

CHAPTER 153

COURTS

SENATE BILL 08-032

BY SENATOR(S) Harvey;  
also REPRESENTATIVE(S) McNulty, Gardner B., and Garza-Hicks.

AN ACT

CONCERNING THE AUTHORITY OF A SWORN BONDING COMMISSIONER TO APPLY TO THE COURT FOR  
A HEARING ON THE ISSUE OF A BREACH OF A CONDITION OF THE BOND.

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

**SECTION 1.** 16-4-107 (4), Colorado Revised Statutes, is amended to read:

**16-4-107. Reduction or increase of bail - change in type of bond.**

(4) (a) Upon verified application by the district attorney OR A BONDING COMMISSIONER stating facts or circumstances constituting a breach or a threatened breach of any of the conditions of the bond, the court may issue a warrant commanding any peace officer to bring the defendant without unnecessary delay before the court for a hearing on the matters set forth in the application. UPON ISSUANCE OF THE WARRANT, THE BONDING COMMISSIONER SHALL NOTIFY THE BAIL BOND AGENT OF RECORD, IF APPLICABLE. At the conclusion of the hearing, the court may enter an order authorized by subsection (1) of this section. IF A BONDING COMMISSIONER FILES AN APPLICATION FOR A HEARING PURSUANT TO THIS SUBSECTION (4), THE BONDING COMMISSIONER SHALL NOTIFY THE DISTRICT ATTORNEY, FOR THE JURISDICTION IN WHICH THE APPLICATION IS MADE, OF THE APPLICATION WITHIN TWENTY-FOUR HOURS FOLLOWING THE FILING OF THE APPLICATION.

(b) AS USED IN THIS SUBSECTION (4), "BONDING COMMISSIONER" MEANS A PERSON EMPLOYED BY A PRETRIAL SERVICES PROGRAM AS DESCRIBED IN SECTION 16-4-105 (3), AND SO DESIGNATED AS A BONDING COMMISSIONER BY THE CHIEF OR PRESIDING JUDGE OF THE JUDICIAL DISTRICT.

**SECTION 2. Effective date.** This act shall take effect at 12:01 a.m. on the day

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 17, 2008