

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 22-0206.01 Michael Dohr x4347

HOUSE BILL 22-1067

HOUSE SPONSORSHIP

Woodrow and Gonzales-Gutierrez,

SENATE SPONSORSHIP

Lee,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CLARIFYING CHANGES TO MEASURES THAT ENSURE**
102 **DEFENDANTS HAVE A PROMPT BOND HEARING.**

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.

The bill makes clarifying changes to the district attorney assistance

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.

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. IT IS NOT A VIOLATION OF THIS SECTION IF A BOND
18 HEARING IS NOT HELD WITHIN FORTY-EIGHT HOURS WHEN THE DELAY IS
19 CAUSED BY CIRCUMSTANCES IN WHICH THE DEFENDANT REFUSES TO
20 ATTEND COURT, IS UNABLE TO ATTEND COURT DUE TO A DEBILITATING
21 PHYSICAL AILMENT, OR IS UNABLE TO PROCEED DUE TO DRUG OR ALCOHOL
22 USE OR MENTAL ILLNESS, OR WHEN THE DELAY IS CAUSED BY AN
23 EMERGENCY THAT REQUIRES THE COURT TO CLOSE. USE OF AUDIOVISUAL
24 CONFERENCING TECHNOLOGY IS PERMISSIBLE TO EXPEDITE THE HEARING.
25 WHEN HIGH-SPEED INTERNET ACCESS IS UNAVAILABLE, MAKING

1 ~~AUDIOVISUAL CONFERENCING IMPOSSIBLE, THE COURT MAY CONDUCT THE~~
2 ~~HEARING TELEPHONICALLY.~~

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

5 **16-4-117. District attorney assistance for bond hearings grant**
6 **program - created - rules.** (4) The Colorado district attorneys' council
7 shall administer the grant program and ~~subject to available appropriations,~~
8 shall award grants, subject to available appropriations. ~~grants shall be~~
9 ~~paid out of the district attorney assistance for bond hearings cash fund~~
10 ~~created in subsection (9) of this section.~~

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

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

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

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

24 **SECTION 3. Act subject to petition - effective date.** This act
25 takes effect January 1, 2023; except that, if a referendum petition is filed
26 pursuant to section 1 (3) of article V of the state constitution against this
27 act or an item, section, or part of this act within the ninety-day period

1 after final adjournment of the general assembly, then the act, item,
2 section, or part will not take effect unless approved by the people at the
3 general election to be held in November 2022 and, in such case, will take
4 effect January 1, 2023, or on the date of the official declaration of the
5 vote thereon by the governor, whichever is later.