

HB1089\_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB18-1089 be amended as follows:

- 1 Amend printed bill, page 2, strike lines 2 through 16.
- 2 Page 3, strike lines 1 through 12.
- 3 Renumber succeeding sections accordingly.
- 4 Page 3, strike line 18 and substitute "safety, all counties, and ALL cities  
5 and counties, AND ALL MUNICIPALITIES are encouraged to develop a".
- 6 Page 3, strike line 21 and substitute "may be utilized by the district court  
7 of such DISTRICT, county, or city and county, OR MUNICIPALITY.".
- 8 Page 4, line 14, strike "persons" and substitute "persons CASES IN WHICH  
9 A PERSON IS".
- 10 Page 4, line 15, strike "persons" and substitute "persons CASES IN WHICH  
11 A PERSON IS".
- 12 Page 4, line 17, strike "persons" and substitute "persons CASES IN WHICH  
13 A PERSON IS".
- 14 Page 4, line 23, after "(1)" insert "(a)".
- 15 Page 4, line 26, after "is" insert "FINANCIALLY".
- 16 Page 4, line 27, strike "bond," and substitute "bond SET,".
- 17 Page 5, strike lines 13 through 27 and substitute "~~instrument~~ THE COURT,  
18 UPON WRITTEN OR ORAL MOTION OF THE PERSON, SHALL PROVIDE THE  
19 PERSON A HEARING TO RECONSIDER THE MONETARY CONDITION OF THE  
20 BOND. THE COURT SHALL GRANT THE PERSON AT LEAST ONE HEARING ON  
21 A MOTION FILED PURSUANT TO THIS SECTION AS SOON AS PRACTICABLE  
22 AFTER THE FILING OF THE MOTION. IN RECONSIDERING THE MONETARY  
23 CONDITION OF THE BOND, THE COURT SHALL SPECIFICALLY CONSIDER:  
24 (I) THE PERSON'S FINANCIAL CIRCUMSTANCES, AS EVIDENCED BY  
25 HIS OR HER INABILITY TO PAY A MONETARY CONDITION OF BOND;  
26 (II) THE PROPRIETY OF THE CONTINUED DETENTION OF THE PERSON  
27 BECAUSE OF HIS OR HER INABILITY TO PAY A MONETARY CONDITION OF  
28 BOND; AND  
29 (III) WHETHER THE SENTENCE IS LIKELY TO BE A PROBATION  
30 SENTENCE OR OTHER COMMUNITY-BASED SENTENCE IF THE PERSON IS

1 FOUND GUILTY.

2 (b) AT ANY HEARING, THE COURT MAY ALSO CONSIDER ANY  
3 RELEVANT FACTORS, AS PROVIDED IN SECTION 16-4-103, THAT WERE  
4 ORIGINALLY CONSIDERED BY THE COURT IN BOND SETTING AND THE  
5 STATEMENT OF ANY VICTIM PROVIDED TO THE COURT PURSUANT TO  
6 SECTION 24-4.1-302.5 (1)(d)(I).

7 (2) Nothing in this section ~~shall preclude~~ PRECLUDES OR  
8 PROHIBITS a person from filing a motion for relief from AN APPLICATION  
9 FOR MODIFICATION OF a monetary condition of bond pursuant to section  
10 16-4-109 at any time during the pendency of the case."

11 Page 7, strike lines 2 through 16 and substitute "PERSON WHO IS CHARGED  
12 WITH AN OFFENSE THAT IS A CRIME, AS DEFINED IN SECTION 24-4.1-302 (1),  
13 ANY PERSON ALLEGED TO HAVE COMMITTED A MISDEMEANOR, PETTY  
14 OFFENSE, OR MUNICIPAL CODE VIOLATION MUST BE RELEASED ON A  
15 PERSONAL RECOGNIZANCE BOND WITH NO MONETARY CONDITIONS OF  
16 RELEASE. HOWEVER, THE COURT MAY REQUIRE A MONETARY CONDITION  
17 OF BOND AS WELL AS OTHER LEAST RESTRICTIVE CONDITIONS OF BOND, AS  
18 DESCRIBED IN THIS SECTION, IF THE COURT DETERMINES, IN WRITING OR ON  
19 THE RECORD, BY A CLEAR AND CONVINCING STANDARD, AFTER REVIEW OF  
20 THE RESULTS OF ANY EMPIRICALLY DEVELOPED RISK ASSESSMENT  
21 INSTRUMENT, IF AVAILABLE, OR ANY RECORD OF BEHAVIOR OF THE PERSON  
22 DEMONSTRATING SIGNIFICANT PRIOR CRIMINAL CONVICTIONS OR PRIOR  
23 FAILURES TO APPEAR FOR COURT, THAT THE PERSON PRESENTS A  
24 SUBSTANTIAL AND UNACCEPTABLE RISK:

25 (a) OF WILLFUL FAILURE TO APPEAR FOR COURT;

26 (b) TO THE SAFETY OF ANOTHER PERSON OR PERSONS, KNOWN OR  
27 UNKNOWN; OR

28 (c) TO OBSTRUCT JUSTICE IN HIS OR HER CASE THROUGH THE  
29 HARASSMENT OR INTIMIDATION OF A WITNESS.

30 (2) THE COURT SHALL REQUIRE ANY PERSON WHO IS GRANTED A  
31 PERSONAL RECOGNIZANCE BOND PURSUANT TO THE PROVISIONS OF THIS  
32 SECTION TO SIGN AND FILE WITH THE COURT A WRITTEN RELEASE  
33 AGREEMENT THAT INCLUDES:".

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