

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0312.01 Veronica Parish x2606

**SENATE BILL 26-037**

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**SENATE SPONSORSHIP**

**Rich and Roberts,**

**HOUSE SPONSORSHIP**

**Soper and Espenoza,**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING ALLOWING LOCAL ELECTED JUDICIAL OFFICERS TO SET**  
102 **WEEKEND BONDS.**

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**Bill Summary**

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

Under current law, magistrates appointed as bond hearing officers hold bond hearings in judicial districts on the weekend to ensure that citizens are able to be heard on bond within 48 hours of their arrest. The bond hearing officers set bonds, and staff help with the bond process.

The bill allows available local elected judges to preside over

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.*

weekend bond hearings while utilizing the weekend bond court staff.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds that:

4 (a) Timely bond hearings are essential to protecting public safety  
5 and ensuring the rights of defendants;

6 (b) Local judicial officers are accountable to the voters of their  
7 districts, while bond hearing officers are not subject to local retention  
8 elections;

9 (c) Current administrative practices prevent bond hearing staff  
10 from opening cases for local judicial officers, even when those local  
11 judicial officers are available and willing to preside; and

12 (d) The practice of preventing bond hearing staff from  
13 participating in the bond process creates unnecessary risks to public  
14 safety and undermines accountability to local communities.

15 **SECTION 2.** In Colorado Revised Statutes, 16-4-116, **add** (2.5)  
16 as follows:

17 **16-4-116. Bond hearing officer.**

18 (2.5) (a) A JUDICIAL DISTRICT THAT IS ELIGIBLE TO UTILIZE BOND  
19 HEARING OFFICERS PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION  
20 MAY, IN THE DISCRETION OF THE CHIEF JUDGE OF THE JUDICIAL DISTRICT,  
21 UTILIZE JUDICIAL OFFICERS FROM THEIR OWN JUDICIAL DISTRICT TO  
22 PRESIDE OVER WEEKEND AND HOLIDAY BOND HEARINGS.

23 (b) UPON REQUEST OF THE CHIEF JUDGE OF THE JUDICIAL DISTRICT,  
24 BOND HEARING OFFICER STAFF SHALL PROVIDE ADMINISTRATIVE SUPPORT  
25 TO A JUDICIAL DISTRICT UTILIZING JUDICIAL OFFICERS FROM THEIR OWN

1 JUDICIAL DISTRICT TO PRESIDE OVER WEEKEND AND HOLIDAY BOND  
2 HEARINGS IN THE SAME MANNER AS BOND HEARING OFFICER STAFF  
3 PROVIDE TO BOND HEARING OFFICERS FOR WEEKEND AND HOLIDAY BOND  
4 HEARINGS AS DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION. THE  
5 CHIEF JUDGE OF THE REQUESTING DISTRICT MAY ASSIGN WEEKEND BOND  
6 HEARING CASES TO A JUDICIAL OFFICER OF THAT DISTRICT FOR THE  
7 PURPOSES OF PRESIDING OVER THE BOND HEARING, OR TO THE BOND  
8 HEARING OFFICERS.

9 (c) WHEN A CHIEF JUDGE ELECTS TO UTILIZE JUDICIAL OFFICERS  
10 FROM THEIR OWN JUDICIAL DISTRICT TO PRESIDE OVER WEEKEND AND  
11 HOLIDAY BOND HEARINGS WITH THE SUPPORT OF BOND HEARING OFFICER  
12 STAFF PURSUANT TO THIS SUBSECTION (2.5), THE DISTRICT SHALL  
13 CONDUCT THE HEARINGS DURING THE TIME SLOT ASSIGNED TO THAT  
14 JUDICIAL DISTRICT UNDER THE EXISTING STATEWIDE WEEKEND AND  
15 HOLIDAY BOND HEARING SCHEDULE UTILIZED FOR BOND HEARING  
16 OFFICERS. A JUDICIAL DISTRICT SHALL NOT ALTER ITS ASSIGNED WEEKEND  
17 AND HOLIDAY BOND HEARING TIME SLOT WHEN ELECTING TO UTILIZE ITS  
18 OWN JUDICIAL OFFICERS. A JUDICIAL DISTRICT SHALL NOT HAVE ITS OWN  
19 JUDICIAL OFFICERS CONDUCT WEEKEND AND HOLIDAY BOND PROCEEDINGS  
20 SIMULTANEOUS TO OTHER BOND PROCEEDINGS BEING CONDUCTED BY THE  
21 BOND HEARING OFFICER STAFF THAT WOULD HAVE HEARD THE  
22 PROCEEDING HAD THE CHIEF JUDGE NOT ELECTED TO USE THEIR OWN  
23 JUDICIAL OFFICERS.

24 (d) IF A JUDICIAL DISTRICT ELECTS TO UTILIZE ITS OWN JUDICIAL  
25 OFFICERS TO PRESIDE OVER WEEKEND AND HOLIDAY BOND HEARINGS  
26 PURSUANT TO THIS SUBSECTION (2.5), THE CHIEF JUDGE OF THE JUDICIAL  
27 DISTRICT SHALL DESIGNATE, ON AN ANNUAL BASIS, WHETHER THE

1 DISTRICT WILL UTILIZE BOND HEARING OFFICERS OR JUDICIAL OFFICERS  
2 FROM THE DISTRICT TO PRESIDE OVER THE BOND HEARINGS. THE  
3 DESIGNATION MUST REMAIN IN EFFECT FOR THE ENTIRE CALENDAR YEAR  
4 AND MUST NOT BE CHANGED DURING THAT YEAR.

5         **SECTION 3. Safety clause.** The general assembly finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, or safety or for appropriations for  
8 the support and maintenance of the departments of the state and state  
9 institutions.