

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

ENGROSSED

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

LLS NO. 21-1019.01 Michael Dohr x4347

SENATE BILL 21-273

SENATE SPONSORSHIP

Lee and Moreno, Buckner, Coleman, Gonzales, Rodriguez

HOUSE SPONSORSHIP

Benavidez and Bacon,

Senate Committees

Judiciary
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO INCREASE PUBLIC SAFETY BY MINIMIZING**
102 **CUSTODIAL RESPONSES TO LOW-LEVEL OFFENSES, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the community response to low-level offenses working group in the department of public safety to study and propose statewide policy and legislative initiatives to safely increase community response in lieu of law enforcement engagement for lower-level offenses and calls for service when there is no criminal conduct. The working

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 2nd Reading
May 26, 2021

group shall report its findings to the judiciary committees of the house of representatives and the senate, or any successor committees, by the February 1, 2022.

The bill prohibits a peace officer from arresting a person based solely on the alleged commission of a traffic offense, petty offense, drug petty offense, municipal offense, drug misdemeanor offense, or misdemeanor offense, unless:

- Custodial arrest is statutorily required;
- The offense is a victim rights crime; the offense includes an element of illegal possession or use of a firearm; or the offense constitutes unlawful sexual behavior, failure to register as a sex offender, or the offense is a violation of a temporary or regular extreme risk protection order, a violation of a credible threat to a school, or a violation of eluding in a vehicle; or
- The officer is unable to sufficiently verify the individual's identity absent a custodial arrest.

The bill prohibits a court from issuing a monetary bond for a misdemeanor offense; municipal offense; class 4, 5, or 6 felony; or a drug felony unless the court finds the defendant will flee prosecution or threaten the safety of another and no other condition of release can reasonably mitigate the risk. The bill requires the court to issue a personal recognizance bond when the defendant fails to appear, unless:

- The defendant failed to appear when a witness was subpoenaed or a civilian witness was on call;
- The defendant intentionally failed to appear for the purpose of interfering with or deterring victim or witness participation in the case; or
- The defendant has failed to appear 2 or more times in the case.

The bill requires the court to issue a personal recognizance bond in a failure to comply with a probation conditions case that is not based on a criminal offense, unless:

- The violation was for a failure to comply with any court-ordered treatment related to a sex offense or domestic violence;
- The defendant has already had probation revoked for failure to comply in the case; or
- The court finds the defendant is likely to flee prosecution.

The bill permits appellate review of a court's bail or bond order by either the defendant or the prosecution after a reconsideration hearing, denial of a reconsideration of bond conditions, or order for bail after conviction.

The bill authorizes sheriffs to actively manage their jail populations in order to keep the population as low as possible while

maintaining community safety, including the authority to establish jail admission standards that include offense-based admission standards that limit jail admissions.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Custodial arrest and pre-trial incarceration have too often
5 become the default option for law enforcement, despite the United States
6 Supreme Court's edict that has cautioned: "In our society liberty is the
7 norm, and detention prior to trial is the carefully limited exception."
8 *United States v. Salerno*, 481 U.S. 739, 755 (1987);

9 (b) More than half of arrests in Colorado are for low-level
10 nonviolent offenses that do not pose a present threat to the safety of
11 others;

12 (c) Arrests for low-level offenses disproportionately involve
13 people of color. In Colorado, Black people are arrested at a rate eight
14 times higher than White people, are arrested for drug possession at a rate
15 twelve times higher than White people, and, although Black people make
16 up less than 5% of the population in Colorado, they represent about 15%
17 of people in jail.

18 (d) Arrests for low-level offenses too often escalate into violent
19 confrontations between police and community members with tragic
20 outcomes; indeed, the majority of law enforcement killings in Colorado
21 since 2017 involved incidents that began in response to an alleged
22 low-level offense, traffic violation, mental health call, or situation where
23 no crime was alleged, including those of Michael Marshall, Marvin
24 Booker, Elijah McClain, Jeffrey Melvin Jr., Jaime Ceballos, and Jack

1 Jacquez. Black people in Colorado have been killed at a rate four times
2 higher per population than White people since 2013, and Latino people
3 have been killed at twice the rate of White people.

4 (e) Furthermore, Colorado's local jail population has grown over
5 800% since the 1970s, mostly due to an increase in pre-trial confinement
6 of unconvicted people who remain incarcerated because they cannot
7 afford cash bond;

8 (f) Even short pretrial jail stays are destabilizing to already
9 vulnerable populations by causing loss of employment, housing, and
10 family connections; pretrial detention also increases the likelihood of
11 pleading guilty to get out of jail;

12 (g) Jails and prisons have become the largest in-patient mental
13 health facilities in Colorado, despite the fact that jail staff lack the
14 expertise or resources to address these societal problems, and Colorado
15 ranks eighth among states with the highest number of jail suicides;

16 (h) Law enforcement resources are limited and best focused on
17 arrests of individuals who are accused of more serious crimes and are
18 threats to public safety; and

19 (i) Community response programs nationwide and in Colorado
20 involving mental health professionals and social workers as crisis
21 responders have shown promising results by providing social support
22 rather than a law enforcement response to calls for service related to
23 lower-level offenses.

24 (2) Therefore, the general assembly declares that it is the public
25 policy of the state of Colorado to:

26 (a) Encourage the use of summonses and tickets rather than
27 custodial arrests for low-level offenses in order to increase public safety,

1 reduce the prospect of violence, and improve public trust of law
2 enforcement;

3 (b) Promote liberty and equal justice under law by increasing the
4 use of personal recognizance bonds and expedited appeals of their denial;
5 and

6 (c) Study alternatives to law enforcement responses, custodial
7 arrests, and jail for low-level offenses and mental health crises, including
8 community response models and diversion programs.

9 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-117 as
10 follows:

11 **24-33.5-117. Community response to low-level offenses**
12 **working group - report.** (1) (a) THE EXECUTIVE DIRECTOR OF THE
13 DEPARTMENT OF PUBLIC SAFETY SHALL FORM A WORKING GROUP TO
14 STUDY AND PROPOSE STATEWIDE POLICY AND LEGISLATIVE INITIATIVES TO
15 SAFELY INCREASE COMMUNITY RESPONSE IN LIEU OF LAW ENFORCEMENT
16 ENGAGEMENT FOR LOWER-LEVEL OFFENSES AND CALLS FOR SERVICE WHEN
17 CRIMINAL CONDUCT IS NOT ALLEGED.

18 (b) AT A MINIMUM, THE WORKING GROUP MUST INCLUDE:

19 (I) A REPRESENTATIVE FROM:

20 (A) THE COLORADO DISTRICT ATTORNEYS' COUNCIL;

21 (B) AN ORGANIZATION REPRESENTING THE CHIEFS OF POLICE;

22 (C) AN ORGANIZATION REPRESENTING THE COUNTY SHERIFFS OF
23 COLORADO;

24 (D) THE OFFICE OF THE STATE PUBLIC DEFENDER;

25 (E) A NONPROFIT ORGANIZATION THAT PROVIDES DIRECT SERVICES
26 TO CRIME SURVIVORS;

27 (F) A NONPROFIT ORGANIZATION THAT ADVOCATES ON BEHALF OF

1 PEOPLE WITH MENTAL AND BEHAVIORAL HEALTH DISORDERS;
2 (G) A NONPROFIT ORGANIZATION THAT ADVOCATES ON BEHALF OF
3 PEOPLE EXPERIENCING HOMELESSNESS;
4 (H) A NONPROFIT ORGANIZATION THAT ADVOCATES FOR
5 INCREASING COMMUNITY RESPONSES IN LIEU OF LAW ENFORCEMENT; AND
6 (I) A NONPROFIT ORGANIZATION THAT ADVOCATES FOR INCREASED
7 RACIAL JUSTICE IN THE CRIMINAL JUSTICE SYSTEM; _____
8 (J) THE JUDICIAL DEPARTMENT;
9 (K) A NON-PROFIT SUBSTANCE USE PROVIDER;
10 (L) THE BAIL BOND INDUSTRY;
11 (M) THE ATTORNEY GENERAL'S OFFICE;
12 (N) THE DIVISION OF ADULT PAROLE IN THE DEPARTMENT OF
13 CORRECTIONS;
14 (O) THE PROBATION DEPARTMENT IN THE JUDICIAL DEPARTMENT;
15 (P) THE STATE COURT ADMINISTRATOR'S OFFICE; AND
16 (II) AN INDIVIDUAL WHO HAS BEEN OR IS THE IMMEDIATE FAMILY
17 MEMBER OF SOMEONE WHO HAS BEEN ARRESTED IN COLORADO FOR A
18 LOWER-LEVEL OFFENSE.
19 (c) THE WORKING GROUP SHALL, AT A MINIMUM, STUDY
20 COMMUNITY RESPONSE OPTIONS FOR WELFARE CHECKS, MENTAL AND
21 BEHAVIORAL HEALTH CRISES, HOMELESSNESS, SUBSTANCE ABUSE, TRAFFIC
22 OFFENSES, MUNICIPAL OFFENSES, DRUG OFFENSES, AND LOWER-LEVEL
23 MISDEMEANORS AND FELONIES THAT DO NOT CREATE AN IMMEDIATE
24 SAFETY THREAT, SUCH AS THE ALLEGED LOWER-LEVEL FELONY FOR WHICH
25 GEORGE FLOYD WAS KILLED.
26 (2) THE WORKING GROUP SHALL REPORT TO THE HOUSE OF
27 REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY

1 COMMITTEE, OR ANY SUCCESSOR COMMITTEES, REGARDING THE WORKING
2 GROUP'S FINDINGS AND PROPOSED STATEWIDE POLICY AND LEGISLATIVE
3 INITIATIVES BY FEBRUARY 1, 2022.

4 **SECTION 3.** In Colorado Revised Statutes, 16-5-206, **add** (1.7)
5 as follows:

6 **16-5-206. Summons in lieu of warrant or arrest - definitions.**

7 (1.7) (a) A PEACE OFFICER MAY ISSUE A SUMMONS AND SHALL NOT
8 SUBJECT A PERSON TO A JAIL-ELIGIBLE ARREST BASED ON PROBABLE
9 CAUSE TO BELIEVE THE A PERSON COMMITTED A TRAFFIC OFFENSE, PETTY
10 OFFENSE, DRUG PETTY OFFENSE, MUNICIPAL OFFENSE, DRUG
11 MISDEMEANOR, OR A MISDEMEANOR OFFENSE, UNLESS:

12 (I) THE ALLEGED OFFENSE IS:

13 (A) ONE FOR WHICH ARREST IS STATUTORILY REQUIRED;

14 (B) A VICTIM RIGHTS ACT CRIME, AS DEFINED IN SECTION
15 24-4.1-302 (1);

16 (C) DRIVING UNDER THE INFLUENCE, AS DEFINED IN SECTION
17 42-4-1301;

18 (D) AN OFFENSE THAT INCLUDES AN ELEMENT OF ILLEGAL
19 POSSESSION OR USE OF A DEADLY WEAPON;

20 (E) AN OFFENSE THAT CONSTITUTES UNLAWFUL SEXUAL BEHAVIOR
21 AS DEFINED IN SECTION 16-22-102 (9) OR FAILURE TO REGISTER AS A SEX
22 OFFENDER IN VIOLATION OF SECTION 18-3-412.5; OR

23 (F) A VIOLATION OF SECTION 13-14.5-111, 18-9-109 (6), OR
24 42-4-1413 OR MOTOR VEHICLE THEFT IN VIOLATION OF SECTION 18-4-409;

25 OR

26 (II) THE OFFICER IS UNABLE TO SUFFICIENTLY VERIFY AN
27 INDIVIDUAL'S IDENTITY AFTER EXHAUSTING ALL REASONABLY AVAILABLE

1 MEANS TO DO SO.

2 (b) NOTHING IN THIS SUBSECTION (1.7) LIMITS A PEACE OFFICER'S
3 AUTHORITY TO EXECUTE AN ARREST WARRANT, INCLUDING FOR FAILURE
4 TO APPEAR.

5 (c) THIS SUBSECTION (1.7) CREATES AN OBLIGATION UPON AN
6 ARRESTING OFFICER AND DOES NOT REQUIRE A COURT OR A SHERIFF TO
7 PERFORM A REVIEW TO ENSURE COMPLIANCE WITH THIS SECTION AS IT
8 RELATES TO JAIL ADMISSIONS. THIS SUBSECTION (1.7) DOES NOT CREATE
9 A PRIVATE RIGHT OF ACTION FOR VIOLATIONS OF THIS SUBSECTION (1.7)
10 NOR PROVIDE A BASIS TO SEEK DISMISSAL OR SUPPRESSION OF EVIDENCE
11 IN A CRIMINAL CASE.

12 (d) AS USED IN THIS SUBSECTION (1.7):

13 (I) "DEADLY WEAPON" MEANS A FIREARM, LOADED OR UNLOADED;
14 SIMULATED FIREARM; KNIFE; OR BLUDGEON.

15 (II) "JAIL-ELIGIBLE ARREST" MEANS WHEN A PEACE OFFICER
16 ARRESTS A PERSON AND TAKES THE PERSON INTO PHYSICAL CUSTODY FOR
17 THE PURPOSE OF TRANSPORTING THE PERSON TO BE HELD IN A CITY, CITY
18 AND COUNTY, OR COUNTY JAIL OR DETENTION FACILITY, UNTIL SUCH TIME
19 AS THE PERSON EITHER APPEARS BEFORE A COURT OR IS RELEASED ON
20 BOND. "JAIL-ELIGIBLE ARREST" DOES NOT INCLUDE:

21 (A) WHEN A PEACE OFFICER TRANSPORTS A PERSON TO A CITY,
22 CITY AND COUNTY, OR COUNTY JAIL OR DETENTION FACILITY IN ORDER TO
23 HAVE THE PERSON SUBMIT TO FINGERPRINTING, PHOTOGRAPHING, DNA
24 TESTING, OR TESTING OF BLOOD, BREATH, SALIVA, OR URINE PRIOR TO
25 BEING RELEASED ON A SUMMONS AND COMPLAINT; OR

26 (B) WHEN A PEACE OFFICER TRANSPORTS A PERSON FOR ANY
27 OTHER LAWFUL PURPOSE OR TO ANY OTHER FACILITY TO WHICH A PEACE

1 OFFICER HAS AUTHORITY TO TRANSPORT, SUCH AS A HOSPITAL,
2 DETOXIFICATION FACILITY, OR BEHAVIORAL OR MENTAL HEALTH FACILITY,
3 UNLESS THE PEACE OFFICER INTENDS TO HAVE THE PERSON HELD IN JAIL
4 UPON DISCHARGE FROM SUCH FACILITY.

5 (e) THE SHORT TITLE OF THIS SUBSECTION (1.7) IS THE "MICHAEL
6 MARSHALL JUSTICE ACT".

7 **SECTION 4.** In Colorado Revised Statutes, 16-4-113, **add** (3)
8 (4), and (5) as follows:

9 **16-4-113. Type of bond in certain cases - definition.**

10 (3) (a) EXCEPT AS PROVIDED FOR IN SUBSECTION (2) OF THIS SECTION, A
11 COURT SHALL NOT IMPOSE A MONETARY CONDITION OF RELEASE UNLESS
12 THE COURT FINDS ON THE RECORD THAT THERE IS A SUBSTANTIAL RISK
13 THAT THE DEFENDANT WILL FLEE PROSECUTION OR THREATEN THE SAFETY
14 OF ANY OTHER PERSON OR PERSONS IN THE COMMUNITY, WHETHER KNOWN
15 OR NOT, _____ AND NO OTHER CONDITION OF RELEASE CAN REASONABLY
16 MITIGATE THE RISK; EXCEPT THAT THIS SUBSECTION (3)(a) DOES NOT LIMIT
17 A COURT'S AUTHORITY TO IMPOSE A MONETARY CONDITION OF RELEASE
18 FOR AN ALLEGED CLASS 1, 2, OR 3 FELONY.

19 (b) (I) IN ORDER TO AVOID PRETRIAL DETENTION ON FAILURE TO
20 APPEAR IN COURT WHEN THE FAILURE TO APPEAR DID NOT HARM VICTIMS
21 OR WITNESSES, THE COURT SHALL GRANT A DEFENDANT A PERSONAL
22 RECOGNIZANCE BOND WHEN A DEFENDANT APPEARS BEFORE THE COURT
23 ON A WARRANT FOR FAILURE TO APPEAR, UNLESS:

24 (A) THE DEFENDANT FAILED TO APPEAR FOR A PROCEEDING FOR
25 WHICH A WITNESS WAS SUBPOENAED AND APPEARED OR FOR WHICH A
26 CIVILIAN WITNESS WAS PLACED ON CALL BY THE PROSECUTION;

27 (B) THE DEFENDANT INTENTIONALLY FAILED TO APPEAR FOR THE

1 PURPOSE OF INTERFERING WITH OR DETERRING VICTIM OR WITNESS
2 PARTICIPATION IN THE CASE;

3 (C) THE DEFENDANT FAILED TO APPEAR MORE THAN ONE TIME IN
4 THE CASE; OR

5 (D) THE COURT FINDS THE DEFENDANT IS LIKELY TO FLEE
6 PROSECUTION.

7 (II) THE COURT MAY IMPOSE A MONETARY BOND IN THE
8 CIRCUMSTANCES DESCRIBED IN SUBSECTIONS (3)(b)(I)(A) TO (3)(b)(I)(D)
9 OF THIS SECTION WHEN THE COURT FINDS NO OTHER CONDITIONS OF
10 RELEASE CAN REASONABLY MITIGATE THE RISK OF FUTURE FAILURE TO
11 APPEAR.

12 (c) (I) WHEN A PROBATIONER APPEARS BEFORE THE COURT ON A
13 WARRANT FOR FAILURE TO COMPLY WITH CONDITIONS OF PROBATION FOR
14 WHICH THE UNDERLYING BEHAVIOR IS NOT A CRIMINAL OFFENSE, THE
15 COURT SHALL GRANT THE PROBATIONER A PERSONAL RECOGNIZANCE
16 BOND, UNLESS:

17 (A) THE VIOLATION WAS A FAILURE TO COMPLY WITH ANY COURT-
18 ORDERED TREATMENT RELATED TO A SEX OFFENSE OR A CRIME OF
19 DOMESTIC VIOLENCE, AND THE COURT FINDS ON THE RECORD THAT THE
20 FAILURE TO COMPLY POSES A SUBSTANTIAL RISK TO THE SAFETY OF ANY
21 OTHER PERSON OR PERSONS IN THE COMMUNITY, WHETHER KNOWN OR
22 NOT, ___ AND WAS NOT BASED SOLELY ON AN INABILITY TO PAY;

23 (B) THE DEFENDANT HAD PROBATION REVOKED MORE THAN ONE
24 TIME FOR FAILURE TO COMPLY IN THE CASE; OR

25 (C) THE COURT FINDS A DEFENDANT IS LIKELY TO FLEE
26 PROSECUTION.

27 (II) NOTHING IN THIS SUBSECTION (3) LIMITS A COURT'S

1 AUTHORITY TO REVOKE PROBATION BASED ON FAILURE TO COMPLY
2 PURSUANT TO SECTION 16-11-206.

3 (d) NOTWITHSTANDING THIS SUBSECTION (3), THIS SECTION DOES
4 NOT PROHIBIT THE RELEASE OF A PERSON PURSUANT TO LOCAL PRETRIAL
5 RELEASE POLICIES THAT REQUIRE PAYMENT OF A MONETARY CONDITION
6 OF RELEASE PRIOR TO AN INDIVIDUALIZED DECISION BY A JUDGE, A
7 PRETRIAL OFFICER, A BONDING AND RELEASE COMMISSIONER, OR ANY
8 OTHER JUDICIAL OFFICER.

9 (e) THE SHORT TITLE OF THIS SUBSECTION (3) IS THE "MARVIN
10 BOOKER JUSTICE ACT".

11 (4) AS USED IN THIS SECTION, "FLEE PROSECUTION" MEANS
12 PLANNING OR ATTEMPTING TO INTENTIONALLY EVADE PROSECUTION BY
13 CONCEALING ONESELF. SIMPLE PAST NONAPPEARANCE IN COURT ALONE IS
14 NOT EVIDENCE OF FUTURE INTENT TO FLEE PROSECUTION. CITIZENSHIP
15 STATUS ALONE IS NOT EVIDENCE OF FUTURE INTENT TO FLEE
16 PROSECUTION.

17 (5) (a) EACH COUNTY JAIL SHALL SUBMIT A REPORT CONTAINING
18 THE FOLLOWING INFORMATION ON JANUARY 2, 2022, AND EACH YEAR
19 THEREAFTER, TO THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT
20 OF PUBLIC SAFETY:

21 (I) THE JAIL'S AVERAGE DAILY POPULATION;

22 (II) THE JAIL'S HIGHEST ONE-DAY POPULATION COUNT IN THE LAST
23 YEAR; AND

24 (III) THE NUMBER OF INMATES IN THE JAIL WHO HAVE:

25 (A) ONE PREVIOUS CONVICTION; AND

26 (B) TWO PREVIOUS CONVICTIONS OR MORE.

27 (b) EACH JUDICIAL DISTRICT SHALL SUBMIT A REPORT CONTAINING

1 THE FOLLOWING INFORMATION ON JANUARY 2, 2022, AND EACH YEAR
2 THEREAFTER, TO THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT
3 OF PUBLIC SAFETY:

4 (I) THE NUMBER OF FAILURES TO APPEAR IN THE LAST YEAR;

5 (II) THE NUMBER OF PERSONAL RECOGNIZANCE BONDS ISSUED AND
6 THE NUMBER OF THOSE PERSONAL RECOGNIZANCE BONDS THAT WERE
7 ISSUED ON MISDEMEANOR CHARGES AND THE NUMBER OF THOSE ISSUED
8 ON FELONY CHARGES. IF THE CASE INVOLVED BOTH MISDEMEANORS AND
9 FELONIES, THE CASE MUST BE REPORTED AS A FELONY.

10 (III) THE NUMBER OF CASH BONDS ISSUED AND THE NUMBER OF
11 THOSE CASH BONDS THAT WERE ISSUED ON MISDEMEANOR CHARGES AND
12 THE NUMBER OF THOSE ISSUED ON FELONY CHARGES. IF THE CASE
13 INVOLVED BOTH MISDEMEANORS AND FELONIES, THE CASE MUST BE
14 REPORTED AS A FELONY.

15 (IV) THE NUMBER OF DEFENDANTS WHO APPEARED BASED ON
16 SUMMONS;

17 (V) THE NUMBER OF DEFENDANTS RELEASED ON PERSONAL
18 RECOGNIZANCE BONDS WHO HAD NEW CRIMINAL CHARGES FILED AGAINST
19 THEM AFTER RELEASE THAT WERE UNRELATED TO THE INCIDENT OF THE
20 ORIGINAL CHARGES AND THE CHARGES FILED AGAINST THEM; AND

21 (VI) THE NUMBER OF FAILURES TO APPEAR ON PERSONAL
22 RECOGNIZANCE BONDS AND THE AMOUNT COLLECTED ON THOSE FAILURES
23 TO APPEAR.

24 (c) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
25 PUBLIC SAFETY SHALL COMPILE THE INFORMATION RECEIVED PURSUANT
26 TO SUBSECTIONS (5)(a) AND (5)(b) OF THIS SECTION, PREPARE A REPORT
27 OF THE INFORMATION, AND POST THE REPORT ON ITS WEBSITE BY JULY 1,

1 2022, AND JULY 1 OF EACH YEAR THEREAFTER.

2 (d) TWENTY-FIVE PERCENT OF THE MONEY COLLECTED WHEN
3 THERE IS A FAILURE TO APPEAR ON A PERSONAL RECOGNIZANCE BOND
4 SHALL BE TRANSFERRED TO THE JAIL POPULATION CASH FUND CREATED IN
5 SUBSECTION (5)(e) OF THIS SECTION.

6 (e) (I) THE JAIL POPULATION CASH FUND IS CREATED IN THE STATE
7 TREASURY AND IS REFERRED TO IN THIS SECTION AS THE "FUND". THE
8 FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO
9 SUBSECTION (5)(d) OF THIS SECTION AND ANY OTHER MONEY THAT THE
10 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

11 (II) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
12 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
13 FUND TO THE FUND.

14 (III) THE STATE TREASURER SHALL CREDIT ANY UNEXPENDED AND
15 UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL
16 YEAR TO THE GENERAL FUND.

17 (IV) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
18 ASSEMBLY, THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
19 PUBLIC SAFETY MAY EXPEND MONEY FROM THE FUND TO CREATE THE
20 REPORT IN DESCRIBED IN SUBSECTION (5)(c) OF THIS SECTION.

21 =====

22 **SECTION 5.** In Colorado Revised Statutes, **add** 30-10-528 as
23 follows:

24 **30-10-528. Sheriff - jail population management.** THE GENERAL
25 ASSEMBLY ENCOURAGES AND AUTHORIZES SHERIFFS TO ACTIVELY
26 MANAGE THEIR JAIL POPULATIONS IN ORDER TO KEEP THE POPULATION AS
27 LOW AS POSSIBLE WHILE MAINTAINING COMMUNITY SAFETY, INCLUDING

1 THE AUTHORITY TO ESTABLISH JAIL ADMISSION STANDARDS THAT INCLUDE
2 OFFENSE-BASED ADMISSION STANDARDS THAT LIMIT JAIL ADMISSIONS.

3 **SECTION 6.** In Colorado Revised Statutes, **amend** 16-2-104 as
4 follows:

5 **16-2-104. Issuance of summons and complaint.** EXCEPT WHEN
6 REQUIRED BY SECTION 16-5-206, a summons and complaint may be issued
7 by any peace officer for an offense constituting a misdemeanor, or a petty
8 offense committed in ~~his~~ THE OFFICER'S presence or, if not committed in
9 ~~his~~ THE OFFICER'S presence, which ~~he~~ THE OFFICER has probable cause to
10 believe was committed and probable cause to believe was committed by
11 the person charged. Except for penalty assessment notices, which shall be
12 handled according to the procedures set forth in section 16-2-201, a copy
13 of a summons and complaint so issued shall be filed immediately with the
14 county court before which appearance is required, and a second copy
15 shall be given to the district attorney or deputy district attorney for the
16 county.

17 **SECTION 7. Appropriation.** (1) For the 2021-22 state fiscal
18 year, \$24,436 is appropriated to the judicial department for use by trial
19 courts. This appropriation is from the general fund and is based on the
20 assumption that the department will require an additional 0.3 FTE. To
21 implement this act, the department may use this appropriation for trial
22 court programs.

23 (2) For the 2021-22 state fiscal year, \$50,375 is appropriated to
24 the department of public safety for use by the division of criminal justice.
25 This appropriation is from the general fund. To implement this act, the
26 department may use this appropriation for DCJ administrative services.

27 **SECTION 8.** **Act subject to petition - effective date.** This act

1 takes effect January 1, 2022; except that sections 1 and 7 of this act take
2 effect at 12:01 a.m. on the day following the expiration of the ninety-day
3 period after final adjournment of the general assembly; except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within the ninety-day period after final adjournment of the general
7 assembly, then the act, item, section, or part will not take effect unless
8 approved by the people at the general election to be held in November
9 2022 and, in such case, will take effect on the date of the official
10 declaration of the vote thereon by the governor.