

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 5, 2021

Committee on Judiciary.

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

HB21-1280 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 4, line 10, strike "HEARINGS." and substitute
2 "HEARINGS, INCLUDING PRIOR TO EXTRADITION OF THE DEFENDANT FROM
3 ONE COUNTY TO ANOTHER IN THE STATE OF COLORADO."

4 Page 5, strike lines 16 through 19 and substitute:

5 "(e) Unless extraordinary circumstances exist, the custodian of a
6 jail shall release a defendant WHO IS GRANTED A PERSONAL
7 RECOGNIZANCE BOND as soon as practicable but no later than ~~four~~ SIX
8 hours after the defendant is physically present in the jail. ~~and the~~
9 ~~defendant's bond has been posted.~~ UNLESS EXTRAORDINARY
10 CIRCUMSTANCES EXIST, THE CUSTODIAN OF A JAIL SHALL RELEASE A
11 DEFENDANT WHO IS GRANTED A CASH BOND AS SOON AS PRACTICABLE BUT
12 NO LATER THAN SIX HOURS AFTER BOND IS SET, AFTER THE DEFENDANT IS
13 PHYSICALLY PRESENT IN THE JAIL, AND AFTER THE DEFENDANT OR SURETY
14 NOTIFIES THE JAIL THAT THE DEFENDANT OR SURETY IS PREPARED TO POST
15 BOND."

16 Page 5, line 20, strike "SET."

17 Page 5, line 21, strike "HOURS AFTER THE BOND HAS BEEN SET," and
18 substitute "HOURS,".

19 Page 7, strike lines 11 and 12 and substitute "**WITHIN SIX HOURS AFTER**

1 A PERSONAL RECOGNIZANCE BOND IS SET AND THE DEFENDANT HAS
2 RETURNED TO JAIL OR WITHIN SIX HOURS AFTER A CASH BOND HAS
3 BEEN SET AND THE DEFENDANT HAS RETURNED TO JAIL AND THE
4 DEFENDANT OR SURETY NOTIFIED THE JAIL THAT BOND IS PREPARED TO
5 BE POSTED, UNLESS".

6 Page 8, lines 22 through 24, strike "PHYSICALLY PRESENT IN THE JAIL WHO
7 POSTS BOND WITHIN SIX HOURS AFTER BOND IS SET," and substitute
8 "WITHIN SIX HOURS AFTER A PERSONAL RECOGNIZANCE BOND IS SET AND
9 THE DEFENDANT HAS RETURNED TO JAIL OR WITHIN SIX HOURS AFTER A
10 CASH BOND HAS BEEN SET AND THE DEFENDANT HAS RETURNED TO JAIL
11 AND THE DEFENDANT OR SURETY NOTIFIED THE JAIL THAT BOND IS
12 PREPARED TO BE POSTED,".

13 Page 9, line 26, strike "SHERIFF." and substitute "SHERIFF IF THE SHERIFF
14 RECEIVED WRITTEN NOTICE OF THE VIOLATIONS AND THE SHERIFF DID NOT
15 CURE THE VIOLATIONS WITHIN THIRTY DAYS AFTER THE RECEIPT OF THE
16 WRITTEN NOTICE.".

17 Page 9, after line 26 insert:

18 "SECTION 2. In Colorado Revised Statutes, 16-4-104, **add** (5),
19 (6), (7), and (8) as follows:

20 **16-4-104. Types of bond set by the court.** (5) AT THE INITIAL
21 HEARING, THE PERSON HAS THE RIGHT TO BE REPRESENTED BY AN
22 ATTORNEY AND THE COURT SHALL ADVISE THE PERSON OF THE POSSIBLE
23 CHARGES, PENALTIES, AND THE PERSON'S RIGHTS AS SPECIFIED IN RULE 5
24 OF THE COLORADO RULES OF CRIMINAL PROCEDURE, UNLESS WAIVED BY
25 THE PERSON. THE COURT SHALL NOTIFY THE PUBLIC DEFENDER OF EACH
26 PERSON IN CUSTODY BEFORE THE INITIAL HEARING, AND EACH PERSON IN
27 CUSTODY HAS THE RIGHT TO BE REPRESENTED BY A PUBLIC DEFENDER AT
28 THE HEARING. THE COURT SHALL PROVIDE THE PERSON'S ATTORNEY
29 SUFFICIENT TIME TO PREPARE FOR AND PRESENT AN INDIVIDUALIZED
30 ARGUMENT REGARDING THE TYPE OF BOND AND CONDITIONS OF RELEASE
31 AT THE INITIAL HEARING, CONSISTENT WITH THE COURT'S DOCKET AND
32 SCHEDULING PRIORITIES.

33 (6) THE PROSECUTING ATTORNEY HAS THE RIGHT TO BE NOTIFIED
34 OF EACH PERSON SET FOR INITIAL HEARING, TO APPEAR AT ALL INITIAL
35 HEARINGS TO PROVIDE HIS OR HER POSITION REGARDING THE TYPE OF
36 BOND AND CONDITIONS OF RELEASE, AND SHALL BE PROVIDED SUFFICIENT
37 TIME BY THE COURT TO PREPARE FOR AND PRESENT ANY RELEVANT



1 ARGUMENT, CONSISTENT WITH THE COURT'S DOCKET AND SCHEDULING
2 PRIORITIES.

3 (7) PRIOR TO THE INITIAL HEARING, ANY PRETRIAL SERVICES
4 AGENCY OPERATING IN THAT COUNTY, OR ANY OTHER AGENCY THAT
5 REPORTS TO THE COURT, THAT HAS CONDUCTED A PRETRIAL RELEASE
6 ASSESSMENT OR GATHERED INFORMATION FOR THE COURT'S
7 CONSIDERATION AT THE INITIAL HEARING SHALL PROVIDE TO THE
8 PROSECUTION AND THE PERSON'S ATTORNEY ALL INFORMATION PROVIDED
9 TO THE COURT REGARDING THE PERSON IN CUSTODY, WHICH SHALL
10 INCLUDE, IF PROVIDED, THE ARREST WARRANT, THE PROBABLE CAUSE
11 STATEMENT, AND THE PERSON'S CRIMINAL HISTORY.

12 (8) THE SHERIFF'S OFFICE AND JAIL PERSONNEL SHALL PROVIDE THE
13 PUBLIC DEFENDER'S OFFICE OR PRIVATE COUNSEL ACCESS TO THE PERSON
14 WHO WILL BE APPEARING AT THE HEARING AND SHALL ALLOW SUFFICIENT
15 TIME WITH THE PERSON PRIOR TO THE HEARING IN ORDER TO PREPARE FOR
16 THE INITIAL HEARING."

17 Renumber succeeding sections accordingly.

18 Page 10, line 3, strike "THE BOND" and substitute "BOND".

19 Page 10, line 4, strike "THE BOND" and substitute "A BOND".

20 Page 10, lines 10 and 11, strike "THE BOND" and substitute "A BOND".

21 Page 11, line 4, strike the second "THE BOND" and substitute "A BOND".

22 Page 11, line 6, strike "THE BONDING" and substitute "A BOND".

23 Strike "THE BOND" and substitute "A BOND" on: **Page 10**, lines 9, 19, 22,
24 and 24.

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