

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. R24-0140.01 Conrad Imel x2313

HCR24-1002

HOUSE SPONSORSHIP

Duran and Lynch,

SENATE SPONSORSHIP

Fields and Gardner,

House Committees
Judiciary

Senate Committees

HOUSE CONCURRENT RESOLUTION 24-1002

101 **SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF**
102 **COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION**
103 **CONCERNING CREATING AN EXCEPTION TO THE RIGHT TO BAIL**
104 **FOR CASES OF MURDER IN THE FIRST DEGREE WHEN PROOF IS**
105 **EVIDENT OR PRESUMPTION IS GREAT.**

Resolution Summary

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

The constitution guarantees all persons the right to bail pending disposition of charges, with exceptions for capital offenses and crimes of

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

HOUSE
2nd Reading Unamended
March 1, 2024

violence under certain circumstances. The concurrent resolution amends the Colorado constitution to add an exception for the offense of murder in the first degree when proof is evident or presumption is great.

1 *Be It Resolved by the House of Representatives of the*
2 *Seventy-fourth General Assembly of the State of Colorado, the Senate*
3 *concurring herein:*

4 **SECTION 1.** At the election held on November 5, 2024, the
5 secretary of state shall submit to the registered electors of the state the
6 ballot title set forth in section 2 for the following amendment to the state
7 constitution:

8 In the constitution of the state of Colorado, section 19 of article II,
9 **amend** (2); and **add** (1)(d) as follows:

10 **Section 19. Right to bail - exceptions.** (1) All persons shall be
11 bailable by sufficient sureties pending disposition of charges except:

12 (d) FOR THE OFFENSE OF MURDER IN THE FIRST DEGREE, AS
13 DEFINED BY LAW, COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS
14 SUBSECTION (1)(d), WHEN PROOF IS EVIDENT OR PRESUMPTION IS GREAT.

15 (2) Except in the case of a capital offense OR MURDER IN THE FIRST
16 DEGREE, if a person is denied bail under this section, the trial of the
17 person shall be commenced not more than ninety days after the date on
18 which bail is denied. If the trial is not commenced within ninety days and
19 the delay is not attributable to the defense, the court shall immediately
20 schedule a bail hearing and shall set the amount of the bail for the person.

21 **SECTION 2.** Each elector voting at the election may cast a vote
22 either "Yes/For" or "No/Against" on the following ballot title: "Shall
23 there be an amendment to the Colorado constitution concerning creating
24 an exception to the right to bail for cases of murder in the first degree

1 when proof is evident or presumption is great?"

2 **SECTION 3.** Except as otherwise provided in section 1-40-123,
3 Colorado Revised Statutes, if at least fifty-five percent of the electors
4 voting on the ballot title vote "Yes/For", then the amendment will become
5 part of the state constitution.