

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 22-0206.01 Michael Dohr x4347

HOUSE BILL 22-1067

HOUSE SPONSORSHIP

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Lee and Rodriguez,

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A BILL FOR AN ACT

101 **CONCERNING CLARIFYING CHANGES TO MEASURES THAT ENSURE**
102 **DEFENDANTS HAVE A PROMPT BOND HEARING, AND, IN**
103 **CONNECTION THEREWITH, REDUCING 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>.)

Under current law, when a defendant is detained in jail on a municipal hold, the defendant must receive a hearing before the municipal court within 2 calendar days, excluding Sundays and federal holidays. The bill requires the hearing to be held within 48 hours after the defendant arrives at the jail.

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

HOUSE
3rd Reading Unamended
April 11, 2022

HOUSE
Amended 2nd Reading
April 8, 2022

The bill makes clarifying changes to the district attorney assistance for bond hearings grant program and repeals the district attorney assistance for bond hearings cash fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-10-111.5, **amend**
3 (2) as follows:

4 **13-10-111.5. Notice to municipal courts of municipal holds.**

5 (2) Once a municipal court receives notice that the defendant is being
6 held solely on the basis of a municipal hold, the municipal court shall
7 hold a hearing within ~~two calendar days, excluding Sundays and federal~~
8 ~~holidays, except that, if the defendant has failed to appear in that case at~~
9 ~~least twice and the defendant is incarcerated in a county different from the~~
10 ~~county where the demanding municipal court is located, the demanding~~
11 ~~municipal court shall hold a hearing within four calendar days, excluding~~
12 ~~Sundays and federal holidays~~ FORTY-EIGHT HOURS AFTER THE RECEIPT OF
13 SUCH A NOTICE. THE COUNTY SHERIFF SHALL MAKE THE IN-CUSTODY
14 DEFENDANT AVAILABLE TO APPEAR IN A TIMELY MANNER BEFORE A
15 MUNICIPAL JUDGE FOR A HEARING REQUIRED BY THIS SUBSECTION (2) AT
16 THE DATE AND TIME MUTUALLY AGREED TO BY THE COUNTY SHERIFF AND
17 MUNICIPAL COURT. THIS SUBSECTION (2) MUST NOT BE CONSTRUED TO
18 REQUIRE THE COUNTY SHERIFF TO TRANSPORT THE IN-CUSTODY
19 DEFENDANT TO THE MUNICIPAL COURT. IT IS NOT A VIOLATION OF THIS
20 SECTION IF A BOND HEARING IS NOT HELD WITHIN FORTY-EIGHT HOURS
21 WHEN THE DELAY IS CAUSED BY CIRCUMSTANCES IN WHICH THE
22 DEFENDANT REFUSES TO ATTEND COURT, IS UNABLE TO ATTEND COURT
23 DUE TO A DEBILITATING PHYSICAL AILMENT, OR IS UNABLE TO PROCEED
24 DUE TO DRUG OR ALCOHOL USE OR MENTAL ILLNESS, OR WHEN THE DELAY

1 IS CAUSED BY AN EMERGENCY THAT REQUIRES THE COURT TO CLOSE. USE
2 OF AUDIOVISUAL CONFERENCING TECHNOLOGY IS PERMISSIBLE TO
3 EXPEDITE THE HEARING. WHEN HIGH-SPEED INTERNET ACCESS IS
4 UNAVAILABLE, MAKING AUDIOVISUAL CONFERENCING IMPOSSIBLE, THE
5 COURT MAY CONDUCT THE HEARING TELEPHONICALLY.

6 **SECTION 2.** In Colorado Revised Statutes, 16-4-117, **amend** (4)
7 and (8); and **repeal** (9) as follows:

8 **16-4-117. District attorney assistance for bond hearings grant**
9 **program - created - rules.** (4) The Colorado district attorneys' council
10 shall administer the grant program and ~~subject to available appropriations,~~
11 shall award grants, subject to available appropriations. ~~grants shall be~~
12 ~~paid out of the district attorney assistance for bond hearings cash fund~~
13 ~~created in subsection (9) of this section.~~

14 (8) Subject to available appropriations, on or before ~~October 1~~
15 APRIL 1 each year of the grant program, the Colorado district attorneys'
16 council shall award grants.

17 (9) (a) ~~The district attorney assistance for bond hearings cash~~
18 ~~fund, referred to in this subsection (9) as the "fund", is hereby created in~~
19 ~~the state treasury. The fund consists of money that the general assembly~~
20 ~~may appropriate or transfer to the fund. The department of law shall~~
21 ~~administer the fund.~~

22 (b) ~~The state treasurer shall credit all interest and income derived~~
23 ~~from the deposit and investment of money in the fund to the fund.~~

24 (c) ~~Any unexpended and unencumbered money remaining in the~~
25 ~~fund at the end of a fiscal year must remain in the fund and may be spent~~
26 ~~in future fiscal years.~~

27 **SECTION 3. Appropriation - adjustments to 2022 long bill. To**

1 implement this act, the reappropriated funds appropriation made in the
2 annual general appropriation act for the 2022-23 state fiscal year to the
3 department of law for deputy district attorney training is decreased by
4 \$150,000.

5 **SECTION 4. Effective date.** Section 1 of this act takes effect
6 January 1, 2023, and the remainder of this act takes effect upon passage.

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