

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 5, 2025
Date

Committee on Judiciary.

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

SB25-062 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, line 11, strike "APPEAR, OR CONTEMPT OF
2 COURT FOR THE FAILURE TO APPEAR," and substitute "APPEAR".

3 Page 2, strike lines 20 through 23.

4 Page 3, strike lines 1 through 14 and substitute:

5 "SECTION 2. In Colorado Revised Statutes, **add** 13-10-127 as
6 follows:

7 **13-10-127. Failure to appear.** (1) A PERSON'S FAILURE TO
8 APPEAR IN PERSON OR BY COUNSEL AT THE PLACE AND TIME SPECIFIED IN
9 THE SUMMONS OR SUMMONS AND COMPLAINT, OR FAILURE TO APPEAR IN
10 PERSON OR BY COUNSEL ON ANY SUBSEQUENT DATE, SERVED UPON THE
11 PERSON MUST NOT FORM THE BASIS OF A MUNICIPAL CRIMINAL CHARGE
12 AGAINST THE PERSON.

13 (2) THIS SECTION APPLIES TO ANY MUNICIPAL ORDINANCE
14 PREMISED ON A PERSON'S FAILURE TO APPEAR, REGARDLESS OF WHETHER
15 A MUNICIPALITY REFERS TO THIS SITUATION AS A FAILURE TO APPEAR,
16 CONTEMPT OF COURT FOR A FAILURE TO APPEAR, OR BY ANY OTHER NAME.

17 (3) NOTHING IN THIS SECTION LIMITS A MUNICIPAL COURT'S
18 INHERENT JUDICIAL CONTEMPT POWER OR PROHIBITS A MUNICIPAL JUDGE
19 FROM ISSUING A BENCH WARRANT UPON A PERSON'S FAILURE TO APPEAR
20 OR FROM CONSIDERING A PERSON'S FAILURE TO APPEAR FOR THE PURPOSE
21 OF SETTING AN APPROPRIATE BOND AT A SUBSEQUENT BOND HEARING."