

HB1147_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB25-1147 be amended as follows:

1 Amend printed bill, page 11, after line 13 insert:

2 "(3.5) AT THE TIME OF A DEFENDANT'S FIRST OUT-OF-CUSTODY
3 APPEARANCE IN MUNICIPAL COURT FOR A VIOLATION FOR WHICH THE
4 MUNICIPAL CODE ALLOWS A POSSIBLE SENTENCE OF INCARCERATION, THE
5 COURT SHALL ADVISE THE DEFENDANT OF THE DEFENDANT'S RIGHT TO
6 COUNSEL. THE COURT MAY INQUIRE AND MAKE A DETERMINATION AS TO
7 INDIGENCE IMMEDIATELY UPON REQUEST OR SHALL ADVISE THE
8 DEFENDANT OF THE PROCEDURE TO APPLY FOR COURT-APPOINTED
9 INDIGENT DEFENSE COUNSEL. IF THE COURT DETERMINES THE DEFENDANT
10 IS INDIGENT, THE COURT SHALL APPOINT INDIGENT DEFENSE COUNSEL IN
11 THE MUNICIPAL CASE UNLESS, AFTER BEING FULLY ADVISED PURSUANT TO
12 RULE 210 OF THE COLORADO MUNICIPAL COURT RULES AND SECTION
13 16-7-207, THE DEFENDANT MAKES A KNOWING, INTELLIGENT, AND
14 VOLUNTARY WAIVER OF THE RIGHT TO COUNSEL. NOTHING IN THIS
15 SECTION PREVENTS THE COURT FROM MAKING A DETERMINATION OF
16 INDIGENCE IN ADVANCE OF AN OUT-OF-CUSTODY HEARING OR AT THE
17 SAME HEARING WHEN THE DEFENDANT REQUESTS APPOINTMENT OF
18 COUNSEL."

19 Page 17, after line 11 insert:

20 "(3.5) AT THE TIME OF A DEFENDANT'S FIRST OUT-OF-CUSTODY
21 APPEARANCE IN MUNICIPAL COURT FOR A VIOLATION FOR WHICH THE
22 MUNICIPAL CODE ALLOWS A POSSIBLE SENTENCE OF INCARCERATION, THE
23 COURT SHALL ADVISE THE DEFENDANT OF THE DEFENDANT'S RIGHT TO
24 COUNSEL. THE COURT MAY INQUIRE AND MAKE A DETERMINATION AS TO
25 INDIGENCE IMMEDIATELY UPON REQUEST OR SHALL ADVISE THE
26 DEFENDANT OF THE PROCEDURE TO APPLY FOR COURT-APPOINTED
27 INDIGENT DEFENSE COUNSEL. IF THE COURT DETERMINES THE DEFENDANT
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32 VOLUNTARY WAIVER OF THE RIGHT TO COUNSEL. NOTHING IN THIS
33 SECTION PREVENTS THE COURT FROM MAKING A DETERMINATION OF
34 INDIGENCE IN ADVANCE OF AN OUT-OF-CUSTODY HEARING OR AT THE
35 SAME HEARING WHEN THE DEFENDANT REQUESTS APPOINTMENT OF
36 COUNSEL."

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