

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

HB25-1049 be amended as follows:

1 Strike the Judiciary Committee Report, dated January 22, 2025, and  
2 substitute:

3 "Amend printed bill, strike everything below the enacting clause and  
4 substitute:

5 **"SECTION 1.** In Colorado Revised Statutes, **add** 16-3-400.3 as  
6 follows:

7 **16-3-400.3. Definitions.** AS USED IN THIS PART 4, UNLESS THE  
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "AUTHORIZED REPRESENTATIVE" MEANS A PROFESSIONAL  
10 PERSON WHO IS EMPLOYED BY OR UNDER CONTRACT WITH AN ATTORNEY,  
11 THE ATTORNEY'S OFFICE, OR WITH A STATE AGENCY TO ASSIST IN  
12 PROVIDING LEGAL REPRESENTATION TO A PERSON COMMITTED,  
13 IMPRISONED, OR ARRESTED AND WHO HAS BEEN AUTHORIZED BY THE  
14 ATTORNEY TO CONSULT WITH THEIR CLIENTS AND THE AUTHORIZATION  
15 CAN BE CONFIRMED BY LAW ENFORCEMENT PRIOR TO ALLOWING THE  
16 CONSULTATION.

17 (2) "PLACE OF CONFINEMENT" MEANS A JAIL OR OTHER FIXED  
18 PLACE OF CONFINEMENT OPERATED BY THE COUNTY OR OTHER  
19 GOVERNMENTAL AUTHORITY TO HOLD PERSONS COMMITTED, IMPRISONED,  
20 OR ARRESTED FOR ANY CAUSE, OR A FACILITY OR OTHER FIXED PLACE OF  
21 CONFINEMENT OPERATED BY THE DEPARTMENT OF CORRECTIONS OR  
22 UNDER CONTRACT WITH THE DEPARTMENT OF CORRECTIONS AT WHICH THE  
23 IN-CUSTODY PERSON IS HELD FOR MORE THAN TWENTY-FOUR HOURS.

24 **SECTION 2.** In Colorado Revised Statutes, 16-3-402, **amend** (1),  
25 (2), and (3) as follows:

26 **16-3-402. Right to communicate with attorney and family.**

27 (1) ~~Persons who are arrested shall have~~ A PERSON WHO IS ARRESTED HAS  
28 the right to communicate with an attorney of ~~their~~ THE PERSON'S choice  
29 and a member of ~~their~~ THE PERSON'S family by making a reasonable  
30 number of telephone calls or by communicating in any other reasonable  
31 manner. ~~Such~~ THE communication ~~shall~~ MUST be permitted at the earliest  
32 possible time after arrival at the police station, sheriff's office, jail, or  
33 other like confinement facility to which ~~such~~ THE person is first taken  
34 after arrest.

35 (2) If the accused PERSON is transferred to a new place of custody,  
36 ~~his~~ THE ACCUSED PERSON'S right to communicate with an attorney and a  
37 member of ~~his~~ THE ACCUSED PERSON'S family is renewed.

38 (3) (a) Consistent with ~~the provisions of~~ section 21-1-103, E.R.S.,  
39 if ~~any~~ A person in custody indicates in any manner ~~his~~ THE desire to speak

1 with an attorney, or the court determines that an inquiry into the matter of  
2 indigency should occur, ~~the~~ A public defender ~~shall be~~ OR THE PUBLIC  
3 DEFENDER'S AUTHORIZED REPRESENTATIVE IS permitted to communicate  
4 with that person to determine whether ~~that~~ THE person IN CUSTODY has  
5 counsel, ~~and, if~~ WHETHER the person IN CUSTODY desires ~~that~~  
6 REPRESENTATION FROM the public defender, ~~represent him~~, AND to make  
7 an initial determination as to whether the person IN CUSTODY is indigent.  
8 If the public defender OR THE PUBLIC DEFENDER'S AUTHORIZED  
9 REPRESENTATIVE determines that the person IN CUSTODY is indigent, ~~such~~  
10 THE person IN CUSTODY shall apply for representation by the public  
11 defender in accordance with section 21-1-103. C.R.S.

12 (b) The public defender, upon his request and with due regard for  
13 reasonable law enforcement administrative AND OPERATIONAL  
14 procedures, ~~shall be~~ IS permitted to determine whether or not ~~any~~ A  
15 person in custody has been taken without unnecessary delay before the  
16 nearest available county or district judge.

17 **SECTION 3.** In Colorado Revised Statutes, **amend** 16-3-403 as  
18 follows:

19 **16-3-403. Right to consult with attorney.** ~~Any~~ A person  
20 committed, imprisoned, or arrested for any cause, whether or not ~~such~~  
21 THE person is charged with an offense, ~~shall be~~ IS allowed to consult with  
22 an attorney-at-law of this state OR THE ATTORNEY'S AUTHORIZED  
23 REPRESENTATIVE whom ~~such~~ THE person desires to see or consult, alone  
24 and in private at the place of custody, as many times and for ~~such~~ A  
25 period each time as is reasonable. Except where extradition proceedings  
26 have been completed or are not required by law, when ~~any such~~ A person  
27 is about to be moved beyond the limits of this state, the person to be  
28 moved ~~shall be~~ IS entitled to a reasonable delay for the purpose of  
29 obtaining counsel and of ~~availing himself of~~ BENEFITING FROM the laws  
30 of this state for the security of personal liberty.

31 **SECTION 4.** In Colorado Revised Statutes, 16-3-404, **amend** (1);  
32 and **add** (1.5) as follows:

33 **16-3-404. Duty of officers to admit attorney.** (1) All peace  
34 officers or persons having in custody ~~any~~ A person committed,  
35 imprisoned, or arrested for any alleged cause shall forthwith admit ~~any~~ AN  
36 attorney-at-law in this state OR THE ATTORNEY'S AUTHORIZED  
37 REPRESENTATIVE, upon the demand of the ~~prisoner~~ CONFINED PERSON or  
38 of a friend, relative, spouse, or attorney of the ~~prisoner~~ CONFINED PERSON,  
39 to see and consult the ~~person so imprisoned~~ CONFINED PERSON, alone and  
40 in private, at the jail or other place of custody, if ~~such person so~~  
41 ~~imprisoned~~ THE CONFINED PERSON expressly consents to see or to consult  
42 with the attorney OR THE ATTORNEY'S AUTHORIZED REPRESENTATIVE.

43 (1.5) IN ADDITION TO IN-PERSON COMMUNICATION, A PEACE

1 OFFICER OR PERSON EMPLOYED AT A PLACE OF CONFINEMENT SHALL  
2 PROVIDE AN ATTORNEY-AT-LAW IN THIS STATE OR THE ATTORNEY'S  
3 AUTHORIZED REPRESENTATIVE THE ABILITY TO INITIATE COMMUNICATION  
4 WITH THE CONFINED PERSON THROUGH TELEPHONE CALLS, INTERACTIVE  
5 AUDIOVISUAL CONFERENCING, OR ANY OTHER REASONABLE METHOD OF  
6 ELECTRONIC COMMUNICATION, AS DETERMINED BY THE JAIL OR  
7 CORRECTIONAL FACILITY ADMINISTRATION, THAT ALLOWS THE CONFINED  
8 PERSON AND THE ATTORNEY OR AUTHORIZED REPRESENTATIVE TO SPEAK  
9 TO EACH OTHER. THE COMMUNICATION MUST BE PRIVATE, UNRECORDED,  
10 AND WITHOUT COST TO THE CONFINED PERSON AND ATTORNEY OR THE  
11 ATTORNEY'S REPRESENTATIVE. PEACE OFFICERS OR PERSONS HAVING  
12 CUSTODY OF THE CONFINED PERSON SHALL ALLOW THE COMMUNICATION  
13 DESCRIBED IN THIS SECTION ON A FORTHWITH BASIS, SUBJECT TO ALL  
14 REASONABLE ADMINISTRATIVE AND OPERATIONAL PROCEDURES AND IN  
15 THE MANNER AS DETERMINED BY THE FACILITY ADMINISTRATION.

16 **SECTION 5. Act subject to petition - effective date.** This act  
17 takes effect at 12:01 a.m. on the day following the expiration of the  
18 ninety-day period after final adjournment of the general assembly; except  
19 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
20 of the state constitution against this act or an item, section, or part of this  
21 act within such period, then the act, item, section, or part will not take  
22 effect unless approved by the people at the general election to be held in  
23 November 2026 and, in such case, will take effect on the date of the  
24 official declaration of the vote thereon by the governor."".

\*\* \*\*\* \* \* \*\*\* \*