

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 26, 2025
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB25-1147 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, after line 1 insert:
- 2 **"SECTION 1. Legislative declaration.** (1) The general
- 3 assembly finds and declares that:
- 4 (a) Fair and consistent criminal sentencing, access to counsel for
- 5 indigent people accused of crimes, and transparency of court proceedings
- 6 across Colorado are matters of statewide concern;
- 7 (b) Disparities in criminal sentencing reduce the fairness,
- 8 rationality, and equity of Colorado's criminal justice system;
- 9 (c) In 2020, Governor Jared Polis, in his Biennial Topics Letter,
- 10 directed the Colorado Commission on Criminal and Juvenile Justice to
- 11 propose comprehensive reform to Colorado's sentencing laws, explaining:
- 12 "Our sentencing scheme should be rational, just, and consistent so that the
- 13 punishment fits the conduct";
- 14 (d) In this letter, Governor Polis listed as "values" to guide
- 15 sentencing reform: "Ensuring fair and consistent treatment" and
- 16 "Eliminating unjustified disparities in sentencing";
- 17 (e) Following Governor Polis' directive, the Colorado
- 18 Commission on Criminal and Juvenile Justice recommended passage of
- 19 Senate Bill 21-271, which standardized and rationalized sentencing for
- 20 misdemeanors in state court. The bill was silent with regard to application
- 21 to municipal courts;
- 22 (f) Senate Bill 21-271 passed with bipartisan, law enforcement,
- 23 and criminal justice reformer support;
- 24 (g) Since the passage of Senate Bill 21-271, some municipal
- 25 courts have exercised their authority to sentence defendants to jail for up
- 26 to 364 days for crimes related to poverty, which are capped at a 10-day
- 27 jail sentence in state court under Senate Bill 21-271;
- 28 (h) The sentencing disparities between municipal and state courts

1 is a matter of statewide concern, requiring action to align sentences to
2 avoid irrational, unjust, and excessive punishments that are out of step
3 with Colorado values and legal standards; and

4 (i) The sentencing disparities between municipal and state courts
5 creates a 2-tiered system of justice that ensures unequal treatment under
6 the law, which is inconsistent with Colorado values and legal standards.

7 (2) Therefore, the general assembly expressly declares that there
8 is a need to end sentencing disparities between state and municipal courts
9 in order to ensure equal treatment under the law for all Coloradans."

10 Renumber succeeding sections accordingly.

11 Page 2, line 13, strike "Technology or staffing" and substitute
12 "Technology or Staffing".

13 Page 2, line 15, strike "INTERNET" and substitute "TEMPORARY OR
14 INTERMITTENT INTERNET OR TECHNOLOGY".

15 Page 4, line 5, strike "INDIGENT DEFENDANTS," and substitute "CERTAIN
16 INDIGENT DEFENDANTS PURSUANT TO SECTION 13-10-114.5,".

17 Page 4, line 13, after "sheriff" insert "OR MUNICIPAL JAIL
18 ADMINISTRATOR".

19 Page 4, line 17, after "sheriff" insert "OR MUNICIPAL JAIL
20 ADMINISTRATOR".

21 Page 4, line 24, after "sheriff" insert "OR MUNICIPAL JAIL
22 ADMINISTRATOR".

23 Page 4, line 27, after "sheriff" insert "OR MUNICIPAL JAIL
24 ADMINISTRATOR".

25 Page 5, line 3, after "sheriff" insert "OR MUNICIPAL JAIL ADMINISTRATOR".

26 Page 7, strike lines 2 through 12 and substitute:

27 "(4) IF A MUNICIPAL COURT RECEIVES NOTICE THAT A DEFENDANT
28 WHO HAS A CRIMINAL OR TRAFFIC MATTER PENDING BEFORE THE COURT IS
29 IN CUSTODY IN COLORADO FOR ANY REASON, THE MUNICIPAL COURT
30 SHALL MAKE DILIGENT EFFORTS TO TIMELY RESOLVE THE MUNICIPAL
31 MATTER, INCLUDING TAKING REASONABLE STEPS TO PROMPTLY BRING THE
32 DEFENDANT BEFORE THE COURT. THE COURT SHALL ASSIGN INDIGENT
33 DEFENSE COUNSEL IN THE SAME MANNER AS REQUIRED BY SECTION

1 13-10-114.5. A MUNICIPAL COURT SHALL NOT DENY A DEFENDANT THE
2 ABILITY TO APPEAR BEFORE THE MUNICIPAL COURT BECAUSE THE
3 DEFENDANT IS IN CUSTODY FOR ANOTHER, NON-MUNICIPAL MATTER. FOR
4 A HEARING OTHER THAN A TRIAL OR FOR THE PURPOSE OF RESOLUTION BY
5 PLEA, THE COURT MAY PERMIT COUNSEL TO APPEAR ON BEHALF OF THE
6 DEFENDANT PURSUANT TO THE COLORADO MUNICIPAL COURT RULES AND
7 PERMIT APPEARANCE THROUGH AUDIOVISUAL OR TELEPHONIC MEANS, IF
8 AVAILABLE. THIS SUBSECTION (4) DOES NOT PRECLUDE A DEFENDANT
9 FROM EXPRESSLY AGREEING TO DELAY A MATTER ONCE THE DEFENDANT
10 APPEARS BEFORE THE MUNICIPAL COURT."

11 Page 11, line 3, strike "AND SHALL NOTIFY THE" and substitute "IN THE
12 MUNICIPAL CASE AND SHALL NOTIFY THE MUNICIPAL".

13 Page 11, line 9, after "DEFENDANT" insert "IN THE MUNICIPAL CASE".

14 Page 11, after line 13 insert:

15 "(3.5) AT THE TIME OF A DEFENDANT'S FIRST OUT-OF-CUSTODY
16 APPEARANCE IN MUNICIPAL COURT FOR A VIOLATION FOR WHICH THE
17 MUNICIPAL CODE ALLOWS A POSSIBLE SENTENCE OF INCARCERATION, THE
18 COURT SHALL ADVISE THE DEFENDANT OF THE DEFENDANT'S RIGHT TO
19 COUNSEL. THE COURT MAY INQUIRE AND MAKE A DETERMINATION AS TO
20 INDIGENCE IMMEDIATELY UPON REQUEST OR SHALL ADVISE THE
21 DEFENDANT OF THE PROCEDURE TO APPLY FOR COURT-APPOINTED
22 INDIGENT DEFENSE COUNSEL. IF THE COURT DETERMINES THE DEFENDANT
23 IS INDIGENT, THE COURT SHALL APPOINT INDIGENT DEFENSE COUNSEL IN
24 THE MUNICIPAL CASE UNLESS, AFTER BEING FULLY ADVISED PURSUANT TO
25 RULE 210 OF THE COLORADO MUNICIPAL COURT RULES AND SECTION
26 16-7-207, THE DEFENDANT MAKES A KNOWING, INTELLIGENT, AND
27 VOLUNTARY WAIVER OF THE RIGHT TO COUNSEL. NOTHING IN THIS
28 SECTION PREVENTS THE COURT FROM MAKING A DETERMINATION OF
29 INDIGENCE IN ADVANCE OF AN OUT-OF-CUSTODY HEARING OR AT THE
30 SAME HEARING WHEN THE DEFENDANT REQUESTS APPOINTMENT OF
31 COUNSEL."

32 Page 17, line 1, strike "AND SHALL NOTIFY THE" and substitute "IN THE
33 MUNICIPAL CASE AND SHALL NOTIFY THE MUNICIPAL".

34 Page 17, after line 11 insert:

35 "(3.5) AT THE TIME OF A DEFENDANT'S FIRST OUT-OF-CUSTODY
36 APPEARANCE IN MUNICIPAL COURT FOR A VIOLATION FOR WHICH THE
37 MUNICIPAL CODE ALLOWS A POSSIBLE SENTENCE OF INCARCERATION, THE
38 COURT SHALL ADVISE THE DEFENDANT OF THE DEFENDANT'S RIGHT TO

1 COUNSEL. THE COURT MAY INQUIRE AND MAKE A DETERMINATION AS TO
2 INDIGENCE IMMEDIATELY UPON REQUEST OR SHALL ADVISE THE
3 DEFENDANT OF THE PROCEDURE TO APPLY FOR COURT-APPOINTED
4 INDIGENT DEFENSE COUNSEL. IF THE COURT DETERMINES THE DEFENDANT
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10 SECTION PREVENTS THE COURT FROM MAKING A DETERMINATION OF
11 INDIGENCE IN ADVANCE OF AN OUT-OF-CUSTODY HEARING OR AT THE
12 SAME HEARING WHEN THE DEFENDANT REQUESTS APPOINTMENT OF
13 COUNSEL."

14 Page 19, line 12, after "as a" insert "MAXIMUM".

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