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HOUSE BILL 25-1116

BY REPRESENTATIVE(S) Armagost and Bacon, Barron, Boesenecker, Caldwell, Clifford, Duran, Jackson, Johnson, Keltie, Lindsay, Sirota, Titone;
also SENATOR(S) Pelton R. and Ball, Amabile, Carson, Catlin, Exum, Frizell, Gonzales J., Jodeh, Kipp, Lundeen, Mullica, Roberts, Wallace, Weissman.

CONCERNING REQUIRING THE DEPARTMENT OF CORRECTIONS TO SEARCH FOR INFORMATION RELATED TO AN OFFENDER'S COURT APPEARANCES.

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

SECTION 1. In Colorado Revised Statutes, **add** 17-33-104 as follows:

17-33-104. Warrant search prior to offender's release - notification to offender, public defender, and court - legislative intent - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COMMUNITY CORRECTIONS ELIGIBILITY DATE" MEANS THE DATE AN OFFENDER IS ELIGIBLE TO BE PLACED IN A COMMUNITY CORRECTIONS

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

PROGRAM PURSUANT TO SECTION 18-1.3-301 (2)(b), REGARDLESS OF WHETHER STATE LAW OR AN ADMINISTRATIVE REGULATION OR POLICY ADOPTED BY THE DEPARTMENT PRECLUDES PLACEMENT IN A COMMUNITY CORRECTIONS PROGRAM.

(b) "COURT" MEANS A COURT IN COLORADO, INCLUDING A MUNICIPAL COURT.

(c) "OFFENDER" MEANS AN OFFENDER HELD IN CUSTODY AT A CORRECTIONAL FACILITY.

(d) "PUBLIC DEFENDER LIAISON TO THE DEPARTMENT OF CORRECTIONS" MEANS A PUBLIC DEFENDER LIAISON TO THE DEPARTMENT OF CORRECTIONS DESCRIBED IN SECTION 21-1-104 (6).

(2)(a) EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS SECTION, THE DEPARTMENT SHALL SEARCH ALL INFORMATION AVAILABLE TO THE DEPARTMENT TO DETERMINE WHETHER AN OFFENDER IS SUBJECT TO AN OUTSTANDING IN-STATE WARRANT ISSUED BY A COURT OR A WARRANT ISSUED BY A COURT OUTSIDE OF COLORADO, OR IF THE OFFENDER HAS A PENDING CASE IN A COLORADO COURT:

(I) UPON THE INITIAL COMPREHENSIVE EVALUATION OF THE OFFENDER'S SENTENCE BY THE DEPARTMENT'S TIME COMPUTATION UNIT; AND

(II) NO EARLIER THAN EIGHT MONTHS BUT NO LATER THAN THREE MONTHS PRIOR TO THE OFFENDER'S STATUTORY COMMUNITY CORRECTIONS ELIGIBILITY DATE, REGARDLESS OF WHETHER POLICIES AND REGULATIONS WOULD ALLOW FOR ACTUAL SCREENING FOR REFERRAL TO COMMUNITY CORRECTIONS; EXCEPT THIS SEARCH IS NOT REQUIRED IF THE OFFENDER IS WITHIN FOUR MONTHS OF THE OFFENDER'S STATUTORY COMMUNITY CORRECTIONS DATE WHEN THE SEARCH PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION WAS CONDUCTED.

(b) THE DEPARTMENT SHALL ESTABLISH GUIDELINES AND POLICIES TO COMPLY WITH THIS SECTION AND WHICH MUST ALSO ADDRESS REQUESTS FOR ADDITIONAL SEARCHES AS MAY BE NEEDED BY THE PUBLIC DEFENDER LIAISON TO THE DEPARTMENT OF CORRECTIONS.

(3) (a) IF, FOLLOWING A SEARCH CONDUCTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT DETERMINES THAT AN OFFENDER IS SUBJECT TO A WARRANT, THE DEPARTMENT SHALL NOTIFY:

(I) THE OFFENDER THAT THEY ARE SUBJECT TO A WARRANT AND PROVIDE THE OFFENDER WITH ALL INFORMATION MADE AVAILABLE TO THE DEPARTMENT ABOUT THE WARRANT THAT THE DEPARTMENT MAY RELEASE IN ACCORDANCE WITH APPLICABLE LAW;

(II) THE PUBLIC DEFENDER LIAISON TO THE DEPARTMENT OF CORRECTIONS, AT AN EMAIL ADDRESS DESIGNATED TO RECEIVE THE NOTIFICATION PURSUANT TO SECTION 21-1-104 (6)(b), THAT THE OFFENDER IS SUBJECT TO THE WARRANT AND PROVIDE THE PUBLIC DEFENDER LIAISON TO THE DEPARTMENT OF CORRECTIONS WITH ALL INFORMATION THAT IS MADE AVAILABLE TO THE DEPARTMENT THAT THE DEPARTMENT MAY RELEASE IN ACCORDANCE WITH APPLICABLE LAW; AND

(III) THE COURT THAT ISSUED THE WARRANT THAT THE OFFENDER IS IN THE CUSTODY OF THE DEPARTMENT AND THE CORRECTIONAL FACILITY IN WHICH THE OFFENDER IS IN CUSTODY.

(b) IF, FOLLOWING A SEARCH CONDUCTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT DETERMINES THAT AN OFFENDER HAS A PENDING CASE IN A COLORADO COURT, THE DEPARTMENT SHALL NOTIFY:

(I) THE OFFENDER THAT THEY HAVE A PENDING CASE IN A COLORADO COURT AND PROVIDE THE OFFENDER WITH INFORMATION ABOUT THE COURT CASE, INCLUDING THE NAME AND LOCATION OF THE COURT IN WHICH THE CASE IS PENDING AND THE CASE NUMBER;

(II) THE PUBLIC DEFENDER LIAISON TO THE DEPARTMENT OF CORRECTIONS, AT AN EMAIL ADDRESS DESIGNATED TO RECEIVE THE NOTIFICATION PURSUANT TO SECTION 21-1-104 (6)(b), ABOUT THE PENDING CASE, INCLUDING THE OFFENDER'S NAME AND DEPARTMENT OF CORRECTIONS NUMBER, THE CORRECTIONAL FACILITY WHERE THE OFFENDER IS IN CUSTODY, THE OFFENDER'S CURRENT COMMUNITY CORRECTIONS ELIGIBILITY DATE AND PAROLE ELIGIBILITY DATE, THE NAME AND LOCATION OF THE COURT IN WHICH THE CASE IS PENDING, AND THE CASE NUMBER; AND

(III) THE COURT IN WHICH THE CASE IS PENDING THAT THE OFFENDER

IS IN THE CUSTODY OF THE DEPARTMENT AND THE CORRECTIONAL FACILITY IN WHICH THE OFFENDER IS IN CUSTODY.

(4) (a) THE GENERAL ASSEMBLY ENCOURAGES A COURT THAT RECEIVES A NOTIFICATION ABOUT AN OFFENDER'S OUTSTANDING WARRANT OR PENDING CASE PURSUANT TO THIS SECTION TO ENSURE THE OFFENDER APPEARS BEFORE THE COURT, IS ASSIGNED COUNSEL IF THE DEFENDANT IS ELIGIBLE FOR COURT-APPOINTED COUNSEL, AND ALLOWS THE OFFENDER TO RESOLVE THE WARRANT IN A TIMELY MANNER THAT DOES NOT DELAY ANY DEPARTMENTAL PROCESS THAT INVOLVES CONSIDERATION OF THE OFFENDER'S RELEASE TO COMMUNITY CORRECTIONS OR PAROLE.

(b) SUBJECT TO APPLICABLE COURT RULES AND AVAILABLE RESOURCES, AND TO EFFECTIVELY USE RESOURCES AND AVOID UNNECESSARY TRANSPORT OF THE OFFENDER FROM A CORRECTIONAL FACILITY TO THE COURT, THE GENERAL ASSEMBLY ENCOURAGES A COURT TO USE VIRTUAL APPEARANCES FOR AN APPEARANCE DESCRIBED IN THIS SUBSECTION (4).

(c) SUBJECT TO AVAILABLE TECHNOLOGICAL RESOURCES IN THE CORRECTIONAL FACILITY IN WHICH THE OFFENDER IS IN CUSTODY, THE DEPARTMENT SHALL FACILITATE AN OFFENDER'S VIRTUAL APPEARANCE AT AN APPEARANCE DESCRIBED IN THIS SUBSECTION (4).

(5) THIS SECTION DOES NOT PROHIBIT THE DEPARTMENT FROM SEARCHING FOR AN OFFENDER'S OUTSTANDING WARRANTS AT ANY OTHER TIME.

SECTION 2. In Colorado Revised Statutes, 21-1-104, **amend** (6) as follows:

21-1-104. Duties of public defender - report. (6) (a) The office of state public defender shall provide one or more public defender liaisons to the department of corrections and the state board of parole to assist inmates or inmate liaisons with legal matters related to detainers, bonds, holds, warrants, competency, special needs parole applications, and commutation applications. The office of state public defender, in consultation with the state board of parole and the department of corrections, shall develop any necessary policies and procedures for implementation of this subsection (6).

(b) THE OFFICE OF STATE PUBLIC DEFENDER SHALL DESIGNATE AN EMAIL ADDRESS FOR THE PUBLIC DEFENDER LIAISONS TO THE DEPARTMENT OF CORRECTIONS TO RECEIVE NOTIFICATIONS MADE PURSUANT TO SECTION 17-33-104 FROM THE DEPARTMENT OF CORRECTIONS ABOUT OFFENDERS' OUTSTANDING WARRANTS AND PENDING COLORADO COURT CASES.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO