THE BOND AS A CONDITION OF THE BOND.

17 (b) AN UNSECURED PERSONAL RECOGNIZANCE BOND WITH
18 ADDITIONAL NONMONETARY CONDITIONS OF RELEASE DESIGNED
19 SPECIFICALLY TO REASONABLY ENSURE THE APPEARANCE OF THE PERSON
20 IN COURT AND THE SAFETY OF ANY PERSON OR PERSONS OR THE
21 COMMUNITY;

22 (c) A BOND WITH SECURED MONETARY CONDITIONS SUBJECT TO
23 THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION. UNLESS THE COURT
24 MAKES FACTUAL FINDINGS ON THE RECORD WITH RESPECT TO THE
25 DEFENDANT THAT A CERTAIN METHOD OF BOND, AS SELECTED BY THE
26 COURT, IS NECESSARY TO REASONABLY ENSURE THE APPEARANCE OF THE
27 PERSON IN COURT AND REASONABLY ENSURE THE SAFETY OF ANY PERSON

1 OR PERSONS IN THE COMMUNITY, THE PERSON SHALL BE RELEASED FROM
2 CUSTODY UPON EXECUTION OF BOND IN THE FULL AMOUNT OF MONEY TO
3 BE SECURED BY ANY ONE OF THE FOLLOWING METHODS, AS SELECTED BY
4 THE DEFENDANT:

5 (I) BY A DEPOSIT WITH THE CLERK OF THE COURT OF AN AMOUNT
6 OF CASH EQUAL TO THE MONETARY CONDITION OF THE BOND;

7 (II) BY REAL ESTATE SITUATED IN THIS STATE WITH
8 UNENCUMBERED EQUITY NOT EXEMPT FROM EXECUTION OWNED BY THE
9 ACCUSED OR ANY OTHER PERSON ACTING AS SURETY ON THE BOND, WHICH
10 UNENCUMBERED EQUITY SHALL BE AT LEAST ONE AND ONE-HALF OF THE
11 AMOUNT OF THE SECURITY SET IN THE BOND;

12 (III) BY SURETIES WORTH AT LEAST ONE AND ONE-HALF OF THE
13 SECURITY SET IN THE BOND; OR

14 (IV) BY A BAIL BONDING AGENT, AS DEFINED IN SECTION 16-1-104
15 (3.5).

16 (d) A BOND WITH SECURED REAL ESTATE CONDITIONS WHEN THE
17 COURT DETERMINES THAT RELEASE ON AN UNSECURED PERSONAL
18 RECOGNIZANCE BOND WITHOUT MONETARY CONDITIONS WILL NOT
19 REASONABLY ENSURE THE APPEARANCE OF THE PERSON IN COURT OR
20 REASONABLY ENSURE THE SAFETY OF ANY PERSON OR PERSONS OR THE
21 COMMUNITY. THE CLERK OF THE COURT SHALL NOT ACCEPT A BOND
22 SECURED BY REAL ESTATE UNLESS THE RECORD OWNER OF THE PROPERTY
23 PRESENTS TO THE CLERK OF THE COURT THE ORIGINAL DEED OF TRUST AS
24 DESCRIBED IN SUBSECTION (4)(d)(IV) OF THIS SECTION AND THE
25 APPLICABLE RECORDING FEE. UPON RECEIPT OF THE DEED OF TRUST AND
26 FEE, THE CLERK OF THE COURT SHALL RECORD THE DEED OF TRUST WITH
27 THE CLERK AND RECORDER FOR THE COUNTY IN WHICH THE PROPERTY IS

1 LOCATED. FOR A BOND SECURED BY REAL ESTATE, THE AMOUNT OF THE
2 OWNER'S UNENCUMBERED EQUITY SHALL BE DETERMINED BY DEDUCTING
3 THE AMOUNT OF ALL ENCUMBRANCES LISTED IN THE OWNER AND
4 ENCUMBRANCES CERTIFICATE FROM THE ACTUAL VALUE OF SUCH REAL
5 ESTATE AS SHOWN ON THE CURRENT NOTICE OF VALUATION. THE OWNER
6 OF THE REAL ESTATE SHALL FILE WITH THE BOND ALL OF THE FOLLOWING,
7 WHICH SHALL CONSTITUTE A MATERIAL PART OF THE BOND:

8 (I) THE CURRENT NOTICE OF VALUATION OF SUCH REAL ESTATE
9 PREPARED BY THE COUNTY ASSESSOR PURSUANT TO SECTION 39-5-121;

10 (II) EVIDENCE OF TITLE ISSUED BY A TITLE INSURANCE COMPANY
11 OR AGENT LICENSED PURSUANT TO ARTICLE 11 OF TITLE 10, WITHIN
12 THIRTY-FIVE DAYS AFTER THE DATE UPON WHICH THE BOND IS FILED;

13 (III) A SWORN STATEMENT BY THE OWNER OF THE REAL ESTATE
14 THAT THE REAL ESTATE IS SECURITY FOR THE COMPLIANCE BY THE
15 DEFENDANT WITH THE PRIMARY CONDITION OF THE BOND; AND

16 (IV) A DEED OF TRUST TO THE PUBLIC TRUSTEE OF THE COUNTY OR
17 CITY AND COUNTY IN WHICH THE REAL ESTATE IS LOCATED THAT IS
18 EXECUTED AND ACKNOWLEDGED BY ALL RECORD OWNERS OF THE REAL
19 ESTATE. THE DEED OF TRUST MUST NAME THE CLERK OF THE COURT
20 APPROVING THE BOND AS BENEFICIARY. THE DEED OF TRUST MUST SECURE
21 AN AMOUNT EQUAL TO ONE AND ONE-HALF TIMES THE AMOUNT OF THE
22 BOND.

23 (5) AT THE INITIAL HEARING, THE PERSON HAS THE RIGHT TO BE
24 REPRESENTED BY AN ATTORNEY AND MUST BE ADVISED OF THE POSSIBLE
25 CHARGES, PENALTIES, AND HIS OR HER RIGHTS AS SPECIFIED IN RULE 5 OF
26 THE COLORADO RULES OF CRIMINAL PROCEDURE, UNLESS WAIVED BY THE
27 DEFENDANT. THE COURT SHALL NOTIFY THE PUBLIC DEFENDER OF EACH

1 PERSON IN CUSTODY BEFORE THE INITIAL HEARING, AND THE PERSON HAS
2 THE RIGHT TO BE REPRESENTED BY THE PUBLIC DEFENDER AT THAT
3 HEARING. ADDITIONALLY, THE COURT SHALL PROVIDE THE PUBLIC
4 DEFENDER SUFFICIENT TIME TO PREPARE FOR AND PRESENT AN
5 INDIVIDUALIZED ARGUMENT REGARDING THE RELEASE OF THE PERSON AND
6 ANY CONDITIONS OF RELEASE AT THE INITIAL HEARING, CONSISTENT WITH
7 THE COURT'S DOCKET AND SCHEDULING PRIORITIES.

8 (6) THE PROSECUTING ATTORNEY HAS THE RIGHT TO APPEAR AT
9 ALL HEARINGS TO PROVIDE HIS OR HER POSITION ON BAIL AND CONDITIONS
10 OF RELEASE AND ANY OTHER RELEVANT INFORMATION.

11 (7) PRIOR TO THE INITIAL HEARING, THE PERSON, PROGRAM, OR
12 AGENCY THAT HAS CONDUCTED THE PRETRIAL RELEASE SCREENING SHALL
13 PROVIDE ALL INFORMATION GATHERED REGARDING THE DEFENDANT,
14 INCLUDING, BUT NOT LIMITED TO, THE RESULTS FROM ANY EMPIRICALLY
15 DEVELOPED AND VALIDATED RISK ASSESSMENT INSTRUMENT AND THE
16 ARREST AFFIDAVIT OR OTHER PROBABLE CAUSE STATEMENT TO THE
17 PROSECUTION AND THE DEFENSE.

18 **SECTION 5.** In Colorado Revised Statutes, 16-4-105, **amend** (7)
19 as follows:

20 **16-4-105. Conditions of release on bond.** (7) A person may be
21 released on a bond with monetary condition of bond, when appropriate,
22 as described in ~~section 16-4-104 (1)(c)~~ SECTION 16-4-104 (4).

23 **SECTION 6.** In Colorado Revised Statutes, **repeal and reenact,**
24 **with amendments,** 16-4-106 as follows:

25 **16-4-106. Pretrial services programs - report.** (1) TO REDUCE
26 BARRIERS TO THE PRETRIAL RELEASE OF PERSONS IN CUSTODY WHOSE
27 RELEASE ON BOND WITH APPROPRIATE CONDITIONS REASONABLY ENSURES

1 COURT APPEARANCE AND PUBLIC SAFETY, ALL COUNTIES AND CITIES AND
2 COUNTIES SHALL DEVELOP BY JULY 1, 2020, A PRETRIAL SERVICES
3 PROGRAM IN CONSULTATION WITH THE CHIEF JUDGE OF THE JUDICIAL
4 DISTRICT THAT MAY BE UTILIZED BY THE COURTS OF THE JUDICIAL
5 DISTRICT. IN ORDER TO ESTABLISH THE PRETRIAL SERVICES PROGRAM, THE
6 CHIEF JUDGE OF EACH JUDICIAL DISTRICT SHALL ESTABLISH A COMMUNITY
7 ADVISORY BOARD TO FORMULATE A PLAN FOR A PRETRIAL SERVICES
8 PROGRAM. MEMBERSHIP ON SUCH COMMUNITY ADVISORY BOARD MUST
9 INCLUDE, AT A MINIMUM, A REPRESENTATIVE OF A LOCAL LAW
10 ENFORCEMENT AGENCY, A REPRESENTATIVE OF THE DISTRICT ATTORNEY,
11 A REPRESENTATIVE OF THE PUBLIC DEFENDER, AND A REPRESENTATIVE OF
12 THE CITIZENS AT LARGE. THE CHIEF JUDGE IS ENCOURAGED TO APPOINT TO
13 THE COMMUNITY ADVISORY BOARD AT LEAST ONE REPRESENTATIVE OF
14 THE BAIL BOND INDUSTRY WHO CONDUCTS BUSINESS IN THE JUDICIAL
15 DISTRICT, WHICH MAY INCLUDE A BAIL BONDSMAN, A BAIL SURETY, OR
16 OTHER DESIGNATED BAIL INDUSTRY REPRESENTATIVE. THE CHIEF JUDGE
17 OF THE JUDICIAL DISTRICT SHALL APPROVE THE PLAN FORMULATED BY THE
18 COMMUNITY ADVISORY BOARD PRIOR TO THE ESTABLISHMENT AND
19 UTILIZATION OF THE PRETRIAL SERVICES PROGRAM. THE OPTION
20 CONTAINED IN THIS SECTION THAT A PRETRIAL SERVICES PROGRAM BE
21 ESTABLISHED PURSUANT TO A PLAN FORMULATED BY THE COMMUNITY
22 ADVISORY BOARD DOES NOT APPLY TO ANY PRETRIAL SERVICES PROGRAM
23 THAT EXISTED BEFORE MAY 31, 1991.

24 (2) A GOVERNMENTAL ENTITY MAY DIRECTLY OPERATE A
25 PRETRIAL SERVICES PROGRAM APPROVED PURSUANT TO SUBSECTION (1)
26 OF THIS SECTION OR ENTER INTO A CONTRACT WITH A PRIVATE NONPROFIT
27 OR FOR-PROFIT ENTITY OR AN AGREEMENT WITH ANOTHER

1 GOVERNMENTAL ENTITY TO PROVIDE PRETRIAL SERVICES IN THE COUNTY.

2 (3) THE BOARD OF COUNTY COMMISSIONERS FOR A CLASS C OR
3 CLASS D COUNTY, AS DEFINED IN SECTION 13-6-201, MAY REQUEST THAT
4 THE JUDICIAL DEPARTMENT, THROUGH THE JUDICIAL DISTRICT PROBATION
5 DEPARTMENT, PROVIDE PRETRIAL SERVICES IN THE COUNTY BY
6 SUBMITTING A WRITTEN REQUEST TO THE CHIEF JUDGE OF THE RESPECTIVE
7 JUDICIAL DISTRICT. UPON APPROVAL BY THE CHIEF JUDGE, THE CHIEF
8 JUSTICE OF THE SUPREME COURT, AND THE STATE COURT ADMINISTRATOR,
9 THE JUDICIAL DEPARTMENT MAY UTILIZE MONEY ALLOCATED PURSUANT
10 TO SECTION 16-4-106.5 TO PROVIDE PRETRIAL SERVICES IN THE COUNTY.

11 (4) A PRETRIAL SERVICES PROGRAM CREATED PURSUANT TO THIS
12 SECTION MUST MEET THE MINIMUM STANDARDS DEVELOPED PURSUANT TO
13 SUBSECTION (2) OF THIS SECTION AND THE FOLLOWING CRITERIA:

14 (a) THE PRETRIAL SERVICES PROGRAM MUST ESTABLISH A
15 PROCEDURE FOR THE SCREENING OF PERSONS WHO ARE DETAINED DUE TO
16 AN ARREST FOR THE ALLEGED COMMISSION OF A CRIME SO THAT SUCH
17 INFORMATION MAY BE PROVIDED TO THE JUDGE OR OTHER DESIGNATED
18 PERSON OR AGENCY WHO IS SETTING THE BOND AND CONDITIONS OF
19 RELEASE. THE PRETRIAL SERVICES PROGRAM MUST PROVIDE INFORMATION
20 THAT PROVIDES THE COURT WITH THE ABILITY TO MAKE AN APPROPRIATE
21 INITIAL BOND DECISION THAT IS BASED UPON FACTS RELATING TO THE
22 PERSON'S RISK OF FAILURE TO APPEAR FOR COURT AND RISK OF DANGER TO
23 THE COMMUNITY.

24 (b) THE PRETRIAL SERVICES PROGRAM MUST MAKE ALL
25 REASONABLE ATTEMPTS TO PROVIDE THE COURT OR OTHER DESIGNATED
26 PERSON OR AGENCY WITH SUCH INFORMATION DELINEATED IN THIS
27 SECTION AS IS APPROPRIATE TO EACH PERSON SEEKING RELEASE FROM

1 CUSTODY FOR PURPOSES OF SETTING BOND AND CONDITIONS OF RELEASE;

2 (c) THE PRETRIAL SERVICES PROGRAM MUST USE AN EMPIRICALLY
3 DEVELOPED PRETRIAL RISK ASSESSMENT TOOL TO ASSESS A PERSON'S
4 PREDICTIVE LEVEL OF PRETRIAL RISK AND A STRUCTURED
5 DECISION-MAKING DESIGN BASED UPON THE PERSON'S CHARGE AND THE
6 RISK ASSESSMENT SCORE; AND

7 (d) THE PRETRIAL SERVICES PROGRAM MUST WORK WITH ALL
8 APPROPRIATE AGENCIES AND ASSIST WITH ALL EFFORTS TO COMPLY WITH
9 SECTIONS 24-4.1-302.5 AND 24-4.1-303.

10 (5) ANY PRETRIAL SERVICES PROGRAM MAY ALSO INCLUDE
11 DIFFERENT METHODS AND LEVELS OF COMMUNITY-BASED SUPERVISION AS
12 A CONDITION OF RELEASE, AND THE PRETRIAL SERVICES PROGRAM MUST
13 USE ESTABLISHED METHODS FOR PERSONS WHO ARE RELEASED PRIOR TO
14 TRIAL IN ORDER TO DECREASE UNNECESSARY PRETRIAL DETENTION. THE
15 PRETRIAL SERVICES PROGRAM MAY INCLUDE, BUT IS NOT LIMITED TO,
16 COURT DATE REMINDERS AND THE LEAST RESTRICTIVE CONDITIONS OF
17 RELEASE AS OUTLINED IN SECTION 16-4-105 (8).

18 (6) COMMENCING JULY 1, 2012, EACH PRETRIAL SERVICES
19 PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL PROVIDE AN
20 ANNUAL REPORT TO THE JUDICIAL DEPARTMENT NO LATER THAN
21 NOVEMBER 1 OF EACH YEAR, REGARDLESS OF WHETHER THE PROGRAM
22 EXISTED PRIOR TO MAY 31, 1991. NOTWITHSTANDING SECTION 24-1-136
23 (11)(a)(I), THE JUDICIAL DEPARTMENT SHALL PRESENT AN ANNUAL
24 COMBINED REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF
25 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.
26 THE REPORT TO THE JUDICIAL DEPARTMENT MUST INCLUDE, BUT IS NOT
27 LIMITED TO, THE FOLLOWING INFORMATION:

1 (a) THE TOTAL NUMBER OF PRETRIAL ASSESSMENTS PERFORMED BY
2 THE PRETRIAL SERVICES PROGRAM AND SUBMITTED TO THE COURT;

3 (b) THE TOTAL NUMBER OF CLOSED CASES BY THE PRETRIAL
4 SERVICES PROGRAM IN WHICH THE PERSON WAS RELEASED FROM CUSTODY
5 AND SUPERVISED BY THE PRETRIAL SERVICES PROGRAM;

6 (c) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
7 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL
8 SERVICES PROGRAM, AND, WHILE UNDER SUPERVISION, APPEARED FOR ALL
9 SCHEDULED COURT APPEARANCES ON THE CASE;

10 (d) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
11 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL
12 SERVICES PROGRAM, AND WAS NOT CHARGED WITH A NEW CRIMINAL
13 OFFENSE THAT WAS ALLEGED TO HAVE OCCURRED WHILE UNDER
14 SUPERVISION AND THAT CARRIED THE POSSIBILITY OF A SENTENCE TO JAIL
15 OR IMPRISONMENT;

16 (e) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
17 WAS RELEASED FROM CUSTODY AND WAS SUPERVISED BY THE PRETRIAL
18 SERVICES PROGRAM, AND THE PERSON'S BOND WAS NOT REVOKED BY THE
19 COURT DUE TO A VIOLATION OF ANY OTHER TERMS AND CONDITIONS OF
20 SUPERVISION; AND

21 (f) ANY ADDITIONAL INFORMATION THE JUDICIAL DEPARTMENT
22 MAY REQUEST.

23 (7) FOR THE REPORTS REQUIRED IN SUBSECTION (6) OF THIS
24 SECTION, THE PRETRIAL SERVICES PROGRAM MUST INCLUDE INFORMATION
25 DETAILING THE NUMBER OF PERSONS RELEASED ON A COMMERCIAL
26 SURETY BOND IN ADDITION TO PRETRIAL SUPERVISION, THE NUMBER OF
27 PERSONS RELEASED ON A CASH, PRIVATE SURETY, OR PROPERTY BOND IN

1 ADDITION TO PRETRIAL SUPERVISION, AND THE NUMBER OF PERSONS
2 RELEASED ON ANY FORM OF A PERSONAL RECOGNIZANCE BOND IN
3 ADDITION TO PRETRIAL SUPERVISION.

4 **SECTION 7.** In Colorado Revised Statutes, **add** 16-4-106.5 as
5 follows:

6 **16-4-106.5. Pretrial services cash fund created.** (1) THERE IS
7 CREATED IN THE STATE TREASURY THE PRETRIAL SERVICES CASH FUND,
8 REFERRED TO IN THIS SECTION AS THE "FUND", THAT CONSISTS OF ANY
9 MONEY APPROPRIATED BY THE GENERAL ASSEMBLY TO THE FUND AND ANY
10 MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS. THE MONEY
11 IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
12 ASSEMBLY FOR THE IMPLEMENTATION OF THIS SECTION. THE STATE COURT
13 ADMINISTRATOR IS AUTHORIZED TO ACCEPT ON BEHALF OF THE STATE ANY
14 GIFTS, GRANTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR
15 THE PURPOSE OF THIS SECTION. ALL PRIVATE AND PUBLIC MONEY
16 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS MUST BE
17 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
18 TO THE FUND.

19 (2) MONEY IN THE FUND MUST BE USED TO FUND COUNTIES THAT
20 REQUEST FUNDS TO OPERATE OR ASSIST IN THE OPERATION OF A PRETRIAL
21 SERVICES PROGRAM APPROVED PURSUANT TO SECTION 16-4-106 (1),
22 INCLUDING THE ADMINISTRATIVE AND PERSONNEL COSTS RELATED TO THE
23 OPERATION OF PRETRIAL SERVICES PROGRAMS AND ANY ADJUNCT
24 SERVICES, INCLUDING BUT NOT LIMITED TO SUPERVISION SERVICES,
25 CONTRACT SERVICES, TREATMENT SERVICES, AND PROGRAM
26 DEVELOPMENT. MONEY IN THE FUND MAY ALSO BE USED TO PAY FOR THE
27 ADMINISTRATIVE COSTS OF OPERATING THE FUND.

1 (3) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING
2 IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE FUND AND
3 MAY NOT BE TRANSFERRED TO THE GENERAL FUND OR TO ANOTHER FUND.

4 **SECTION 8.** In Colorado Revised Statutes, **repeal and reenact,**
5 **with amendments,** 16-4-107 as follows:

6 **16-4-107. Time frames for commencement of action.**

7 (1) AFTER THE INITIAL HEARING AS PROVIDED BY SECTION 16-4-104, THE
8 COURT SHALL ORDER THAT THE COMMENCEMENT OF THE CRIMINAL
9 PROSECUTION BY THE FILING OF A COMPLAINT OR INFORMATION,
10 PURSUANT TO THE PROVISIONS OF SECTION 16-5-101, MUST TAKE PLACE
11 WITHIN THREE DAYS AFTER THE INITIAL HEARING, EXCLUDING SATURDAY,
12 SUNDAY, AND LEGAL HOLIDAYS, UNLESS GOOD CAUSE IS SHOWN TO THE
13 COURT FOR ADDITIONAL TIME OR THE PARTIES AGREE TO ADDITIONAL
14 TIME.

15 (2) A DEFENDANT IN CUSTODY HAS SCHEDULING PRECEDENCE
16 OVER ALL OTHER MATTERS FOR PURPOSES OF LITIGATED HEARINGS AND
17 TRIALS, SUBJECT TO THE PROVISIONS OF SECTIONS 18-3-411 (4) AND
18 SECTION 18-1-405.

19 **SECTION 9.** In Colorado Revised Statutes, **repeal and reenact,**
20 **with amendments,** 16-4-109 as follows:

21 **16-4-109. Reduction or increase of monetary conditions of**
22 **bond - change in type of bond or conditions of bond - definition.**

23 (1) THE DEFENDANT, THE PROSECUTING ATTORNEY, OR THE BONDING AND
24 RELEASE COMMISSIONER MAY ASK FOR THE REVIEW AND MODIFICATION OF
25 ANY MONETARY OR NONMONETARY CONDITION OF BOND IF NEW
26 INFORMATION IS DISCOVERED THAT WAS NOT PRESENTED AT THE TIME OF
27 THE ORIGINAL SETTING OF BOND AND CONDITIONS OF RELEASE OR IF

1 CIRCUMSTANCES HAVE CHANGED SINCE THE COURT MADE THE BOND
2 DETERMINATION AND THIS NEW INFORMATION OR CHANGE IN
3 CIRCUMSTANCES HAS A BEARING ON WHETHER THE CONDITION OF BOND
4 IS REASONABLE AND NECESSARY PURSUANT TO THE PROVISIONS OF THIS
5 SECTION.

6 (2) REQUESTS FOR REVIEW OR MODIFICATION OF A MONETARY OR
7 NONMONETARY CONDITION OF BOND MAY BE MADE ORALLY OR IN WRITING
8 WITH REASONABLE NOTICE TO THE OPPOSING PARTY; EXCEPT THAT, IF THE
9 CASE ALLEGES A CRIME AS DEFINED IN SECTION 24-4.1-302, THE REQUEST
10 FOR REVIEW MUST BE IN WRITING.

11 (3) THE COURT SHALL HEAR THE REQUEST FOR REVIEW OF A
12 MONETARY CONDITION OF BOND ON AN EXPEDITED BASIS AND MAKE A
13 DETERMINATION ON THE RECORD IN ORDER THAT THE DEFENDANT MAY
14 EXERCISE HIS OR HER RIGHT TO APPEAL PURSUANT TO SECTION 16-4-204,
15 OR ANY OTHER AVAILABLE APPELLATE REMEDIES.

16 (4) (a) UPON VERIFIED APPLICATION BY THE DISTRICT ATTORNEY
17 OR A BONDING AND RELEASE COMMISSIONER STATING FACTS OR
18 CIRCUMSTANCES CONSTITUTING A BREACH OR A THREATENED BREACH OF
19 ANY OF THE CONDITIONS OF THE BOND, THE COURT MAY ISSUE A WARRANT
20 COMMANDING ANY PEACE OFFICER TO BRING THE DEFENDANT WITHOUT
21 UNNECESSARY DELAY BEFORE THE COURT FOR A HEARING ON THE
22 MATTERS SET FORTH IN THE APPLICATION. UPON ISSUANCE OF THE
23 WARRANT, THE BONDING AND RELEASE COMMISSIONER SHALL NOTIFY THE
24 BAIL BOND AGENT OF RECORD BY ELECTRONIC MAIL TO THE AGENT IF
25 AVAILABLE WITHIN TWENTY-FOUR HOURS OR BY CERTIFIED MAIL NOT
26 MORE THAN FOURTEEN DAYS AFTER THE WARRANT IS ISSUED. AT THE
27 CONCLUSION OF THE HEARING, THE COURT MAY ENTER AN ORDER

1 AUTHORIZED BY SUBSECTION (1) OF THIS SECTION. IF A BONDING AND
2 RELEASE COMMISSIONER FILES AN APPLICATION FOR A HEARING PURSUANT
3 TO THIS SUBSECTION (4), THE BONDING COMMISSIONER SHALL NOTIFY THE
4 DISTRICT ATTORNEY FOR THE JURISDICTION IN WHICH THE APPLICATION IS
5 MADE OF THE APPLICATION WITHIN TWENTY-FOUR HOURS FOLLOWING THE
6 FILING OF THE APPLICATION.

7 (b) AS USED IN THIS SUBSECTION (4), "BONDING AND RELEASE
8 COMMISSIONER" MEANS A PERSON EMPLOYED BY A PRETRIAL SERVICES
9 PROGRAM AS DESCRIBED IN SECTION 16-4-106, OR ANY OTHER PERSON
10 DESIGNATED AS A BONDING AND RELEASE COMMISSIONER BY THE CHIEF OR
11 PRESIDING JUDGE OF THE JUDICIAL DISTRICT TO CARRY OUT THE
12 PROVISIONS OF THIS ARTICLE 4.

13 (5) THE DISTRICT ATTORNEY AND THE DEFENDANT OR HIS OR HER
14 ATTORNEY HAS THE RIGHT TO APPEAR AT ALL HEARINGS SEEKING
15 MODIFICATION OF THE TERMS AND CONDITIONS OF BOND AND MAY ADVISE
16 THE COURT ON ALL PERTINENT MATTERS DURING THE HEARING.

17 **SECTION 10.** In Colorado Revised Statutes, 10-23-105, **amend**
18 (1) and (2) as follows:

19 **10-23-105. Qualification bond - forfeiture.** (1) Each
20 cash-bonding agent shall post a cash qualification bond of fifty thousand
21 dollars with the division. The bond must be to the people of the state of
22 Colorado in favor of any court in this state, whether municipal, county,
23 district, or other court, and to the division for the purposes of this section.
24 In the event of a forfeiture of a cash-bonding agent's qualification bond,
25 the division has priority over all other claimants. To comply with this
26 subsection (1), the bond must be conditioned upon full and prompt
27 payment into the court ordering the bond forfeited. Cash-bonding agents

1 shall not issue bonds except in accordance with ~~section 16-4-104~~
2 ~~(1)(c)(III), C.R.S.~~ SECTION 16-4-104 (4)(c)(III). In the event of a
3 qualification bond forfeiture, a cash-bonding agent shall not write new
4 bail bonds until the qualification bond is restored to fifty thousand dollars.

5 (2) Each professional cash-bail agent shall post a cash
6 qualification bond of no less than fifty thousand dollars with the division.
7 The bond shall be to the people of the state of Colorado in favor of any
8 court in this state, whether municipal, county, district, or other court, and
9 to the division for the purposes of this section. A professional cash-bail
10 agent shall not furnish a single bail greater than twice the amount of the
11 bond posted with the division. In the event of a forfeiture of a
12 professional cash-bail agent's qualification bond, the division has priority
13 over all other claimants to the bond. To comply with this subsection (2),
14 the bond must be conditioned upon full and prompt payment into the
15 court ordering the bond forfeited. Professional cash-bail agents shall not
16 issue bonds except in accordance with ~~section 16-4-104(1)(c)(III), C.R.S.~~
17 SECTION 16-4-104 (4)(c)(III). In the event of a qualification bond
18 forfeiture, a professional cash-bail agent shall not write new bail bonds
19 until the qualification bond is restored to at least fifty thousand dollars.

20 **SECTION 11.** In Colorado Revised Statutes, 13-3-101, **add** (11)
21 as follows:

22 **13-3-101. State court administrator - repeal.** (11) (a) ON OR
23 BEFORE JANUARY 1, 2020, THE STATE COURT ADMINISTRATOR SHALL, IN
24 CONSULTATION WITH PRETRIAL SERVICES PROGRAMS AND RELEVANT
25 PROFESSIONAL ASSOCIATIONS, INCLUDING BUT NOT LIMITED TO ANY
26 COLORADO ASSOCIATION OF PRETRIAL SERVICES, ESTABLISH AND
27 MAINTAIN MINIMUM STANDARDS FOR PRETRIAL SERVICES PROGRAMS

1 APPROVED PURSUANT TO SECTION 16-4-106 (1). THE STATE COURT
2 ADMINISTRATOR SHALL PROVIDE ADMINISTRATIVE OVERSIGHT OF
3 PRETRIAL SERVICES PROGRAMS AND THEIR OPERATIONS ACCORDING TO
4 UNIFORM STANDARDS AND PROTOCOLS ESTABLISHED BY THE STATE COURT
5 ADMINISTRATOR.

6 (b) THE STATE COURT ADMINISTRATOR SHALL REVIEW AND
7 APPROVE EMPIRICALLY DEVELOPED AND VALIDATED RISK ASSESSMENT
8 INSTRUMENTS TO BE USED BY PRETRIAL SERVICES PROGRAMS AND
9 JUDICIAL OFFICERS.

10 (c) THE STATE COURT ADMINISTRATOR SHALL PROVIDE TECHNICAL
11 ASSISTANCE TO LOCAL PRETRIAL SERVICES PROGRAM STAKEHOLDERS TO
12 INCLUDE TRAINING, EDUCATION, INFORMATIONAL MATERIALS, AND TOOLS
13 TO TRACK OUTCOMES AND FIDELITY TO BEST PRACTICES. THE STATE
14 COURT ADMINISTRATOR SHALL COLLECT, ANALYZE, AND REPORT
15 CENTRALIZED DATA TO IDENTIFY PRETRIAL RELEASE SERVICES TRENDS
16 AND OUTCOMES THROUGHOUT THE STATE.

17 (d) THE STATE COURT ADMINISTRATOR SHALL ALLOCATE MONEY
18 FROM THE PRETRIAL SERVICES CASH FUND ESTABLISHED IN SECTION
19 16-4-106.5. THE STATE COURT ADMINISTRATOR SHALL DEVELOP AND
20 MAINTAIN AN ANNUAL FORMULA FUNDING MODEL TO EQUITABLY AND
21 OBJECTIVELY ALLOCATE AND DISTRIBUTE THE PRETRIAL SERVICES CASH
22 FUND AMONG COUNTIES THAT REQUEST MONEY FOR PRETRIAL SERVICES.
23 COUNTIES WITHOUT PRETRIAL SERVICES PROGRAMS AS OF JULY 1, 2019,
24 MUST BE THE HIGHEST PRIORITY FOR ALLOCATIONS FROM THE PRETRIAL
25 SERVICES CASH FUND. WHEN THE JUDICIAL DEPARTMENT HAS AGREED TO
26 PROVIDE PRETRIAL SERVICES THROUGH THE PROBATION DEPARTMENT IN
27 A COUNTY PURSUANT TO SECTION 16-4-106 (3), MONEY FOR THAT COUNTY

1 MUST INSTEAD BE ALLOCATED TO THE JUDICIAL DEPARTMENT.

2 (e) THE STATE COURT ADMINISTRATOR SHALL ESTABLISH
3 ADMINISTRATIVE REPORTING PROCEDURES TO BE USED BY PRETRIAL
4 SERVICES PROGRAMS. THE STATE COURT ADMINISTRATOR SHALL USE
5 PRETRIAL SERVICES PROGRAM REPORTS TO ENSURE:

6 (I) EACH PRETRIAL SERVICES PROGRAM'S USE OF MONEY IS
7 CONSISTENT WITH THE GENERAL ASSEMBLY'S INTENT AS SET FORTH IN
8 SECTION 16-4-106.5; AND

9 (II) THE JUDICIAL DEPARTMENT MEETS ITS REPORTING
10 REQUIREMENTS AS SET FORTH IN SECTION 16-4-106 (6) AND (7).

11 **SECTION 12.** In Colorado Revised Statutes, 13-6-201, **amend**
12 (1) as follows:

13 **13-6-201. Classification of counties.** (1) For such organizational
14 and administrative purposes concerning county courts as are specified in
15 this part 2, AND FOR PURPOSES OF PRETRIAL SERVICES PROGRAMS AS
16 SPECIFIED IN SECTION 16-4-106 (3), counties ~~shall be~~ ARE classified as
17 provided in subsection (2) of this section. The classifications established
18 in this section ~~shall~~ DO not have any effect upon any classifications now
19 provided by law for any other purpose and specifically ~~shall~~ have no
20 effect upon the existing classification of counties for the purpose of fixing
21 judicial salaries for county judges as provided by section 13-30-103.

22 **SECTION 13.** In Colorado Revised Statutes, 16-4-111, **amend**
23 (3) as follows:

24 **16-4-111. Disposition of security deposits upon forfeiture or**
25 **termination of bond.** (3) When the defendant has been released upon
26 deposit of cash or property, upon an unsecured personal recognizance
27 bond with a monetary condition pursuant to section 16-4-104, ~~(1)(a) or~~

1 ~~(1)(b)~~, or upon a surety bond secured by property, if the defendant fails
2 to appear in accordance with the primary condition of the bond, the court
3 shall declare a forfeiture. Notice of the order of forfeiture shall be mailed
4 by the court to the defendant, all sureties, and all depositors or assignees
5 of any deposits of cash or property if such sureties, depositors, or
6 assignees have direct contact with the court, at their last-known addresses.
7 Such notice shall be sent within fourteen days after the entry of the order
8 of forfeiture. If the defendant does not appear and surrender to the court
9 having jurisdiction within thirty-five days from the date of the forfeiture
10 or within that period satisfy the court that appearance and surrender by
11 the defendant is impossible and without fault by such defendant, the court
12 may enter judgment for the state against the defendant for the amount of
13 the bond and costs of the court proceedings. Any cash deposits made with
14 the clerk of the court shall be applied to the payment of costs. If any
15 amount of such cash deposit remains after the payment of costs, it shall
16 be applied to payment of the judgment.

17 **SECTION 14.** In Colorado Revised Statutes, 16-4-203, **amend**
18 (4) as follows:

19 **16-4-203. Appeal bond hearing - order.** (4) Upon written
20 motion of the state or the defendant, the sentencing court may increase or
21 reduce the amount of appeal bond, alter the security for or conditions of
22 the appeal bond, or revoke the appeal bond. Notice of hearing on the
23 motion shall be given in the manner provided in ~~section 16-4-107~~
24 SECTION 16-4-109.

25 **SECTION 15.** In Colorado Revised Statutes, 16-8.5-105, **amend**
26 (1)(c) as follows:

27 **16-8.5-105. Evaluations and report.** (1) (c) The court, when

1 setting bond pursuant to ~~section 16-4-103~~ SECTION 16-4-104, if the
2 defendant is eligible for bond, and after receiving any information
3 pursuant to section 16-4-106, shall not consider the need for the
4 defendant to receive an evaluation pursuant to this ~~article~~ ARTICLE 8.5.

5 **SECTION 16.** In Colorado Revised Statutes, 19-2-509, **amend**
6 (4)(a) as follows:

7 **19-2-509. Bail.** (4) (a) In determining the type of bond and
8 conditions of release for the juvenile, the judge or magistrate fixing the
9 same shall consider the criteria set forth in ~~section 16-4-103, C.R.S.~~
10 SECTION 16-4-104.

11 **SECTION 17. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.