

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

PREAMENDED

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

LLS NO. 19-1017.01 Michael Dohr x4347

HOUSE BILL 19-1226

HOUSE SPONSORSHIP

Herod and Soper,

SENATE SPONSORSHIP

Lee,

House Committees

Judiciary
Appropriations

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; A REQUIREMENT FOR PRETRIAL SERVICES**
110 **PROGRAMS THROUGHOUT THE STATE; AND MAKING AN**
111 **APPROPRIATION.**

Bill Summary

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.

(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, 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, **repeal**
3 (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);~~

1 ~~(2)(c), (4)(b), (4)(c), or (5), C.R.S.;~~

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

10

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

13 **16-4-102. Right to bail - before conviction.** Any person who is
14 ~~in custody, and for whom the court has not set bond and conditions of~~
15 ~~release pursuant to the applicable rule of criminal procedure, and who is~~
16 ~~not subject to the provisions of section 16-4-101 (5), ARRESTED AND HAS~~
17 ~~NOT BEEN RELEASED PURSUANT TO SECTION 16-4-103 has the right to a~~
18 ~~hearing to determine bond and conditions of release. A person in custody~~
19 ~~may also request a hearing so that bond and conditions of release can be~~
20 ~~set. Upon receiving the request, the judge shall notify the district attorney~~
21 ~~immediately of the arrested person's request, and the district attorney shall~~
22 ~~have the right to attend and advise the court of matters pertinent to the~~
23 ~~type of bond and conditions of release to be set. The judge shall also~~
24 ~~order~~ REQUIRE the appropriate law enforcement agency having custody
25 of the prisoner to bring him or her before the court forthwith, and the
26 judge shall set bond and conditions of release if the offense for which the
27 person was arrested is bailable. It shall not be a prerequisite to bail that

1 a criminal charge of any kind has been filed.

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

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

6 (1) EACH JUDICIAL DISTRICT SHALL DEVELOP, ON OR BEFORE MARCH 31,
7 2020, FOR IMPLEMENTATION BY JULY 1, 2020:

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

11 (b) AN ADMINISTRATIVE ORDER OF THE CHIEF JUDGE OF THAT
12 JUDICIAL DISTRICT SPECIFYING WRITTEN CRITERIA ALLOWING FOR THE
13 IMMEDIATE PRETRIAL RELEASE OF CERTAIN DETAINED PERSONS ON A
14 SUMMONS OR AN UNSECURED PERSONAL RECOGNIZANCE BOND WITHOUT
15 MONETARY CONDITIONS AFTER THE PRETRIAL ASSESSMENT IS COMPLETED
16 AND WITHOUT AN INITIAL HEARING BEFORE THE COURT. THE CRITERIA FOR
17 RELEASE MUST BE DEVELOPED IN CONJUNCTION WITH ALL LOCAL
18 STAKEHOLDERS, WHICH INCLUDE BUT ARE NOT BE LIMITED TO A
19 REPRESENTATIVE OF THE DISTRICT ATTORNEY'S OFFICE, THE PUBLIC
20 DEFENDER, THE SHERIFF'S DEPARTMENT, THE PRETRIAL SERVICES
21 PROGRAM, A VICTIM ADVOCATE, AND THE OFFICE OF THE STATE COURT
22 ADMINISTRATOR. EACH JUDICIAL DISTRICT SHALL ALSO, IN THE
23 DEVELOPMENT OF THE CRITERIA, SOLICIT AND OBTAIN THE INPUT OF AT
24 LEAST ONE INDIVIDUAL WHO HAS BEEN INCARCERATED IN THE JUDICIAL
25 DISTRICT BECAUSE OF AN INABILITY TO PAY A MONETARY CONDITION OF
26 BOND AND CONSIDER THE INPUT IN THE DEVELOPMENT OF THE
27 ADMINISTRATIVE ORDER.

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

10 (a) THE IMPACT OF DETENTION ON LOW-RISK PERSONS AND
11 RECIDIVISM;

12 (b) THE NATIONAL AND STATE DATA AND RESEARCH REGARDING
13 THE USE OF NONMONETARY CONDITIONS OF BOND AS THEY RELATE TO
14 SAFETY OF ANY PERSON OR THE COMMUNITY AND APPEARANCE RATES;
15 AND

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

18 (3) IN THE CHIEF JUDGE ADMINISTRATIVE ORDER CREATED
19 PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION, THE CHIEF JUDGE OF
20 THE JUDICIAL DISTRICT SHALL DESIGNATE A PERSON, AGENCY, OR
21 PROGRAM FOR EACH DETENTION FACILITY WITHIN THE JUDICIAL DISTRICT
22 TO CONDUCT THE PRETRIAL RELEASE SCREENING TO ALLOW FOR RELEASE
23 OF PERSONS TAKEN INTO CUSTODY BY LAW ENFORCEMENT OFFICIALS. THE
24 CHIEF JUDGE SHALL ALSO DESIGNATE A PERSON, AGENCY, OR PROGRAM AS
25 A BONDING AND RELEASE COMMISSIONER, AS DEFINED IN SECTION
26 16-4-109 (4)(b), WHO IS AUTHORIZED TO RELEASE PERSONS ASSESSED
27 ELIGIBLE FOR RELEASE PURSUANT TO THE CRITERIA WITHOUT MONETARY

1 CONDITIONS OF BOND. ALL RELEASES ON NONMONETARY BONDS MUST
2 INCLUDE THE STANDARD AND STATUTORILY MANDATED BOND CONDITIONS
3 PURSUANT TO SECTION 16-4-105 AND MAY INCLUDE ANY OTHER
4 APPROPRIATE AND NECESSARY NONMONETARY CONDITIONS AS
5 DETERMINED BY THE PRETRIAL SCREENING PROCESS AND THE WRITTEN
6 RELEASE CRITERIA OF EACH JURISDICTION.

7 (4) THIS SECTION DOES NOT PROHIBIT THE RELEASE OF A
8 DEFENDANT PURSUANT TO LOCAL PRETRIAL RELEASE POLICIES THAT
9 REQUIRE PAYMENT OF A MONETARY CONDITION OF RELEASE PRIOR TO AN
10 INDIVIDUALIZED DECISION BY A JUDGE OR JUDICIAL OFFICER.

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

13 **16-4-104. Initial hearing - types of bond set by the court -**
14 **factors for setting conditions of bond - right to counsel.** (1) AT THE
15 INITIAL HEARING, IF THE PERSON IS NOT RELEASED PURSUANT TO THE
16 PROVISIONS OF SECTION 16-4-103, THE COURT SHALL DETERMINE THE
17 TYPE OF BOND AND THE CONDITIONS OF RELEASE. IN MAKING THAT
18 DETERMINATION, THE COURT SHALL PRESUME THE RELEASE OF THE
19 PERSON WITH THE LEAST RESTRICTIVE CONDITIONS. THE COURT SHALL
20 FURTHER PRESUME RELEASE OF THE DEFENDANT WITHOUT THE USE OF ANY
21 MONETARY CONDITIONS OF BOND UNLESS THE COURT FINDS THAT:

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

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

25 (II) THERE IS A SUBSTANTIAL RISK THAT THE PERSON WILL
26 ATTEMPT TO FLEE PROSECUTION; OR

27 (III) THERE IS A SUBSTANTIAL RISK THAT THE PERSON WILL

1 ATTEMPT TO OBSTRUCT OR OTHERWISE WILLFULLY AVOID THE CRIMINAL
2 PROCESS; AND

3 (b) THERE ARE NO REASONABLE NONMONETARY CONDITIONS OF
4 RELEASE THAT REASONABLY ENSURE:

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

6 (II) THAT THE PERSON WILL ATTEMPT TO FLEE PROSECUTION; OR

7 (III) THAT THE PERSON WILL NOT ATTEMPT TO OBSTRUCT OR
8 OTHERWISE WILLFULLY AVOID THE CRIMINAL JUSTICE PROCESS.

9 (2) IN MAKING THE DETERMINATION ABOUT THE TYPE OF BOND
10 AND CONDITIONS OF RELEASE, THE COURT SHALL CONSIDER: ■ ■

11 (a) THE INDIVIDUAL CIRCUMSTANCES OF THE DEFENDANT,
12 INCLUDING HIS OR HER FINANCIAL CIRCUMSTANCES;

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

14 (c) VICTIM INPUT, IF RECEIVED;

15 (d) ALL METHODS OF RELEASE TO AVOID UNNECESSARY PRETRIAL
16 INCARCERATION AND TO AVOID UNNECESSARY LEVELS OF SUPERVISION AS
17 CONDITIONS OF PRETRIAL RELEASE;

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

20 (f) THE EMPLOYMENT STATUS AND HISTORY OF THE PERSON IN
21 CUSTODY;

22 (g) THE NATURE AND EXTENT OF FAMILY RELATIONSHIPS OF THE
23 PERSON IN CUSTODY;

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

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

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

1 (k) THE LIKELY SENTENCE, CONSIDERING THE NATURE AND
2 OFFENSE PRESENTLY CHARGED, ESPECIALLY IF THE DEFENDANT IS NOT
3 LIKELY TO BE SENTENCED TO INCARCERATION;

4 (l) THE PRIOR CRIMINAL RECORD, IF ANY, OF THE PERSON IN
5 CUSTODY;

6 (m) PRIOR FAILURES TO APPEAR THAT INDICATE THE PERSON IN
7 CUSTODY'S INTENT TO FLEE OR AVOID PROSECUTION;

8 (n) ANY FACTS INDICATING THAT THE DEFENDANT IS LIKELY TO
9 INTIMIDATE OR HARASS POSSIBLE WITNESSES;

10 (o) ANY OTHER FACTS TENDING TO INDICATE THAT THE
11 DEFENDANT HAS STRONG TIES TO THE COMMUNITY AND IS NOT LIKELY TO
12 FLEE THE JURISDICTION; AND

13 (p) THE RESULTS OF AN EMPIRICALLY DEVELOPED AND VALIDATED
14 RISK ASSESSMENT INSTRUMENT DESIGNED TO IMPROVE PRETRIAL RELEASE
15 DECISIONS BY PROVIDING THE COURT INFORMATION THAT CLASSIFIES A
16 PERSON IN CUSTODY BASED UPON THE PREDICTED LEVEL OF RISK OF
17 PRETRIAL FAILURE. ANY RESULTS OF A RISK ASSESSMENT PROVIDED TO
18 THE COURT MUST INCLUDE THE RISK CATEGORY OF THE DEFENDANT
19 ALONG WITH THE PREDICTED SUCCESS RATES FOR EACH RISK CATEGORY.
20 HOWEVER, THE COURT SHALL NOT USE THE RESULTS OF THE INSTRUMENT
21 AS THE SOLE BASIS FOR SETTING THE TYPE OF BOND AND CONDITIONS OF
22 RELEASE.

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

1 ATTEND THE HEARING.

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

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

6 (b) AN UNSECURED PERSONAL RECOGNIZANCE BOND WITH
7 ADDITIONAL NONMONETARY CONDITIONS OF RELEASE DESIGNED
8 SPECIFICALLY TO REASONABLY ENSURE THE APPEARANCE OF THE PERSON
9 IN COURT AND THE SAFETY OF ANY PERSON OR PERSONS OR THE
10 COMMUNITY;

11 (c) A BOND WITH SECURED MONETARY CONDITIONS SUBJECT TO
12 THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION. UNLESS THE COURT
13 MAKES FACTUAL FINDINGS ON THE RECORD WITH RESPECT TO THE
14 DEFENDANT THAT A CERTAIN METHOD OF BOND, AS SELECTED BY THE
15 COURT, IS NECESSARY TO REASONABLY ENSURE THE APPEARANCE OF THE
16 PERSON IN COURT AND REASONABLY ENSURE THE SAFETY OF ANY PERSON
17 OR PERSONS IN THE COMMUNITY, THE PERSON SHALL BE RELEASED FROM
18 CUSTODY UPON EXECUTION OF BOND IN THE FULL AMOUNT OF MONEY TO
19 BE SECURED BY ANY ONE OF THE FOLLOWING METHODS, AS SELECTED BY
20 THE DEFENDANT:

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

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

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

3 (IV) BY A BAIL BONDING AGENT, AS DEFINED IN SECTION 16-1-104
4 (3.5).

5 (d) A BOND WITH SECURED REAL ESTATE CONDITIONS WHEN THE
6 COURT DETERMINES THAT RELEASE ON AN UNSECURED PERSONAL
7 RECOGNIZANCE BOND WITHOUT MONETARY CONDITIONS WILL NOT
8 REASONABLY ENSURE THE APPEARANCE OF THE PERSON IN COURT OR
9 REASONABLY ENSURE THE SAFETY OF ANY PERSON OR PERSONS OR THE
10 COMMUNITY. THE CLERK OF THE COURT SHALL NOT ACCEPT A BOND
11 SECURED BY REAL ESTATE UNLESS THE RECORD OWNER OF THE PROPERTY
12 PRESENTS TO THE CLERK OF THE COURT THE ORIGINAL DEED OF TRUST AS
13 DESCRIBED IN SUBSECTION (4)(d)(IV) OF THIS SECTION AND THE
14 APPLICABLE RECORDING FEE. UPON RECEIPT OF THE DEED OF TRUST AND
15 FEE, THE CLERK OF THE COURT SHALL RECORD THE DEED OF TRUST WITH
16 THE CLERK AND RECORDER FOR THE COUNTY IN WHICH THE PROPERTY IS
17 LOCATED. FOR A BOND SECURED BY REAL ESTATE, THE AMOUNT OF THE
18 OWNER'S UNENCUMBERED EQUITY SHALL BE DETERMINED BY DEDUCTING
19 THE AMOUNT OF ALL ENCUMBRANCES LISTED IN THE OWNER AND
20 ENCUMBRANCES CERTIFICATE FROM THE ACTUAL VALUE OF SUCH REAL
21 ESTATE AS SHOWN ON THE CURRENT NOTICE OF VALUATION. THE OWNER
22 OF THE REAL ESTATE SHALL FILE WITH THE BOND ALL OF THE FOLLOWING,
23 WHICH SHALL CONSTITUTE A MATERIAL PART OF THE BOND:

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

26 (II) EVIDENCE OF TITLE ISSUED BY A TITLE INSURANCE COMPANY
27 OR AGENT LICENSED PURSUANT TO ARTICLE 11 OF TITLE 10, WITHIN

1 THIRTY-FIVE DAYS AFTER THE DATE UPON WHICH THE BOND IS FILED;

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

5 (IV) A DEED OF TRUST TO THE PUBLIC TRUSTEE OF THE COUNTY OR
6 CITY AND COUNTY IN WHICH THE REAL ESTATE IS LOCATED THAT IS
7 EXECUTED AND ACKNOWLEDGED BY ALL RECORD OWNERS OF THE REAL
8 ESTATE. THE DEED OF TRUST MUST NAME THE CLERK OF THE COURT
9 APPROVING THE BOND AS BENEFICIARY. THE DEED OF TRUST MUST SECURE
10 AN AMOUNT EQUAL TO ONE AND ONE-HALF TIMES THE AMOUNT OF THE
11 BOND.

12 (5) AT THE INITIAL HEARING, THE PERSON HAS THE RIGHT TO BE
13 REPRESENTED BY AN ATTORNEY AND MUST BE ADVISED OF THE POSSIBLE
14 CHARGES, PENALTIES, AND HIS OR HER RIGHTS AS SPECIFIED IN RULE 5 OF
15 THE COLORADO RULES OF CRIMINAL PROCEDURE, UNLESS WAIVED BY THE
16 DEFENDANT. THE COURT SHALL NOTIFY THE PUBLIC DEFENDER OF EACH
17 PERSON IN CUSTODY BEFORE THE INITIAL HEARING, AND THE PERSON HAS
18 THE RIGHT TO BE REPRESENTED BY THE PUBLIC DEFENDER AT THAT
19 HEARING. ADDITIONALLY, THE COURT SHALL PROVIDE THE PUBLIC
20 DEFENDER SUFFICIENT TIME TO PREPARE FOR AND PRESENT AN
21 INDIVIDUALIZED ARGUMENT REGARDING THE RELEASE OF THE PERSON AND
22 ANY CONDITIONS OF RELEASE AT THE INITIAL HEARING, CONSISTENT WITH
23 THE COURT'S DOCKET AND SCHEDULING PRIORITIES.

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

27 (7) PRIOR TO THE INITIAL HEARING, THE PERSON, PROGRAM, OR

1 AGENCY THAT HAS CONDUCTED THE PRETRIAL RELEASE SCREENING SHALL
2 PROVIDE ALL INFORMATION GATHERED REGARDING THE DEFENDANT,
3 INCLUDING, BUT NOT LIMITED TO, THE RESULTS FROM ANY EMPIRICALLY
4 DEVELOPED AND VALIDATED RISK ASSESSMENT INSTRUMENT AND THE
5 ARREST AFFIDAVIT OR OTHER PROBABLE CAUSE STATEMENT TO THE
6 PROSECUTION AND THE DEFENSE.

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

9 **16-4-105. Conditions of release on bond.** (7) A person may be
10 released on a bond with monetary condition of bond, when appropriate,
11 as described in ~~section 16-4-104 (1)(c)~~ SECTION 16-4-104 (4).

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

14 **16-4-106. Pretrial services programs - report.** (1) TO REDUCE
15 BARRIERS TO THE PRETRIAL RELEASE OF PERSONS IN CUSTODY WHOSE
16 RELEASE ON BOND WITH APPROPRIATE CONDITIONS REASONABLY ENSURES
17 COURT APPEARANCE AND PUBLIC SAFETY, ALL COUNTIES AND CITIES AND
18 COUNTIES SHALL DEVELOP BY JULY 1, 2020, A PRETRIAL SERVICES
19 PROGRAM IN CONSULTATION WITH THE CHIEF JUDGE OF THE JUDICIAL
20 DISTRICT THAT MAY BE UTILIZED BY THE COURTS OF THE JUDICIAL
21 DISTRICT. IN ORDER TO ESTABLISH THE PRETRIAL SERVICES PROGRAM, THE
22 CHIEF JUDGE OF EACH JUDICIAL DISTRICT SHALL ESTABLISH A COMMUNITY
23 ADVISORY BOARD TO FORMULATE A PLAN FOR A PRETRIAL SERVICES
24 PROGRAM. MEMBERSHIP ON SUCH COMMUNITY ADVISORY BOARD MUST
25 INCLUDE, AT A MINIMUM, A REPRESENTATIVE OF A LOCAL LAW
26 ENFORCEMENT AGENCY, A REPRESENTATIVE OF THE DISTRICT ATTORNEY,
27 A REPRESENTATIVE OF THE PUBLIC DEFENDER, A VICTIM REPRESENTATIVE,

1 AND AN INDIVIDUAL WHO HAS BEEN INCARCERATED IN THE JUDICIAL
2 DISTRICT OR A FAMILY MEMBER OF AN INDIVIDUAL WHO HAS BEEN
3 INCARCERATED IN THE JUDICIAL DISTRICT. THE CHIEF JUDGE IS
4 ENCOURAGED TO APPOINT TO THE COMMUNITY ADVISORY BOARD AT
5 LEAST ONE COUNTY COMMISSIONER FROM A COUNTY WITHIN THE JUDICIAL
6 DISTRICT. THE CHIEF JUDGE OF THE JUDICIAL DISTRICT SHALL APPROVE
7 THE PLAN FORMULATED BY THE COMMUNITY ADVISORY BOARD PRIOR TO
8 THE ESTABLISHMENT AND UTILIZATION OF THE PRETRIAL SERVICES
9 PROGRAM. THE OPTION CONTAINED IN THIS SECTION THAT A PRETRIAL
10 SERVICES PROGRAM BE ESTABLISHED PURSUANT TO A PLAN FORMULATED
11 BY THE COMMUNITY ADVISORY BOARD DOES NOT APPLY TO ANY PRETRIAL
12 SERVICES PROGRAM THAT EXISTED BEFORE MAY 31, 1991.

13 (2) A GOVERNMENTAL ENTITY MAY DIRECTLY OPERATE A
14 PRETRIAL SERVICES PROGRAM APPROVED PURSUANT TO SUBSECTION (1)
15 OF THIS SECTION OR ENTER INTO A CONTRACT WITH A PRIVATE NONPROFIT
16 ENTITY OR AN AGREEMENT WITH ANOTHER LOCAL GOVERNMENTAL ENTITY
17 TO PROVIDE PRETRIAL SERVICES IN THE COUNTY. A GOVERNMENTAL
18 ENTITY SHALL NOT ENTER INTO A CONTRACT WITH A FOR-PROFIT ENTITY
19 TO PROVIDE PRETRIAL SERVICES. PRIOR TO ENTERING INTO A CONTRACT
20 WITH A PRIVATE NONPROFIT ENTITY, A GOVERNMENTAL ENTITY SHALL
21 ENSURE THE PRIVATE NONPROFIT ENTITY SHALL OPERATE WITHOUT AN
22 IDENTIFIABLE CONFLICT. ADDITIONALLY, EACH JUDGE REQUIRING
23 PRETRIAL SERVICES SUPERVISION SHALL ENSURE THAT ANY SUPERVISION
24 OR OTHER CONDITIONS OF RELEASE FOR A DEFENDANT UNDER PRETRIAL
25 SUPERVISION ARE THE LEAST RESTRICTIVE CONDITIONS OF RELEASE AND
26 ARE NOT REQUIRED FOR THE PURPOSES OF FINANCIAL BENEFIT OR GAIN BY
27 AN ENTITY.

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

(a) THE PRETRIAL SERVICES PROGRAM MUST ESTABLISH A PROCEDURE FOR THE SCREENING OF PERSONS WHO ARE DETAINED DUE TO AN ARREST FOR THE ALLEGED COMMISSION OF A CRIME SO THAT SUCH INFORMATION MAY BE PROVIDED TO THE JUDGE OR OTHER DESIGNATED PERSON OR AGENCY WHO IS SETTING THE BOND AND CONDITIONS OF RELEASE. THE PRETRIAL SERVICES PROGRAM MUST PROVIDE INFORMATION THAT PROVIDES THE COURT WITH THE ABILITY TO MAKE AN APPROPRIATE INITIAL BOND DECISION THAT IS BASED UPON FACTS RELATING TO THE RISK THAT THE PERSON WILL FLEE PROSECUTION AND THE RISK OF DANGER TO ANY PERSON OR THE COMMUNITY.

(b) THE PRETRIAL SERVICES PROGRAM MUST MAKE ALL REASONABLE ATTEMPTS TO PROVIDE THE COURT OR OTHER DESIGNATED PERSON OR AGENCY WITH SUCH INFORMATION DELINEATED IN THIS SECTION AS IS APPROPRIATE TO EACH PERSON SEEKING RELEASE FROM CUSTODY FOR PURPOSES OF SETTING BOND AND CONDITIONS OF RELEASE;

(c) THE PRETRIAL SERVICES PROGRAM MUST USE AN EMPIRICALLY DEVELOPED PRETRIAL RISK ASSESSMENT TOOL THAT HAS BEEN APPROVED FOR USE BY THE STATE COURT ADMINISTRATOR PURSUANT TO SECTION 13-3-101 (11)(b), TO ASSESS A PERSON'S PREDICTIVE LEVEL OF PRETRIAL RISK ALONG WITH A STRUCTURED DECISION-MAKING DESIGN BASED UPON THE PERSON'S CHARGE AND THE RISK ASSESSMENT SCORE; AND

(d) THE PRETRIAL SERVICES PROGRAM MUST WORK WITH ALL APPROPRIATE AGENCIES AND ASSIST WITH ALL EFFORTS TO COMPLY WITH

1 SECTIONS 24-4.1-302.5 AND 24-4.1-303.

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

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

20 (I) THE TOTAL NUMBER OF PRETRIAL ASSESSMENTS PERFORMED BY
21 THE PRETRIAL SERVICES PROGRAM AND SUBMITTED TO THE COURT;

22 (II) THE TOTAL NUMBER OF CLOSED CASES BY THE PRETRIAL
23 SERVICES PROGRAM IN WHICH THE PERSON WAS RELEASED FROM CUSTODY
24 AND SUPERVISED BY THE PRETRIAL SERVICES PROGRAM;

25 (III) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
26 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL
27 SERVICES PROGRAM, AND, WHILE UNDER SUPERVISION, APPEARED FOR ALL

1 SCHEDULED COURT APPEARANCES ON THE CASE;

2 (IV) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
3 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL
4 SERVICES PROGRAM, AND WAS NOT CHARGED WITH A NEW CRIMINAL
5 OFFENSE THAT WAS ALLEGED TO HAVE OCCURRED WHILE UNDER
6 SUPERVISION AND THAT CARRIED THE POSSIBILITY OF A SENTENCE TO JAIL
7 OR IMPRISONMENT;

8 (V) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
9 WAS RELEASED FROM CUSTODY AND WAS SUPERVISED BY THE PRETRIAL
10 SERVICES PROGRAM, AND THE PERSON'S BOND WAS NOT REVOKED BY THE
11 COURT DUE TO A VIOLATION OF ANY OTHER TERMS AND CONDITIONS OF
12 SUPERVISION; AND

13 (VI) ANY ADDITIONAL INFORMATION THE JUDICIAL DEPARTMENT
14 MAY REQUEST.

15 (b) THE ANNUAL REPORT REQUIRED BY SUBSECTION (5)(a) OF THIS
16 SECTION BEGINNING IN 2020 AND EACH YEAR THEREAFTER MUST INCLUDE:

17 (I) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
18 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL
19 SERVICES PROGRAM, AND, WHILE UNDER SUPERVISION, DID NOT HAVE A
20 FAILURE TO APPEAR IN COURT THAT WAS NOT FOLLOWED UP BY A COURT
21 APPEARANCE IN THAT CASE:

22 (A) WITHIN 30 DAYS; AND

23 (B) WITHIN 90 DAYS.

24 (II) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
25 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL
26 SERVICES PROGRAM, AND WAS NOT CHARGED WITH A NEW CRIMINAL
27 OFFENSE THAT CONSTITUTES A CRIME AS DEFINED IN SECTION 24-4.1-302

1 (1) THAT WAS ALLEGED TO HAVE OCCURRED WHILE UNDER SUPERVISION.

2 (6) FOR THE REPORTS REQUIRED IN SUBSECTION (5) OF THIS
3 SECTION, THE PRETRIAL SERVICES PROGRAM MUST INCLUDE INFORMATION
4 DETAILING THE NUMBER OF PERSONS RELEASED ON A COMMERCIAL
5 SURETY BOND IN ADDITION TO PRETRIAL SUPERVISION, THE NUMBER OF
6 PERSONS RELEASED ON A CASH, PRIVATE SURETY, OR PROPERTY BOND IN
7 ADDITION TO PRETRIAL SUPERVISION, AND THE NUMBER OF PERSONS
8 RELEASED ON ANY FORM OF A PERSONAL RECOGNIZANCE BOND IN
9 ADDITION TO PRETRIAL SUPERVISION.

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

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

25 (2) MONEY IN THE FUND MUST BE USED TO FUND INDIVIDUAL
26 COUNTIES OR COUNTIES WORKING IN COOPERATION WITH EACH OTHER
27 THAT REQUEST FUNDS TO OPERATE OR ASSIST IN THE OPERATION OF A

1 PRETRIAL SERVICES PROGRAM AS REQUIRED BY SECTION 16-4-106 (1).
2 MONEY MAY BE USED FOR THE ADMINISTRATIVE AND PERSONNEL COSTS
3 RELATED TO THE OPERATION OF PRETRIAL SERVICES PROGRAMS AND ANY
4 ADJUNCT SERVICES INCLUDING, BUT NOT LIMITED TO, PROGRAM
5 DEVELOPMENT, ASSESSMENT SERVICES, CONTRACT SERVICES,
6 MONITORING, AND SUPERVISION SERVICES. COUNTIES AND COUNTIES
7 WORKING IN COOPERATION WITH EACH OTHER ARE ENCOURAGED TO SEEK
8 FUNDING WHEN NECESSARY TO IMPLEMENT LOCALLY BASED PROGRAMS
9 DESIGNED TO ACHIEVE THE GOALS OF EFFECTIVE PRETRIAL ASSESSMENT
10 AND SUPERVISION. IF A COUNTY IS UNABLE TO OPERATE A PRETRIAL
11 SERVICES PROGRAM AS REQUIRED BY SECTION 16-4-106 (1), THE COUNTY
12 SHALL REQUEST A WAIVER FROM COMPLIANCE FROM THE STATE COURT
13 ADMINISTRATOR OUTLINING THE REASONS THE COUNTY IS UNABLE TO
14 PROVIDE A PRETRIAL SERVICES PROGRAM DESPITE A POTENTIAL
15 ALLOCATION FROM THE PRETRIAL SERVICES CASH FUND. THE WAIVER
16 REQUEST SHALL DESCRIBE WHAT NECESSARY RESOURCES ARE
17 UNAVAILABLE THAT PREVENT THE ESTABLISHMENT OF A PRETRIAL
18 SERVICES PROGRAM IN THAT COUNTY, WHICH MAY INCLUDE, BUT ARE NOT
19 LIMITED TO, THE NECESSARY AMOUNT OF FUNDING, THE LACK OF
20 NECESSARY INFRASTRUCTURE, OR THE LACK OF PERSONNEL OR PROGRAM
21 SERVICES WITHIN THAT COMMUNITY.

22

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

25 **16-4-107. Time frames for commencement of action.**

26 (1) AFTER THE INITIAL HEARING AS PROVIDED BY SECTION 16-4-104, THE
27 COURT SHALL ORDER THAT THE COMMENCEMENT OF THE CRIMINAL

1 PROSECUTION BY THE FILING OF A COMPLAINT OR INFORMATION,
2 PURSUANT TO THE PROVISIONS OF SECTION 16-5-101, MUST TAKE PLACE
3 WITHIN THREE DAYS AFTER THE INITIAL HEARING, EXCLUDING SATURDAY,
4 SUNDAY, AND LEGAL HOLIDAYS, UNLESS GOOD CAUSE IS SHOWN TO THE
5 COURT FOR ADDITIONAL TIME OR THE PARTIES AGREE TO ADDITIONAL
6 TIME.

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

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

13 **16-4-109. Reduction or increase of monetary conditions of**
14 **bond - change in type of bond or conditions of bond - definition.**

15 (1) THE DEFENDANT, THE PROSECUTING ATTORNEY, OR THE BONDING AND
16 RELEASE COMMISSIONER MAY ASK FOR THE REVIEW AND MODIFICATION OF
17 ANY MONETARY OR NONMONETARY CONDITION OF BOND IF NEW
18 INFORMATION IS DISCOVERED THAT WAS NOT PRESENTED AT THE TIME OF
19 THE ORIGINAL SETTING OF BOND AND CONDITIONS OF RELEASE OR IF
20 CIRCUMSTANCES HAVE CHANGED SINCE THE COURT MADE THE BOND
21 DETERMINATION AND THIS NEW INFORMATION OR CHANGE IN
22 CIRCUMSTANCES HAS A BEARING ON WHETHER THE CONDITION OF BOND
23 IS REASONABLE AND NECESSARY PURSUANT TO THE PROVISIONS OF THIS
24 SECTION.

25 (2) REQUESTS FOR REVIEW OR MODIFICATION OF A MONETARY OR
26 NONMONETARY CONDITION OF BOND MAY BE MADE ORALLY OR IN WRITING
27 WITH REASONABLE NOTICE TO THE OPPOSING PARTY; EXCEPT THAT, IF THE

1 CASE ALLEGES A CRIME AS DEFINED IN SECTION 24-4.1-302, THE REQUEST
2 FOR REVIEW MUST BE IN WRITING.

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

8 (4) (a) UPON VERIFIED APPLICATION BY THE DISTRICT ATTORNEY
9 OR A BONDING AND RELEASE COMMISSIONER STATING FACTS OR
10 CIRCUMSTANCES CONSTITUTING A BREACH OR A THREATENED BREACH OF
11 ANY OF THE CONDITIONS OF THE BOND, THE COURT MAY ISSUE A WARRANT
12 COMMANDING ANY PEACE OFFICER TO BRING THE DEFENDANT WITHOUT
13 UNNECESSARY DELAY BEFORE THE COURT FOR A HEARING ON THE
14 MATTERS SET FORTH IN THE APPLICATION. UPON ISSUANCE OF THE
15 WARRANT, THE BONDING AND RELEASE COMMISSIONER SHALL NOTIFY THE
16 BAIL BOND AGENT OF RECORD BY ELECTRONIC MAIL TO THE AGENT IF
17 AVAILABLE WITHIN TWENTY-FOUR HOURS OR BY CERTIFIED MAIL NOT
18 MORE THAN FOURTEEN DAYS AFTER THE WARRANT IS ISSUED. AT THE
19 CONCLUSION OF THE HEARING, THE COURT MAY ENTER AN ORDER
20 AUTHORIZED BY SUBSECTION (1) OF THIS SECTION. IF A BONDING AND
21 RELEASE COMMISSIONER FILES AN APPLICATION FOR A HEARING PURSUANT
22 TO THIS SUBSECTION (4), THE BONDING COMMISSIONER SHALL NOTIFY THE
23 DISTRICT ATTORNEY FOR THE JURISDICTION IN WHICH THE APPLICATION IS
24 MADE OF THE APPLICATION WITHIN TWENTY-FOUR HOURS FOLLOWING THE
25 FILING OF THE APPLICATION.

26 (b) AS USED IN THIS SUBSECTION (4), "BONDING AND RELEASE
27 COMMISSIONER" MEANS A PERSON EMPLOYED BY A PRETRIAL SERVICES

1 PROGRAM AS DESCRIBED IN SECTION 16-4-106, OR ANY OTHER PERSON
2 DESIGNATED AS A BONDING AND RELEASE COMMISSIONER BY THE CHIEF OR
3 PRESIDING JUDGE OF THE JUDICIAL DISTRICT TO CARRY OUT THE
4 PROVISIONS OF THIS ARTICLE 4.

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

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

11 **10-23-105. Qualification bond - forfeiture.** (1) Each
12 cash-bonding agent shall post a cash qualification bond of fifty thousand
13 dollars with the division. The bond must be to the people of the state of
14 Colorado in favor of any court in this state, whether municipal, county,
15 district, or other court, and to the division for the purposes of this section.
16 In the event of a forfeiture of a cash-bonding agent's qualification bond,
17 the division has priority over all other claimants. To comply with this
18 subsection (1), the bond must be conditioned upon full and prompt
19 payment into the court ordering the bond forfeited. Cash-bonding agents
20 shall not issue bonds except in accordance with ~~section 16-4-104~~
21 ~~(1)(c)(III), C.R.S.~~ SECTION 16-4-104 (4)(c)(III). In the event of a
22 qualification bond forfeiture, a cash-bonding agent shall not write new
23 bail bonds until the qualification bond is restored to fifty thousand dollars.

24 (2) Each professional cash-bail agent shall post a cash
25 qualification bond of no less than fifty thousand dollars with the division.
26 The bond shall be to the people of the state of Colorado in favor of any
27 court in this state, whether municipal, county, district, or other court, and

1 to the division for the purposes of this section. A professional cash-bail
2 agent shall not furnish a single bail greater than twice the amount of the
3 bond posted with the division. In the event of a forfeiture of a
4 professional cash-bail agent's qualification bond, the division has priority
5 over all other claimants to the bond. To comply with this subsection (2),
6 the bond must be conditioned upon full and prompt payment into the
7 court ordering the bond forfeited. Professional cash-bail agents shall not
8 issue bonds except in accordance with ~~section 16-4-104(1)(c)(III), C.R.S.~~
9 SECTION 16-4-104 (4)(c)(III). In the event of a qualification bond
10 forfeiture, a professional cash-bail agent shall not write new bail bonds
11 until the qualification bond is restored to at least fifty thousand dollars.

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

14 **13-3-101. State court administrator - repeal.** (11) (a) ON OR
15 BEFORE JANUARY 1, 2020, THE STATE COURT ADMINISTRATOR SHALL, IN
16 CONSULTATION WITH PRETRIAL SERVICES PROGRAMS AND RELEVANT
17 PROFESSIONAL ASSOCIATIONS, INCLUDING BUT NOT LIMITED TO ANY
18 COLORADO ASSOCIATION OF PRETRIAL SERVICES, ESTABLISH AND
19 MAINTAIN MINIMUM STANDARDS FOR PRETRIAL SERVICES PROGRAMS
20 APPROVED PURSUANT TO SECTION 16-4-106 (1). THE STATE COURT
21 ADMINISTRATOR SHALL PROVIDE ADMINISTRATIVE OVERSIGHT OF
22 PRETRIAL SERVICES PROGRAMS AND THEIR OPERATIONS ACCORDING TO
23 UNIFORM STANDARDS AND PROTOCOLS ESTABLISHED BY THE STATE COURT
24 ADMINISTRATOR. THE STATE COURT ADMINISTRATOR SHALL REVIEW ANY
25 WAIVER REQUESTS SUBMITTED BY ANY COUNTY PURSUANT TO THE
26 PROVISIONS OF SECTION 16-4-106.5 TO DETERMINE IF ANY TECHNICAL
27 ASSISTANCE CAN BE PROVIDED TO THE COUNTY TO ALLOW FOR THE

1 DEVELOPMENT OF A PRETRIAL SERVICES PROGRAM. THE WAIVER REQUESTS
2 SUBMITTED TO THE STATE COURT ADMINISTRATOR SHALL BE INCLUDED IN
3 THE ANNUAL REPORT AS DESCRIBED IN SECTION 16-4-106 (5) AND (6)
4 ALONG WITH ANY RECOMMENDATIONS TO THE GENERAL ASSEMBLY
5 REGARDING METHODS OR FUNDING NEEDED TO ACHIEVE PRETRIAL
6 SERVICES IN EVERY COUNTY IN THE STATE.

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

11 (II) (A) BEGINNING ON JULY 1, 2021, ANY RISK ASSESSMENT
12 INSTRUMENT APPROVED FOR USE MUST HAVE BEEN EVALUATED,
13 DEVELOPED, AND VALIDATED IN COLORADO TO MAXIMIZE ACCURACY AND
14 TO STATISTICALLY MINIMIZE BIAS ON THE BASIS OF RACE, ETHNICITY, AND
15 GENDER. ADDITIONALLY, JUDICIAL RELIANCE ON THE ASSESSMENT IN
16 PRETRIAL DECISION-MAKING MUST BE EVALUATED FOR BIAS ON THE BASIS
17 OF RACE, ETHNICITY, AND GENDER. THE EVALUATIONS REQUIRED IN THIS
18 SECTION MUST BE COMPLETED BY THE DIVISION OF CRIMINAL JUSTICE IN
19 THE DEPARTMENT OF PUBLIC SAFETY OR A NONPROFIT RESEARCH
20 ORGANIZATION.

21 (B) ANY APPROVED RISK ASSESSMENT INSTRUMENT MUST BE
22 EVALUATED FOR ACCURACY AND FOR BIAS AS DESCRIBED IN SUBSECTION
23 (11)(b)(II)(A) OF THIS SECTION EVERY THREE YEARS.

24 (C) THE JUDICIAL DEPARTMENT AND THE DEPARTMENT OF PUBLIC
25 SAFETY, AS PART OF THEIR HEARINGS REQUIRED BY SECTION 2-7-203(2),
26 SHALL PRESENT THE FINDINGS OF ANY STUDY CONDUCTED TO EVALUATE
27 A RISK ASSESSMENT INSTRUMENT FOR BIAS AND EFFORTS TO REDUCE ANY

1 IDENTIFIED BIAS.

2 (D) THE JUDICIAL DEPARTMENT AND THE DEPARTMENT OF PUBLIC
3 SAFETY SHALL COOPERATE TO DEVELOP AND AGREE UPON STATISTICAL
4 AND REPORTING METHODOLOGIES TO BE USED FOR THE REPORTING
5 DESCRIBED IN THIS SUBSECTION (11)(b)(II) AND SHALL SUBMIT A PLAN FOR
6 IMPLEMENTATION OF THE STATISTICAL AND REPORTING METHODOLOGIES
7 TO THE GENERAL ASSEMBLY BY JANUARY 1, 2020.

8 (III) BEGINNING ON JANUARY 1, 2024, ANY RISK ASSESSMENT
9 INSTRUMENT APPROVED FOR USE MUST PROVIDE PRETRIAL
10 DECISION-MAKERS SEPARATE RISK CATEGORY INFORMATION FOR EACH OF
11 THE PRETRIAL RISKS IDENTIFIED IN SECTION 16-4-104 (1)(a)(I) AND
12 (1)(a)(II) IF STATISTICALLY POSSIBLE.

13 (IV) IN ORDER TO EVALUATE AN APPROVED RISK ASSESSMENT
14 INSTRUMENT FOR BIAS AND PROPER MEASUREMENT OF RISK FACTORS,
15 BEGINNING ON JANUARY 1, 2020, EACH JURISDICTION USING A RISK
16 ASSESSMENT INSTRUMENT SHALL COLLECT ALL RELEVANT DATA AS
17 REQUESTED BY THE STATE COURT ADMINISTRATOR IN CONJUNCTION WITH
18 THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC
19 SAFETY. THIS DATA MUST INCLUDE, AT A MINIMUM, THE FOLLOWING
20 INFORMATION FOR EACH PERSON ASSESSED:

- 21 (A) RACE, ETHNICITY, AND GENDER;
- 22 (B) THE PRETRIAL RISK CATEGORY;
- 23 (C) SCORES ASSIGNED TO EACH UNDERLYING VARIABLE USED BY
24 A RISK ASSESSMENT INSTRUMENT;
- 25 (D) THE TOTAL RISK ASSESSMENT INSTRUMENT SCORE;
- 26 (E) ANY RECOMMENDATION MADE BY A STRUCTURED
27 DECISION-MAKING DESIGN, IF AVAILABLE;

1 (F) WHETHER THE RECOMMENDATION OF A STRUCTURED
2 DECISION-MAKING DESIGN WAS FOLLOWED BY THE COURT, IF AVAILABLE;

3 (G) THE BOND TYPE SET BY THE COURT;

4 (H) THE CONDITIONS OF BOND SET BY THE COURT, WHICH MUST
5 INCLUDE, BUT IS NOT LIMITED TO, THE MONETARY CONDITIONS IMPOSED;

6 (I) WHETHER THE DEFENDANT WAS RELEASED;

7 (J) IF THE DEFENDANT FAILED TO APPEAR FOR COURT WHILE ON
8 SUPERVISION, WHETHER THE DEFENDANT SUBSEQUENTLY APPEARED IN
9 THAT CASE WITHIN THIRTY DAYS, NINETY DAYS, AND ONE HUNDRED
10 TWENTY DAYS;

11 (K) THE PRETRIAL SUPERVISION OUTCOME; AND

12 (L) THE RESULTS OF ANY ADDITIONAL ASSESSMENTS USED IN
13 ORDER TO PROVIDE ADDITIONAL INFORMATION TO THE COURT.

14 (V) UPON REQUEST BY THE DIVISION OF CRIMINAL JUSTICE IN THE
15 DEPARTMENT OF PUBLIC SAFETY, THE STATE COURT ADMINISTRATOR
16 SHALL PROVIDE ANY AVAILABLE INFORMATION NECESSARY TO EVALUATE
17 AN APPROVED RISK ASSESSMENT PURSUANT TO THIS SECTION.

18 (c) THE STATE COURT ADMINISTRATOR SHALL PROVIDE TECHNICAL
19 ASSISTANCE TO LOCAL PRETRIAL SERVICES PROGRAM STAKEHOLDERS TO
20 INCLUDE TRAINING, EDUCATION, INFORMATIONAL MATERIALS, AND TOOLS
21 TO TRACK OUTCOMES AND FIDELITY TO BEST PRACTICES. THE STATE
22 COURT ADMINISTRATOR SHALL COLLECT, ANALYZE, AND REPORT
23 CENTRALIZED DATA TO IDENTIFY PRETRIAL RELEASE SERVICES TRENDS
24 AND OUTCOMES THROUGHOUT THE STATE.

25 (d) THE STATE COURT ADMINISTRATOR SHALL ALLOCATE MONEY
26 FROM THE PRETRIAL SERVICES CASH FUND ESTABLISHED IN SECTION
27 16-4-106.5. THE STATE COURT ADMINISTRATOR SHALL DEVELOP AND

1 MAINTAIN AN ANNUAL FORMULA FUNDING MODEL TO EQUITABLY AND
2 OBJECTIVELY ALLOCATE AND DISTRIBUTE THE PRETRIAL SERVICES CASH
3 FUND AMONG COUNTIES THAT REQUEST MONEY FOR PRETRIAL SERVICES.
4 COUNTIES WITHOUT PRETRIAL SERVICES PROGRAMS AS OF JULY 1, 2019,
5 MUST BE THE HIGHEST PRIORITY FOR ALLOCATIONS FROM THE PRETRIAL
6 SERVICES CASH FUND. █

7 (e) THE STATE COURT ADMINISTRATOR SHALL ESTABLISH
8 ADMINISTRATIVE REPORTING PROCEDURES TO BE USED BY PRETRIAL
9 SERVICES PROGRAMS. THE STATE COURT ADMINISTRATOR SHALL USE
10 PRETRIAL SERVICES PROGRAM REPORTS TO ENSURE:

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

14 (II) THE JUDICIAL DEPARTMENT MEETS ITS REPORTING
15 REQUIREMENTS AS SET FORTH IN SECTION 16-4-106 (5) AND (6).

16 █

17 **SECTION 12.** In Colorado Revised Statutes, 16-4-111, **amend**
18 (3) as follows:

19 **16-4-111. Disposition of security deposits upon forfeiture or**
20 **termination of bond.** (3) When the defendant has been released upon
21 deposit of cash or property, upon an unsecured personal recognizance
22 bond with a monetary condition pursuant to section 16-4-104, ~~(1)(a)~~ or
23 ~~(1)(b)~~, or upon a surety bond secured by property, if the defendant fails
24 to appear in accordance with the primary condition of the bond, the court
25 shall declare a forfeiture. Notice of the order of forfeiture shall be mailed
26 by the court to the defendant, all sureties, and all depositors or assignees
27 of any deposits of cash or property if such sureties, depositors, or

1 assignees have direct contact with the court, at their last-known addresses.
2 Such notice shall be sent within fourteen days after the entry of the order
3 of forfeiture. If the defendant does not appear and surrender to the court
4 having jurisdiction within thirty-five days from the date of the forfeiture
5 or within that period satisfy the court that appearance and surrender by
6 the defendant is impossible and without fault by such defendant, the court
7 may enter judgment for the state against the defendant for the amount of
8 the bond and costs of the court proceedings. Any cash deposits made with
9 the clerk of the court shall be applied to the payment of costs. If any
10 amount of such cash deposit remains after the payment of costs, it shall
11 be applied to payment of the judgment.

12 **SECTION 13.** In Colorado Revised Statutes, 16-4-203, **amend**
13 (4) as follows:

14 **16-4-203. Appeal bond hearing - order.** (4) Upon written
15 motion of the state or the defendant, the sentencing court may increase or
16 reduce the amount of appeal bond, alter the security for or conditions of
17 the appeal bond, or revoke the appeal bond. Notice of hearing on the
18 motion shall be given in the manner provided in ~~section 16-4-107~~
19 SECTION 16-4-109.

20 **SECTION 14.** In Colorado Revised Statutes, 16-8.5-105, **amend**
21 (1)(c) as follows:

22 **16-8.5-105. Evaluations and report.** (1) (c) The court, when
23 setting bond pursuant to ~~section 16-4-103~~ SECTION 16-4-104, if the
24 defendant is eligible for bond, and after receiving any information
25 pursuant to section 16-4-106, shall not consider the need for the
26 defendant to receive an evaluation pursuant to this ~~article~~ ARTICLE 8.5.

27 **SECTION 15.** In Colorado Revised Statutes, 19-2-509, **amend**

1 (4)(a) as follows:

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

6 **SECTION 16. Appropriation.** (1) For the 2019-20 state fiscal
7 year, \$440,493 is appropriated to the judicial department. This
8 appropriation is from the general fund. To implement this act, this
9 appropriation may be used as follows:

10 (a) \$330,253 for general courts administration, which amount is
11 based on an assumption that the department will require an additional 3.7
12 FTE; and

13 (b) \$110,240 for information technology infrastructure.

14 (2) For the 2019-20 state fiscal year, \$39,813 is appropriated to the
15 department of public safety for use by the division of criminal justice.
16 This appropriation is from the general fund and is based on an assumption
17 that the division will require an addition 0.3 FTE. To implement this act,
18 the division may use this appropriation for DCJ administrative
19 services.

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