

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 19-1017.01 Michael Dohr x4347

**HOUSE BILL 19-1226**

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**HOUSE SPONSORSHIP**

**Herod and Soper**, Arndt, Benavidez, Bird, Buckner, Buentello, Caraveo, Cutter, Duran, Exum, Galindo, Gonzales-Gutierrez, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, Melton, Mullica, Singer, Sirota, Tipper, Valdez A., Weissman

**SENATE SPONSORSHIP**

Lee,

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

State, Veterans, & Military Affairs  
Appropriations

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**A BILL FOR AN ACT**

101       **CONCERNING CHANGES TO RELEASE ON BOND, AND, IN CONNECTION**  
102               **THEREWITH, THE DEVELOPMENT OF A PRETRIAL SCREENING**  
103               **PROCESS AND ADMINISTRATIVE ORDER FOR RELEASE WITHOUT**  
104               **ANY MONETARY CONDITIONS; CREATING A PRESUMPTION OF**  
105               **RELEASE WITH THE LEAST RESTRICTIVE CONDITIONS AND**  
106               **WITHOUT MONETARY CONDITIONS; SPECIFYING THE**  
107               **INFORMATION THE COURT CONSIDERS WHEN MAKING**  
108               **DETERMINATIONS ABOUT TYPE OF BOND AND CONDITIONS OF**  
109               **RELEASE; [REDACTED] A REQUIREMENT FOR PRETRIAL SERVICES**  
110               **PROGRAMS THROUGHOUT THE STATE; AND MAKING AND**  
111               **REDUCING AN APPROPRIATION.**

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**Bill Summary**

*Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

HOUSE  
3rd Reading Unamended  
April 22, 2019

HOUSE  
Amended 2nd Reading  
April 19, 2019

*(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 at <http://leg.colorado.gov>.)*

Under current law, if a defendant is arrested for certain crimes and the court determines that the public would be in significant peril if the accused is released, the defendant is not bailable. The bill removes from the list of crimes that are not bailable the crime of possession of a weapon by a previous offender and sex assault crimes.

The bill requires each judicial district to develop:

- ! A pretrial screening process; and
- ! A chief judge administrative order specifying written criteria for the immediate release of certain defendants without any monetary conditions.

The office of the state court administrator shall develop statewide standards and guidelines for the pretrial screening process and written criteria for immediate release of certain defendants without any monetary conditions.

The bill creates a presumption that a defendant should be released with the least restrictive conditions possible and without monetary conditions unless the court finds one or more of the following:

- ! The person poses a substantial risk of danger to the safety of any person or the community; or
- ! There is a substantial risk that the person will not appear in court as required; or
- ! There is a substantial risk that the person will attempt to obstruct the criminal process; and
- ! There are no reasonable nonmonetary conditions of release that reasonably assure:
  - ! The safety of any person or the community;
  - ! That the person will appear in court as required; or
  - ! That the person will not attempt to obstruct the criminal justice process.

The bill requires the court to consider the results of empirically developed and validated risk assessment instruction when making determinations about the type of bond and conditions of release, but the assessment cannot be the sole basis for the decision. The bill outlines the other factors to consider in selecting the type of bond and conditions of release.

The bill delineates the types of bond that a court can set:

- ! An unsecured personal recognizance bond, which may include an amount specified by the court;
- ! An unsecured personal recognizance bond with additional nonmonetary conditions of release designed specifically to

reasonably ensure the appearance of the person in court and the safety of any person or persons or the community;

! A bond with secured monetary conditions; and

! A bond with secured real estate conditions when the court determined that release on an unsecured personal recognizance bond without monetary conditions will not reasonably ensure the appearance of the person in court or the safety of any person or persons or the community.

The bill requires all counties and cities and counties to develop a pretrial services program by July 1, 2020. A community advisory board is established in each county or city and county to develop the plan for the pretrial services program. The chief judge shall approve the plan developed by the community advisory board prior to implementing and starting the pretrial services program. The bill creates a funding program to allow judicial districts to develop and sustain pretrial programs. The office of the state court administrator shall develop minimum standards for pretrial services programs, and the bill specifies other criteria for pretrial services programs.

The bill specifies how a defendant, prosecuting attorney, or bonding and release commissioner can ask for a review and modification of bond.

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

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**SECTION 1.** In Colorado Revised Statutes, **amend** 16-4-102 as

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follows:

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**16-4-102. Right to bail - before conviction.** Any person who is

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~~in custody, and for whom the court has not set bond and conditions of~~

8

~~release pursuant to the applicable rule of criminal procedure, and who is~~

9

~~not subject to the provisions of section 16-4-101 (5), ARRESTED AND HAS~~

10

NOT BEEN RELEASED PURSUANT TO SECTION 16-4-103 has the right to a

11

hearing to determine bond and conditions of release. ~~A person in custody~~

12

~~may also request a hearing so that bond and conditions of release can be~~

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~~set. Upon receiving the request, the judge shall notify the district attorney~~

1 ~~immediately of the arrested person's request, and the district attorney shall~~  
2 ~~have the right to attend and advise the court of matters pertinent to the~~  
3 ~~type of bond and conditions of release to be set.~~ The judge shall also  
4 ~~order~~ REQUIRE the appropriate law enforcement agency having custody  
5 of the prisoner to bring him or her before the court forthwith, and the  
6 judge shall set bond and conditions of release if the offense for which the  
7 person was arrested is bailable. It shall not be a prerequisite to bail that  
8 a criminal charge of any kind has been filed.

9           **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**  
10 **with amendments,** 16-4-103 as follows:

11           **16-4-103. Setting and selection type of bond - development of**  
12 **criteria by each judicial district - assessment and release program.**

13 (1) EACH JUDICIAL DISTRICT SHALL DEVELOP, ON OR BEFORE MARCH 31,  
14 2020, FOR IMPLEMENTATION BY JULY 1, 2020:

15           (a) A PRETRIAL RELEASE SCREENING PROCESS TO ASSESS EACH  
16 PERSON AS SOON AS PRACTICABLE BUT NO LATER THAN TWENTY-FOUR  
17 HOURS AFTER ADMISSION TO A DETENTION FACILITY;

18           (b) AN ADMINISTRATIVE ORDER OF THE CHIEF JUDGE OF THAT  
19 JUDICIAL DISTRICT SPECIFYING WRITTEN CRITERIA ALLOWING FOR THE  
20 IMMEDIATE PRETRIAL RELEASE OF CERTAIN DETAINED PERSONS ON A  
21 SUMMONS OR AN UNSECURED PERSONAL RECOGNIZANCE BOND WITHOUT  
22 MONETARY CONDITIONS AFTER THE PRETRIAL ASSESSMENT IS COMPLETED  
23 AND WITHOUT AN INITIAL HEARING BEFORE THE COURT. THE CRITERIA FOR  
24 RELEASE MUST BE DEVELOPED IN CONJUNCTION WITH ALL LOCAL  
25 STAKEHOLDERS, WHICH INCLUDE BUT ARE NOT BE LIMITED TO A  
26 REPRESENTATIVE OF THE DISTRICT ATTORNEY'S OFFICE, THE PUBLIC  
27 DEFENDER, THE SHERIFF'S DEPARTMENT, THE PRETRIAL SERVICES

1 PROGRAM, A VICTIM ADVOCATE, AND THE OFFICE OF THE STATE COURT  
2 ADMINISTRATOR. EACH JUDICIAL DISTRICT SHALL ALSO, IN THE  
3 DEVELOPMENT OF THE CRITERIA, SOLICIT AND OBTAIN THE INPUT OF AT  
4 LEAST ONE INDIVIDUAL WHO HAS BEEN INCARCERATED IN THE JUDICIAL  
5 DISTRICT BECAUSE OF AN INABILITY TO PAY A MONETARY CONDITION OF  
6 BOND AND CONSIDER THE INPUT IN THE DEVELOPMENT OF THE  
7 ADMINISTRATIVE ORDER.

8 (2) THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL  
9 DEVELOP STATEWIDE STANDARDS AND GUIDELINES FOR THE  
10 DEVELOPMENT OF BOTH THE PRETRIAL RELEASE SCREENING AND THE  
11 WRITTEN CRITERIA FOR PRETRIAL RELEASE AS REQUIRED BY SUBSECTION  
12 (1) OF THIS SECTION. THE OFFICE OF THE STATE COURT ADMINISTRATOR  
13 SHALL DEVELOP THE STATEWIDE STANDARDS AND GUIDELINES IN  
14 CONJUNCTION WITH A REVIEW OF THE RELEVANT RESEARCH AND BEST  
15 PRACTICES MODELS THROUGHOUT THE COUNTRY, WHICH INCLUDE, BUT  
16 ARE NOT LIMITED TO:

17 (a) THE IMPACT OF DETENTION ON LOW-RISK PERSONS AND  
18 RECIDIVISM;

19 (b) THE NATIONAL AND STATE DATA AND RESEARCH REGARDING  
20 THE USE OF NONMONETARY CONDITIONS OF BOND AS THEY RELATE TO  
21 SAFETY OF ANY PERSON OR THE COMMUNITY AND APPEARANCE RATES;  
22 AND

23 (c) THE RELEVANT CASE LAW AND NATIONAL BEST PRACTICES  
24 REGARDING THE USE OF MONETARY CONDITIONS OF BOND.

25 (3) IN THE CHIEF JUDGE ADMINISTRATIVE ORDER CREATED  
26 PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION, THE CHIEF JUDGE OF  
27 THE JUDICIAL DISTRICT SHALL DESIGNATE A PERSON, AGENCY, OR

1 PROGRAM FOR EACH DETENTION FACILITY WITHIN THE JUDICIAL DISTRICT  
2 TO CONDUCT THE PRETRIAL RELEASE SCREENING TO ALLOW FOR RELEASE  
3 OF PERSONS TAKEN INTO CUSTODY BY LAW ENFORCEMENT OFFICIALS. THE  
4 CHIEF JUDGE SHALL ALSO DESIGNATE A PERSON, AGENCY, OR PROGRAM AS  
5 A BONDING AND RELEASE COMMISSIONER, AS DEFINED IN SECTION  
6 16-4-109 (4)(b), WHO IS AUTHORIZED TO RELEASE PERSONS ASSESSED  
7 ELIGIBLE FOR RELEASE PURSUANT TO THE CRITERIA WITHOUT MONETARY  
8 CONDITIONS OF BOND. ALL RELEASES ON NONMONETARY BONDS MUST  
9 INCLUDE THE STANDARD AND STATUTORILY MANDATED BOND CONDITIONS  
10 PURSUANT TO SECTION 16-4-105 AND MAY INCLUDE ANY OTHER  
11 APPROPRIATE AND NECESSARY NONMONETARY CONDITIONS AS  
12 DETERMINED BY THE PRETRIAL SCREENING PROCESS AND THE WRITTEN  
13 RELEASE CRITERIA OF EACH JURISDICTION.

14 (4) THIS SECTION DOES NOT PROHIBIT THE RELEASE OF A  
15 DEFENDANT PURSUANT TO LOCAL PRETRIAL RELEASE POLICIES THAT  
16 REQUIRE PAYMENT OF A MONETARY CONDITION OF RELEASE PRIOR TO AN  
17 INDIVIDUALIZED DECISION BY A JUDGE OR JUDICIAL OFFICER.

18 (5) THIS SECTION DOES NOT CHANGE THE MANDATORY  
19 REQUIREMENTS OF SECTION 18-1-1001(5) REGARDING THE ISSUANCE OF  
20 PROTECTION ORDERS.

21 **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**  
22 **with amendments,** 16-4-104 as follows:

23 **16-4-104. Initial hearing - types of bond set by the court -**  
24 **factors for setting conditions of bond - right to counsel.**

25 (1) BEGINNING JULY 1, 2020, AT THE INITIAL HEARING, IF THE PERSON IS  
26 NOT RELEASED PURSUANT TO THE PROVISIONS OF SECTION 16-4-103, THE  
27 COURT SHALL DETERMINE THE TYPE OF BOND AND THE CONDITIONS OF

1 RELEASE. IN MAKING THAT DETERMINATION, THE COURT SHALL PRESUME  
2 THE RELEASE OF THE PERSON WITH THE LEAST RESTRICTIVE CONDITIONS.  
3 THE COURT SHALL FURTHER PRESUME RELEASE OF THE DEFENDANT  
4 WITHOUT THE USE OF ANY MONETARY CONDITIONS OF BOND UNLESS THE  
5 COURT FINDS THAT:

6 (a) ONE OR MORE OF THE FOLLOWING EXIST:

7 (I) THE PERSON POSES A SUBSTANTIAL RISK OF DANGER TO THE  
8 SAFETY OF ANY PERSON OR THE COMMUNITY; OR

9 (II) THERE IS A SUBSTANTIAL RISK THAT THE PERSON WILL  
10 ATTEMPT TO FLEE PROSECUTION; OR

11 (III) THERE IS A SUBSTANTIAL RISK THAT THE PERSON WILL  
12 ATTEMPT TO OBSTRUCT OR OTHERWISE WILLFULLY AVOID THE CRIMINAL  
13 PROCESS; AND

14 (b) THERE ARE NO REASONABLE NONMONETARY CONDITIONS OF  
15 RELEASE THAT REASONABLY ENSURE:

16 (I) THE SAFETY OF ANY PERSON OR THE COMMUNITY;

17 (II) THAT THE PERSON WILL ATTEMPT TO FLEE PROSECUTION; OR

18 (III) THAT THE PERSON WILL NOT ATTEMPT TO OBSTRUCT OR  
19 OTHERWISE WILLFULLY AVOID THE CRIMINAL JUSTICE PROCESS.

20 (2) IN MAKING THE DETERMINATION ABOUT THE TYPE OF BOND  
21 AND CONDITIONS OF RELEASE, THE COURT SHALL CONSIDER: ■ ■

22 (a) THE INDIVIDUAL CIRCUMSTANCES OF THE DEFENDANT,  
23 INCLUDING HIS OR HER FINANCIAL CIRCUMSTANCES;

24 (b) THE NATURE AND SEVERITY OF THE ALLEGED OFFENSE;

25 (c) VICTIM INPUT, IF RECEIVED;

26 (d) ALL METHODS OF RELEASE TO AVOID UNNECESSARY PRETRIAL  
27 INCARCERATION AND TO AVOID UNNECESSARY LEVELS OF SUPERVISION AS

- 1 CONDITIONS OF PRETRIAL RELEASE;
- 2 (e) THE WRITTEN CRITERIA FOR PRETRIAL RELEASE DEVELOPED BY
- 3 THE JUDICIAL DISTRICT PURSUANT TO SECTION 16-4-103 (1)(b);
- 4 (f) THE EMPLOYMENT STATUS AND HISTORY OF THE PERSON IN
- 5 CUSTODY;
- 6 (g) THE NATURE AND EXTENT OF FAMILY RELATIONSHIPS OF THE
- 7 PERSON IN CUSTODY;
- 8 (h) PAST AND PRESENT RESIDENCES OF THE PERSON IN CUSTODY;
- 9 (i) THE CHARACTER AND REPUTATION OF THE PERSON IN CUSTODY;
- 10 (j) IDENTITY OF PERSONS WHO AGREE TO ASSIST THE PERSON IN
- 11 CUSTODY IN ATTENDING COURT AT THE PROPER TIME;
- 12 (k) THE LIKELY SENTENCE, CONSIDERING THE NATURE AND
- 13 OFFENSE PRESENTLY CHARGED, ESPECIALLY IF THE DEFENDANT IS NOT
- 14 LIKELY TO BE SENTENCED TO INCARCERATION;
- 15 (l) THE PRIOR CRIMINAL RECORD, IF ANY, OF THE PERSON IN
- 16 CUSTODY;
- 17 (m) PRIOR FAILURES TO APPEAR THAT INDICATE THE PERSON IN
- 18 CUSTODY'S INTENT TO FLEE OR AVOID PROSECUTION; ■
- 19 (n) ANY FACTS INDICATING THAT THE DEFENDANT IS LIKELY TO
- 20 INTIMIDATE OR HARASS POSSIBLE WITNESSES; ■
- 21 (o) ANY OTHER FACTS TENDING TO INDICATE THAT THE
- 22 DEFENDANT HAS STRONG TIES TO THE COMMUNITY AND IS NOT LIKELY TO
- 23 FLEE THE JURISDICTION; AND
- 24 (p) THE RESULTS OF AN EMPIRICALLY DEVELOPED AND VALIDATED
- 25 RISK ASSESSMENT INSTRUMENT DESIGNED TO IMPROVE PRETRIAL RELEASE
- 26 DECISIONS BY PROVIDING THE COURT INFORMATION THAT CLASSIFIES A
- 27 PERSON IN CUSTODY BASED UPON THE PREDICTED LEVEL OF RISK OF



1 PRETRIAL FAILURE. ANY RESULTS OF A RISK ASSESSMENT PROVIDED TO  
2 THE COURT MUST INCLUDE THE RISK CATEGORY OF THE DEFENDANT  
3 ALONG WITH THE PREDICTED SUCCESS RATES FOR EACH RISK CATEGORY.  
4 HOWEVER, THE COURT SHALL NOT USE THE RESULTS OF THE INSTRUMENT  
5 AS THE SOLE BASIS FOR SETTING THE TYPE OF BOND AND CONDITIONS OF  
6 RELEASE.

7 (3) BECAUSE OF THE DANGER POSED TO ANY PERSON AND THE  
8 COMMUNITY, A PERSON WHO IS ARRESTED FOR AN OFFENSE UNDER  
9 SECTION 42-4-1301 (1) SHALL NOT ATTEND A BAIL HEARING UNTIL THE  
10 PERSON IS NO LONGER INTOXICATED OR UNDER THE INFLUENCE OF DRUGS.  
11 THE PERSON MUST BE HELD IN CUSTODY UNTIL THE PERSON MAY SAFELY  
12 ATTEND THE HEARING.

13 (4) THE TYPES OF BOND THAT MAY BE SET BY THE COURT INCLUDE:

14 (a) AN UNSECURED PERSONAL RECOGNIZANCE BOND, WHICH MAY  
15 INCLUDE AN AMOUNT SPECIFIED BY THE COURT. THE COURT MAY REQUIRE  
16 ADDITIONAL OBLIGORS ON THE BOND AS A CONDITION OF THE BOND.

17 (b) AN UNSECURED PERSONAL RECOGNIZANCE BOND WITH  
18 ADDITIONAL NONMONETARY CONDITIONS OF RELEASE DESIGNED  
19 SPECIFICALLY TO REASONABLY ENSURE THE APPEARANCE OF THE PERSON  
20 IN COURT AND THE SAFETY OF ANY PERSON OR PERSONS OR THE  
21 COMMUNITY;

22 (c) A BOND WITH SECURED MONETARY CONDITIONS SUBJECT TO  
23 THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION. UNLESS THE COURT  
24 MAKES FACTUAL FINDINGS ON THE RECORD WITH RESPECT TO THE  
25 DEFENDANT THAT A CERTAIN METHOD OF BOND, AS SELECTED BY THE  
26 COURT, IS NECESSARY TO REASONABLY ENSURE THE APPEARANCE OF THE  
27 PERSON IN COURT AND REASONABLY ENSURE THE SAFETY OF ANY PERSON

1 OR PERSONS IN THE COMMUNITY, THE PERSON SHALL BE RELEASED FROM  
2 CUSTODY UPON EXECUTION OF BOND IN THE FULL AMOUNT OF MONEY TO  
3 BE SECURED BY ANY ONE OF THE FOLLOWING METHODS, AS SELECTED BY  
4 THE DEFENDANT:

5 (I) BY A DEPOSIT WITH THE CLERK OF THE COURT OF AN AMOUNT  
6 OF CASH EQUAL TO THE MONETARY CONDITION OF THE BOND;

7 (II) BY REAL ESTATE SITUATED IN THIS STATE WITH  
8 UNENCUMBERED EQUITY NOT EXEMPT FROM EXECUTION OWNED BY THE  
9 ACCUSED OR ANY OTHER PERSON ACTING AS SURETY ON THE BOND, WHICH  
10 UNENCUMBERED EQUITY SHALL BE AT LEAST ONE AND ONE-HALF OF THE  
11 AMOUNT OF THE SECURITY SET IN THE BOND;

12 (III) BY SURETIES WORTH AT LEAST ONE AND ONE-HALF OF THE  
13 SECURITY SET IN THE BOND; OR

14 (IV) BY A BAIL BONDING AGENT, AS DEFINED IN SECTION 16-1-104  
15 (3.5).

16 (d) A BOND WITH SECURED REAL ESTATE CONDITIONS WHEN THE  
17 COURT DETERMINES THAT RELEASE ON AN UNSECURED PERSONAL  
18 RECOGNIZANCE BOND WITHOUT MONETARY CONDITIONS WILL NOT  
19 REASONABLY ENSURE THE APPEARANCE OF THE PERSON IN COURT OR  
20 REASONABLY ENSURE THE SAFETY OF ANY PERSON OR PERSONS OR THE  
21 COMMUNITY. THE CLERK OF THE COURT SHALL NOT ACCEPT A BOND  
22 SECURED BY REAL ESTATE UNLESS THE RECORD OWNER OF THE PROPERTY  
23 PRESENTS TO THE CLERK OF THE COURT THE ORIGINAL DEED OF TRUST AS  
24 DESCRIBED IN SUBSECTION (4)(d)(IV) OF THIS SECTION AND THE  
25 APPLICABLE RECORDING FEE. UPON RECEIPT OF THE DEED OF TRUST AND  
26 FEE, THE CLERK OF THE COURT SHALL RECORD THE DEED OF TRUST WITH  
27 THE CLERK AND RECORDER FOR THE COUNTY IN WHICH THE PROPERTY IS

1 LOCATED. FOR A BOND SECURED BY REAL ESTATE, THE AMOUNT OF THE  
2 OWNER'S UNENCUMBERED EQUITY SHALL BE DETERMINED BY DEDUCTING  
3 THE AMOUNT OF ALL ENCUMBRANCES LISTED IN THE OWNER AND  
4 ENCUMBRANCES CERTIFICATE FROM THE ACTUAL VALUE OF SUCH REAL  
5 ESTATE AS SHOWN ON THE CURRENT NOTICE OF VALUATION. THE OWNER  
6 OF THE REAL ESTATE SHALL FILE WITH THE BOND ALL OF THE FOLLOWING,  
7 WHICH SHALL CONSTITUTE A MATERIAL PART OF THE BOND:

8 (I) THE CURRENT NOTICE OF VALUATION OF SUCH REAL ESTATE  
9 PREPARED BY THE COUNTY ASSESSOR PURSUANT TO SECTION 39-5-121;

10 (II) EVIDENCE OF TITLE ISSUED BY A TITLE INSURANCE COMPANY  
11 OR AGENT LICENSED PURSUANT TO ARTICLE 11 OF TITLE 10, WITHIN  
12 THIRTY-FIVE DAYS AFTER THE DATE UPON WHICH THE BOND IS FILED;

13 (III) A SWORN STATEMENT BY THE OWNER OF THE REAL ESTATE  
14 THAT THE REAL ESTATE IS SECURITY FOR THE COMPLIANCE BY THE  
15 DEFENDANT WITH THE PRIMARY CONDITION OF THE BOND; AND

16 (IV) A DEED OF TRUST TO THE PUBLIC TRUSTEE OF THE COUNTY OR  
17 CITY AND COUNTY IN WHICH THE REAL ESTATE IS LOCATED THAT IS  
18 EXECUTED AND ACKNOWLEDGED BY ALL RECORD OWNERS OF THE REAL  
19 ESTATE. THE DEED OF TRUST MUST NAME THE CLERK OF THE COURT  
20 APPROVING THE BOND AS BENEFICIARY. THE DEED OF TRUST MUST SECURE  
21 AN AMOUNT EQUAL TO ONE AND ONE-HALF TIMES THE AMOUNT OF THE  
22 BOND.

23 (5) AT THE INITIAL HEARING, THE PERSON HAS THE RIGHT TO BE  
24 REPRESENTED BY AN ATTORNEY AND MUST BE ADVISED OF THE POSSIBLE  
25 CHARGES, PENALTIES, AND HIS OR HER RIGHTS AS SPECIFIED IN RULE 5 OF  
26 THE COLORADO RULES OF CRIMINAL PROCEDURE, UNLESS WAIVED BY THE  
27 DEFENDANT. THE COURT SHALL NOTIFY THE PUBLIC DEFENDER OF EACH

1 PERSON IN CUSTODY BEFORE THE INITIAL HEARING, AND THE PERSON HAS  
2 THE RIGHT TO BE REPRESENTED BY THE PUBLIC DEFENDER AT THAT  
3 HEARING. ADDITIONALLY, THE COURT SHALL PROVIDE THE PUBLIC  
4 DEFENDER SUFFICIENT TIME TO PREPARE FOR AND PRESENT AN  
5 INDIVIDUALIZED ARGUMENT REGARDING THE RELEASE OF THE PERSON AND  
6 ANY CONDITIONS OF RELEASE AT THE INITIAL HEARING, CONSISTENT WITH  
7 THE COURT'S DOCKET AND SCHEDULING PRIORITIES.

8 (6) THE PROSECUTING ATTORNEY HAS THE RIGHT TO APPEAR AT  
9 ALL HEARINGS TO PROVIDE HIS OR HER POSITION ON BAIL AND CONDITIONS  
10 OF RELEASE AND ANY OTHER RELEVANT INFORMATION.

11 (7) PRIOR TO THE INITIAL HEARING, THE PERSON, PROGRAM, OR  
12 AGENCY THAT HAS CONDUCTED THE PRETRIAL RELEASE SCREENING SHALL  
13 PROVIDE ALL INFORMATION GATHERED REGARDING THE DEFENDANT,  
14 INCLUDING, BUT NOT LIMITED TO, THE RESULTS FROM ANY EMPIRICALLY  
15 DEVELOPED AND VALIDATED RISK ASSESSMENT INSTRUMENT AND THE  
16 ARREST AFFIDAVIT OR OTHER PROBABLE CAUSE STATEMENT TO THE  
17 PROSECUTION AND THE DEFENSE.

18 **SECTION 4.** In Colorado Revised Statutes, 16-4-105, **amend** (7)  
19 as follows:

20 **16-4-105. Conditions of release on bond.** (7) A person may be  
21 released on a bond with monetary condition of bond, when appropriate,  
22 as described in ~~section 16-4-104 (1)(c)~~ SECTION 16-4-104 (4).

23 **SECTION 5.** In Colorado Revised Statutes, **repeal and reenact,**  
24 **with amendments,** 16-4-106 as follows:

25 **16-4-106. Pretrial services programs - report.** (1) TO REDUCE  
26 BARRIERS TO THE PRETRIAL RELEASE OF PERSONS IN CUSTODY WHOSE  
27 RELEASE ON BOND WITH APPROPRIATE CONDITIONS REASONABLY ENSURES

1 COURT APPEARANCE AND PUBLIC SAFETY, ALL COUNTIES AND CITIES AND  
2 COUNTIES SHALL DEVELOP BY JULY 1, 2020, A PRETRIAL SERVICES  
3 PROGRAM IN CONSULTATION WITH THE CHIEF JUDGE OF THE JUDICIAL  
4 DISTRICT THAT MAY BE UTILIZED BY THE COURTS OF THE JUDICIAL  
5 DISTRICT. IN ORDER TO ESTABLISH THE PRETRIAL SERVICES PROGRAM, THE  
6 CHIEF JUDGE OF EACH JUDICIAL DISTRICT SHALL ESTABLISH A COMMUNITY  
7 ADVISORY BOARD TO FORMULATE A PLAN FOR A PRETRIAL SERVICES  
8 PROGRAM. MEMBERSHIP ON SUCH COMMUNITY ADVISORY BOARD MUST  
9 INCLUDE, AT A MINIMUM, A REPRESENTATIVE OF A LOCAL LAW  
10 ENFORCEMENT AGENCY, A REPRESENTATIVE OF THE DISTRICT ATTORNEY,  
11 A REPRESENTATIVE OF THE PUBLIC DEFENDER, A VICTIM REPRESENTATIVE,  
12 AND AN INDIVIDUAL WHO HAS BEEN INCARCERATED IN THE JUDICIAL  
13 DISTRICT OR A FAMILY MEMBER OF AN INDIVIDUAL WHO HAS BEEN  
14 INCARCERATED IN THE JUDICIAL DISTRICT. THE CHIEF JUDGE IS  
15 ENCOURAGED TO APPOINT TO THE COMMUNITY ADVISORY BOARD AT  
16 LEAST ONE COUNTY COMMISSIONER FROM A COUNTY WITHIN THE JUDICIAL  
17 DISTRICT. THE CHIEF JUDGE OF THE JUDICIAL DISTRICT SHALL APPROVE  
18 THE PLAN FORMULATED BY THE COMMUNITY ADVISORY BOARD PRIOR TO  
19 THE ESTABLISHMENT AND UTILIZATION OF THE PRETRIAL SERVICES  
20 PROGRAM. THE OPTION CONTAINED IN THIS SECTION THAT A PRETRIAL  
21 SERVICES PROGRAM BE ESTABLISHED PURSUANT TO A PLAN FORMULATED  
22 BY THE COMMUNITY ADVISORY BOARD DOES NOT APPLY TO ANY PRETRIAL  
23 SERVICES PROGRAM THAT EXISTED BEFORE MAY 31, 1991.

24 (2) A GOVERNMENTAL ENTITY MAY DIRECTLY OPERATE A  
25 PRETRIAL SERVICES PROGRAM APPROVED PURSUANT TO SUBSECTION (1)  
26 OF THIS SECTION OR ENTER INTO A CONTRACT WITH A PRIVATE NONPROFIT  
27 ENTITY OR AN AGREEMENT WITH ANOTHER LOCAL GOVERNMENTAL ENTITY

1 TO PROVIDE PRETRIAL SERVICES IN THE COUNTY. A GOVERNMENTAL  
2 ENTITY SHALL NOT ENTER INTO A CONTRACT WITH A FOR-PROFIT ENTITY  
3 TO PROVIDE PRETRIAL SERVICES. PRIOR TO ENTERING INTO A CONTRACT  
4 WITH A PRIVATE NONPROFIT ENTITY, A GOVERNMENTAL ENTITY SHALL  
5 ENSURE THE PRIVATE NONPROFIT ENTITY SHALL OPERATE WITHOUT AN  
6 IDENTIFIABLE CONFLICT. ADDITIONALLY, EACH JUDGE REQUIRING  
7 PRETRIAL SERVICES SUPERVISION SHALL ENSURE THAT ANY SUPERVISION  
8 OR OTHER CONDITIONS OF RELEASE FOR A DEFENDANT UNDER PRETRIAL  
9 SUPERVISION ARE THE LEAST RESTRICTIVE CONDITIONS OF RELEASE AND  
10 ARE NOT REQUIRED FOR THE PURPOSES OF FINANCIAL BENEFIT OR GAIN BY  
11 AN ENTITY.

12  
13 (3) A PRETRIAL SERVICES PROGRAM CREATED PURSUANT TO THIS  
14 SECTION MUST MEET THE MINIMUM STANDARDS DEVELOPED PURSUANT TO  
15 SECTIONS 16-4-103 AND 13-3-101 AND THE FOLLOWING CRITERIA:

16 (a) THE PRETRIAL SERVICES PROGRAM MUST ESTABLISH A  
17 PROCEDURE FOR THE SCREENING OF PERSONS WHO ARE DETAINED DUE TO  
18 AN ARREST FOR THE ALLEGED COMMISSION OF A CRIME SO THAT SUCH  
19 INFORMATION MAY BE PROVIDED TO THE JUDGE OR OTHER DESIGNATED  
20 PERSON OR AGENCY WHO IS SETTING THE BOND AND CONDITIONS OF  
21 RELEASE. THE PRETRIAL SERVICES PROGRAM MUST PROVIDE INFORMATION  
22 THAT PROVIDES THE COURT WITH THE ABILITY TO MAKE AN APPROPRIATE  
23 INITIAL BOND DECISION THAT IS BASED UPON FACTS RELATING TO THE RISK  
24 THAT THE PERSON WILL FLEE PROSECUTION AND THE RISK OF DANGER TO  
25 ANY PERSON OR THE COMMUNITY.

26 (b) THE PRETRIAL SERVICES PROGRAM MUST MAKE ALL  
27 REASONABLE ATTEMPTS TO PROVIDE THE COURT OR OTHER DESIGNATED

1 PERSON OR AGENCY WITH SUCH INFORMATION DELINEATED IN THIS  
2 SECTION AS IS APPROPRIATE TO EACH PERSON SEEKING RELEASE FROM  
3 CUSTODY FOR PURPOSES OF SETTING BOND AND CONDITIONS OF RELEASE;

4 (c) THE PRETRIAL SERVICES PROGRAM MUST USE AN EMPIRICALLY  
5 DEVELOPED PRETRIAL RISK ASSESSMENT TOOL THAT HAS BEEN APPROVED  
6 FOR USE BY THE STATE COURT ADMINISTRATOR PURSUANT TO SECTION  
7 13-3-101 (11)(b), TO ASSESS A PERSON'S PREDICTIVE LEVEL OF PRETRIAL  
8 RISK ALONG WITH A STRUCTURED DECISION-MAKING DESIGN BASED UPON  
9 THE PERSON'S CHARGE AND THE RISK ASSESSMENT SCORE; AND

10 (d) THE PRETRIAL SERVICES PROGRAM MUST WORK WITH ALL  
11 APPROPRIATE AGENCIES AND ASSIST WITH ALL EFFORTS TO COMPLY WITH  
12 SECTIONS 24-4.1-302.5 AND 24-4.1-303.

13 (4) ANY PRETRIAL SERVICES PROGRAM MAY ALSO INCLUDE  
14 DIFFERENT METHODS AND LEVELS OF COMMUNITY-BASED SUPERVISION AS  
15 A CONDITION OF RELEASE, AND THE PRETRIAL SERVICES PROGRAM MUST  
16 USE ESTABLISHED METHODS FOR PERSONS WHO ARE RELEASED PRIOR TO  
17 TRIAL IN ORDER TO DECREASE UNNECESSARY PRETRIAL DETENTION. THE  
18 PRETRIAL SERVICES PROGRAM MAY INCLUDE, BUT IS NOT LIMITED TO,  
19 COURT DATE REMINDERS AND THE LEAST RESTRICTIVE CONDITIONS OF  
20 RELEASE AS OUTLINED IN SECTION 16-4-105 (8).

21 (5) (a) COMMENCING JULY 1, 2012, EACH PRETRIAL SERVICES  
22 PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL PROVIDE AN  
23 ANNUAL REPORT TO THE JUDICIAL DEPARTMENT NO LATER THAN  
24 NOVEMBER 1 OF EACH YEAR, REGARDLESS OF WHETHER THE PROGRAM  
25 EXISTED PRIOR TO MAY 31, 1991. NOTWITHSTANDING SECTION 24-1-136  
26 (11)(a)(I), THE JUDICIAL DEPARTMENT SHALL PRESENT AN ANNUAL  
27 COMBINED REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF

1 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.  
2 THE REPORT TO THE JUDICIAL DEPARTMENT MUST INCLUDE, BUT IS NOT  
3 LIMITED TO, THE FOLLOWING INFORMATION:

4 (I) THE TOTAL NUMBER OF PRETRIAL ASSESSMENTS PERFORMED BY  
5 THE PRETRIAL SERVICES PROGRAM AND SUBMITTED TO THE COURT;

6 (II) THE TOTAL NUMBER OF CLOSED CASES BY THE PRETRIAL  
7 SERVICES PROGRAM IN WHICH THE PERSON WAS RELEASED FROM CUSTODY  
8 AND SUPERVISED BY THE PRETRIAL SERVICES PROGRAM;

9 (III) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON  
10 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL  
11 SERVICES PROGRAM, AND, WHILE UNDER SUPERVISION, APPEARED FOR ALL  
12 SCHEDULED COURT APPEARANCES ON THE CASE;

13 (IV) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON  
14 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL  
15 SERVICES PROGRAM, AND WAS NOT CHARGED WITH A NEW CRIMINAL  
16 OFFENSE THAT WAS ALLEGED TO HAVE OCCURRED WHILE UNDER  
17 SUPERVISION AND THAT CARRIED THE POSSIBILITY OF A SENTENCE TO JAIL  
18 OR IMPRISONMENT;

19 (V) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON  
20 WAS RELEASED FROM CUSTODY AND WAS SUPERVISED BY THE PRETRIAL  
21 SERVICES PROGRAM, AND THE PERSON'S BOND WAS NOT REVOKED BY THE  
22 COURT DUE TO A VIOLATION OF ANY OTHER TERMS AND CONDITIONS OF  
23 SUPERVISION; AND

24 (VI) ANY ADDITIONAL INFORMATION THE JUDICIAL DEPARTMENT  
25 MAY REQUEST.

26 (b) THE ANNUAL REPORT REQUIRED BY SUBSECTION (5)(a) OF THIS  
27 SECTION BEGINNING IN 2020 AND EACH YEAR THEREAFTER MUST INCLUDE:



1 (I) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON  
2 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL  
3 SERVICES PROGRAM, AND, WHILE UNDER SUPERVISION, DID NOT HAVE A  
4 FAILURE TO APPEAR IN COURT THAT WAS NOT FOLLOWED UP BY A COURT  
5 APPEARANCE IN THAT CASE:

6 (A) WITHIN THIRTY DAYS; AND

7 (B) WITHIN NINETY DAYS.

8 (II) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON  
9 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL  
10 SERVICES PROGRAM, AND WAS NOT CHARGED WITH A NEW CRIMINAL  
11 OFFENSE THAT CONSTITUTES A CRIME AS DEFINED IN SECTION 24-4.1-302  
12 (1) THAT WAS ALLEGED TO HAVE OCCURRED WHILE UNDER SUPERVISION.

13 (6) FOR THE REPORTS REQUIRED IN SUBSECTION (5) OF THIS  
14 SECTION, THE PRETRIAL SERVICES PROGRAM MUST INCLUDE INFORMATION  
15 DETAILING THE NUMBER OF PERSONS RELEASED ON A COMMERCIAL  
16 SURETY BOND IN ADDITION TO PRETRIAL SUPERVISION, THE NUMBER OF  
17 PERSONS RELEASED ON A CASH, PRIVATE SURETY, OR PROPERTY BOND IN  
18 ADDITION TO PRETRIAL SUPERVISION, AND THE NUMBER OF PERSONS  
19 RELEASED ON ANY FORM OF A PERSONAL RECOGNIZANCE BOND IN  
20 ADDITION TO PRETRIAL SUPERVISION.

21 **SECTION 6.** In Colorado Revised Statutes, **add** 16-4-106.5 as  
22 follows:

23 **16-4-106.5. Pretrial services cash fund created - repeal.**

24 (1) (a) THERE IS CREATED IN THE STATE TREASURY THE PRETRIAL  
25 SERVICES CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND", THAT  
26 CONSISTS OF ANY MONEY APPROPRIATED BY THE GENERAL ASSEMBLY TO  
27 THE FUND AND ANY MONEY RECEIVED THROUGH GIFTS, GRANTS, OR

1 DONATIONS. IT IS THE INTENT OF THE GENERAL ASSEMBLY TO  
2 APPROPRIATE MONEY TO THE FUND ON AN ANNUAL BASIS. THE MONEY IN  
3 THE FUND IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
4 ASSEMBLY FOR THE IMPLEMENTATION OF THIS SECTION. THE STATE COURT  
5 ADMINISTRATOR IS AUTHORIZED TO ACCEPT ON BEHALF OF THE STATE ANY  
6 GIFTS, GRANTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR  
7 THE PURPOSE OF THIS SECTION. ALL PRIVATE AND PUBLIC MONEY  
8 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS MUST BE  
9 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME  
10 TO THE FUND.

11 (b) (I) ON JULY 1, 2019, THE STATE TREASURER SHALL TRANSFER  
12 ONE MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE OFFENDER  
13 SERVICES FUND TO THE PRETRIAL SERVICES CASH FUND.

14 (II) ON JULY 1, 2019, THE STATE TREASURER SHALL TRANSFER ONE  
15 MILLION DOLLARS FROM THE GENERAL FUND TO THE PRETRIAL SERVICES  
16 CASH FUND, WHICH IS AN AMOUNT EQUAL TO THE AMOUNT BY WHICH THE  
17 APPROPRIATION TO THE DEPARTMENT OF CORRECTIONS PAROLE  
18 SUBPROGRAM WORK RELEASE PROGRAM IS REDUCED BY SECTION 15 OF  
19 HOUSE BILL 19-1226.

20 (III) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE JULY 1,  
21 2020.

22 (2) MONEY IN THE FUND MUST BE USED TO FUND INDIVIDUAL  
23 COUNTIES OR COUNTIES WORKING IN COOPERATION WITH EACH OTHER  
24 THAT REQUEST FUNDS TO OPERATE OR ASSIST IN THE OPERATION OF A  
25 PRETRIAL SERVICES PROGRAM AS REQUIRED BY SECTION 16-4-106 (1).  
26 MONEY MAY BE USED FOR THE ADMINISTRATIVE AND PERSONNEL COSTS  
27 RELATED TO THE OPERATION OF PRETRIAL SERVICES PROGRAMS AND ANY

1 ADJUNCT SERVICES INCLUDING, BUT NOT LIMITED TO, PROGRAM  
2 DEVELOPMENT, ASSESSMENT SERVICES, CONTRACT SERVICES,  
3 MONITORING, AND SUPERVISION SERVICES. COUNTIES AND COUNTIES  
4 WORKING IN COOPERATION WITH EACH OTHER ARE ENCOURAGED TO SEEK  
5 FUNDING WHEN NECESSARY TO IMPLEMENT LOCALLY BASED PROGRAMS  
6 DESIGNED TO ACHIEVE THE GOALS OF EFFECTIVE PRETRIAL ASSESSMENT  
7 AND SUPERVISION. THE STATE COURT ADMINISTRATOR SHALL PROVIDE  
8 FUNDING WITHIN AVAILABLE APPROPRIATIONS TO A COUNTY OR COUNTIES  
9 WHO REQUEST MONEY TO IMPLEMENT EFFECTIVE PRETRIAL ASSESSMENT  
10 AND SUPERVISION PROGRAMS BASED ON CRITERIA DEVELOPED BY THE  
11 STATE COURT ADMINISTRATOR, WHICH MUST INCLUDE PRIORITY FOR  
12 COUNTIES THAT DO NOT HAVE OR ARE UNABLE TO FUND PRETRIAL  
13 ASSESSMENT AND SUPERVISION PROGRAMS AND A CONSIDERATION OF THE  
14 NUMBER OF PEOPLE WHO WOULD BE SERVED BY THE PRETRIAL  
15 ASSESSMENT AND SUPERVISION PROGRAMS. IF A COUNTY IS UNABLE TO  
16 OPERATE A PRETRIAL SERVICES PROGRAM AS REQUIRED BY SECTION  
17 16-4-106 (1), THE COUNTY SHALL SUBMIT TO THE STATE COURT  
18 ADMINISTRATOR, ON OR BEFORE DECEMBER 31, 2019, A STATEMENT OF  
19 INABILITY TO COMPLY, WHICH MUST OUTLINE, IN DETAIL, THE REASONS  
20 WHY THE COUNTY IS UNABLE TO PROVIDE A PRETRIAL SERVICES PROGRAM  
21 DESPITE A POTENTIAL MONETARY ALLOCATION FROM THE PRETRIAL  
22 SERVICES CASH FUND. THE STATEMENT OF INABILITY TO COMPLY MUST  
23 DESCRIBE WHAT NECESSARY RESOURCES ARE UNAVAILABLE THAT  
24 PREVENT THE ESTABLISHMENT OF A PRETRIAL SERVICES PROGRAM IN THAT  
25 COUNTY, WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, THE NECESSARY  
26 AMOUNT OF FUNDING, THE LACK OF NECESSARY INFRASTRUCTURE, OR THE  
27 LACK OF PERSONNEL OR PROGRAM SERVICES WITHIN THAT COMMUNITY.

1 THE STATEMENT MUST ALSO INCLUDE A DESCRIPTION OF WHAT CHANGES  
2 IN LAW OR OPERATION OR IN THE ALLOCATION OF RESOURCES WOULD  
3 ALLOW THE COUNTY TO ESTABLISH A PRETRIAL SERVICES PROGRAM.

4  
5 **SECTION 7.** In Colorado Revised Statutes, **repeal and reenact,**  
6 **with amendments,** 16-4-107 as follows:

7 **16-4-107. Time frames for commencement of action.**

8 (1) AFTER THE INITIAL HEARING AS PROVIDED BY SECTION 16-4-104, THE  
9 COURT SHALL ORDER THAT THE COMMENCEMENT OF THE CRIMINAL  
10 PROSECUTION BY THE FILING OF A COMPLAINT OR INFORMATION,  
11 PURSUANT TO THE PROVISIONS OF SECTION 16-5-101, MUST TAKE PLACE  
12 WITHIN THREE DAYS AFTER THE INITIAL HEARING, EXCLUDING SATURDAY,  
13 SUNDAY, AND LEGAL HOLIDAYS, UNLESS GOOD CAUSE IS SHOWN TO THE  
14 COURT FOR ADDITIONAL TIME OR THE PARTIES AGREE TO ADDITIONAL  
15 TIME.

16 (2) A DEFENDANT IN CUSTODY HAS SCHEDULING PRECEDENCE  
17 OVER ALL OTHER MATTERS FOR PURPOSES OF LITIGATED HEARINGS AND  
18 TRIALS, SUBJECT TO THE PROVISIONS OF SECTIONS 18-3-411 (4) AND  
19 SECTION 18-1-405.

20 **SECTION 8.** In Colorado Revised Statutes, **repeal and reenact,**  
21 **with amendments,** 16-4-109 as follows:

22 **16-4-109. Reduction or increase of monetary conditions of**  
23 **bond - change in type of bond or conditions of bond - definition.**

24 (1) THE DEFENDANT, THE PROSECUTING ATTORNEY, OR THE BONDING AND  
25 RELEASE COMMISSIONER MAY ASK FOR THE REVIEW AND MODIFICATION OF  
26 ANY MONETARY OR NONMONETARY CONDITION OF BOND IF NEW  
27 INFORMATION IS DISCOVERED THAT WAS NOT PRESENTED AT THE TIME OF

1 THE ORIGINAL SETTING OF BOND AND CONDITIONS OF RELEASE OR IF  
2 CIRCUMSTANCES HAVE CHANGED SINCE THE COURT MADE THE BOND  
3 DETERMINATION AND THIS NEW INFORMATION OR CHANGE IN  
4 CIRCUMSTANCES HAS A BEARING ON WHETHER THE CONDITION OF BOND  
5 IS REASONABLE AND NECESSARY PURSUANT TO THE PROVISIONS OF THIS  
6 SECTION.

7 (2) REQUESTS FOR REVIEW OR MODIFICATION OF A MONETARY OR  
8 NONMONETARY CONDITION OF BOND MAY BE MADE ORALLY OR IN WRITING  
9 WITH REASONABLE NOTICE TO THE OPPOSING PARTY; EXCEPT THAT, IF THE  
10 CASE ALLEGES A CRIME AS DEFINED IN SECTION 24-4.1-302, THE REQUEST  
11 FOR REVIEW MUST BE IN WRITING.

12 (3) THE COURT SHALL HEAR THE REQUEST FOR REVIEW OF A  
13 MONETARY CONDITION OF BOND ON AN EXPEDITED BASIS AND MAKE A  
14 DETERMINATION ON THE RECORD IN ORDER THAT THE DEFENDANT MAY  
15 EXERCISE HIS OR HER RIGHT TO APPEAL PURSUANT TO SECTION 16-4-204,  
16 OR ANY OTHER AVAILABLE APPELLATE REMEDIES.

17 (4) (a) UPON VERIFIED APPLICATION BY THE DISTRICT ATTORNEY  
18 OR A BONDING AND RELEASE COMMISSIONER STATING FACTS OR  
19 CIRCUMSTANCES CONSTITUTING A BREACH OR A THREATENED BREACH OF  
20 ANY OF THE CONDITIONS OF THE BOND, THE COURT MAY ISSUE A WARRANT  
21 COMMANDING ANY PEACE OFFICER TO BRING THE DEFENDANT WITHOUT  
22 UNNECESSARY DELAY BEFORE THE COURT FOR A HEARING ON THE  
23 MATTERS SET FORTH IN THE APPLICATION. UPON ISSUANCE OF THE  
24 WARRANT, THE BONDING AND RELEASE COMMISSIONER SHALL NOTIFY THE  
25 BAIL BOND AGENT OF RECORD BY ELECTRONIC MAIL TO THE AGENT IF  
26 AVAILABLE WITHIN TWENTY-FOUR HOURS OR BY CERTIFIED MAIL NOT  
27 MORE THAN FOURTEEN DAYS AFTER THE WARRANT IS ISSUED. AT THE

1 CONCLUSION OF THE HEARING, THE COURT MAY ENTER AN ORDER  
2 AUTHORIZED BY SUBSECTION (1) OF THIS SECTION. IF A BONDING AND  
3 RELEASE COMMISSIONER FILES AN APPLICATION FOR A HEARING PURSUANT  
4 TO THIS SUBSECTION (4), THE BONDING COMMISSIONER SHALL NOTIFY THE  
5 DISTRICT ATTORNEY FOR THE JURISDICTION IN WHICH THE APPLICATION IS  
6 MADE OF THE APPLICATION WITHIN TWENTY-FOUR HOURS FOLLOWING THE  
7 FILING OF THE APPLICATION.

8 (b) AS USED IN THIS SUBSECTION (4), "BONDING AND RELEASE  
9 COMMISSIONER" MEANS A PERSON EMPLOYED BY A PRETRIAL SERVICES  
10 PROGRAM AS DESCRIBED IN SECTION 16-4-106, OR ANY OTHER PERSON  
11 DESIGNATED AS A BONDING AND RELEASE COMMISSIONER BY THE CHIEF OR  
12 PRESIDING JUDGE OF THE JUDICIAL DISTRICT TO CARRY OUT THE  
13 PROVISIONS OF THIS ARTICLE 4.

14 (5) THE DISTRICT ATTORNEY AND THE DEFENDANT OR HIS OR HER  
15 ATTORNEY HAS THE RIGHT TO APPEAR AT ALL HEARINGS SEEKING  
16 MODIFICATION OF THE TERMS AND CONDITIONS OF BOND AND MAY ADVISE  
17 THE COURT ON ALL PERTINENT MATTERS DURING THE HEARING.

18 **SECTION 9.** In Colorado Revised Statutes, 10-23-105, **amend**  
19 (1) and (2) as follows:

20 **10-23-105. Qualification bond - forfeiture.** (1) Each  
21 cash-bonding agent shall post a cash qualification bond of fifty thousand  
22 dollars with the division. The bond must be to the people of the state of  
23 Colorado in favor of any court in this state, whether municipal, county,  
24 district, or other court, and to the division for the purposes of this section.  
25 In the event of a forfeiture of a cash-bonding agent's qualification bond,  
26 the division has priority over all other claimants. To comply with this  
27 subsection (1), the bond must be conditioned upon full and prompt

1 payment into the court ordering the bond forfeited. Cash-bonding agents  
2 shall not issue bonds except in accordance with ~~section 16-4-104~~  
3 ~~(1)(c)(III), C.R.S.~~ SECTION 16-4-104 (4)(c)(III). In the event of a  
4 qualification bond forfeiture, a cash-bonding agent shall not write new  
5 bail bonds until the qualification bond is restored to fifty thousand dollars.

6 (2) Each professional cash-bail agent shall post a cash  
7 qualification bond of no less than fifty thousand dollars with the division.  
8 The bond shall be to the people of the state of Colorado in favor of any  
9 court in this state, whether municipal, county, district, or other court, and  
10 to the division for the purposes of this section. A professional cash-bail  
11 agent shall not furnish a single bail greater than twice the amount of the  
12 bond posted with the division. In the event of a forfeiture of a  
13 professional cash-bail agent's qualification bond, the division has priority  
14 over all other claimants to the bond. To comply with this subsection (2),  
15 the bond must be conditioned upon full and prompt payment into the  
16 court ordering the bond forfeited. Professional cash-bail agents shall not  
17 issue bonds except in accordance with ~~section 16-4-104(1)(c)(III), C.R.S.~~  
18 SECTION 16-4-104 (4)(c)(III). In the event of a qualification bond  
19 forfeiture, a professional cash-bail agent shall not write new bail bonds  
20 until the qualification bond is restored to at least fifty thousand dollars.

21 **SECTION 10.** In Colorado Revised Statutes, 13-3-101, **add** (11)  
22 as follows:

23 **13-3-101. State court administrator - repeal.** (11) (a) ON OR  
24 BEFORE JANUARY 1, 2020, THE STATE COURT ADMINISTRATOR SHALL, IN  
25 CONSULTATION WITH PRETRIAL SERVICES PROGRAMS AND RELEVANT  
26 PROFESSIONAL ASSOCIATIONS, INCLUDING BUT NOT LIMITED TO ANY  
27 COLORADO ASSOCIATION OF PRETRIAL SERVICES, ESTABLISH AND

1 MAINTAIN MINIMUM STANDARDS FOR PRETRIAL SERVICES PROGRAMS  
2 APPROVED PURSUANT TO SECTION 16-4-106 (1). THE STATE COURT  
3 ADMINISTRATOR SHALL PROVIDE ADMINISTRATIVE OVERSIGHT OF  
4 PRETRIAL SERVICES PROGRAMS AND THEIR OPERATIONS ACCORDING TO  
5 UNIFORM STANDARDS AND PROTOCOLS ESTABLISHED BY THE STATE COURT  
6 ADMINISTRATOR. THE STATE COURT ADMINISTRATOR SHALL REVIEW ANY  
7 STATEMENTS OF INABILITY TO COMPLY SUBMITTED BY ANY COUNTY  
8 PURSUANT TO THE PROVISIONS OF SECTION 16-4-106.5 TO DETERMINE IF  
9 ANY TECHNICAL ASSISTANCE CAN BE PROVIDED TO THE COUNTY TO ALLOW  
10 FOR THE DEVELOPMENT OF A PRETRIAL SERVICES PROGRAM. THE  
11 STATEMENTS OF INABILITY TO COMPLY SUBMITTED TO THE STATE COURT  
12 ADMINISTRATOR SHALL BE INCLUDED IN THE ANNUAL REPORT AS  
13 DESCRIBED IN SECTION 16-4-106 (5) AND (6) ALONG WITH ANY  
14 RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING METHODS OR  
15 FUNDING NEEDED TO ACHIEVE PRETRIAL SERVICES IN EVERY COUNTY IN  
16 THE STATE.

17 (b) (I) THE STATE COURT ADMINISTRATOR SHALL REVIEW AND  
18 APPROVE EMPIRICALLY DEVELOPED AND VALIDATED RISK ASSESSMENT  
19 INSTRUMENTS TO BE USED BY PRETRIAL SERVICES PROGRAMS AND  
20 JUDICIAL OFFICERS.

21 (II) (A) BEGINNING ON JULY 1, 2021, ANY RISK ASSESSMENT  
22 INSTRUMENT APPROVED FOR USE MUST HAVE BEEN EVALUATED AND  
23 VALIDATED IN COLORADO TO MAXIMIZE ACCURACY AND TO  
24 STATISTICALLY MINIMIZE BIAS ON THE BASIS OF RACE, ETHNICITY, AND  
25 GENDER. ADDITIONALLY, THE BOND RELEASE PROCESS, INCLUDING  
26 CONSIDERATION OF THE FACTORS REQUIRED IN SECTION 16-4-104 (2), IF  
27 METHODOLOGICALLY POSSIBLE, AND OUTCOMES INCLUDING THE TYPE OF



1 BOND SET, THE AMOUNT OF ANY SECURED MONETARY CONDITION OF  
2 BOND, AND ANY OTHER CONDITIONS OF RELEASE ON BOND MUST BE  
3 EVALUATED FOR BIAS ON THE BASIS OF RACE, ETHNICITY, AND GENDER.  
4 THE EVALUATIONS REQUIRED IN THIS SECTION MUST BE COMPLETED BY  
5 THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY  
6 OR A NONPROFIT RESEARCH ORGANIZATION.

7 (B) ANY APPROVED RISK ASSESSMENT INSTRUMENT MUST BE  
8 EVALUATED FOR ACCURACY AND FOR BIAS AS DESCRIBED IN SUBSECTION  
9 (11)(b)(II)(A) OF THIS SECTION EVERY THREE YEARS.

10 (C) THE JUDICIAL DEPARTMENT AND THE DEPARTMENT OF PUBLIC  
11 SAFETY, AS PART OF THEIR HEARINGS REQUIRED BY SECTION 2-7-203(2),  
12 SHALL PRESENT THE FINDINGS OF ANY STUDY CONDUCTED TO EVALUATE  
13 A RISK ASSESSMENT INSTRUMENT FOR BIAS AND EFFORTS TO REDUCE ANY  
14 IDENTIFIED BIAS.

15 (D) THE JUDICIAL DEPARTMENT AND THE DEPARTMENT OF PUBLIC  
16 SAFETY SHALL COOPERATE TO DEVELOP AND AGREE UPON STATISTICAL  
17 AND REPORTING METHODOLOGIES TO BE USED FOR THE REPORTING  
18 DESCRIBED IN THIS SUBSECTION (11)(b)(II) AND SHALL SUBMIT A PLAN FOR  
19 IMPLEMENTATION OF THE STATISTICAL AND REPORTING METHODOLOGIES  
20 TO THE GENERAL ASSEMBLY BY JANUARY 1, 2020.

21 (III) BEGINNING ON JANUARY 1, 2024, ANY RISK ASSESSMENT  
22 INSTRUMENT APPROVED FOR USE MUST PROVIDE PRETRIAL  
23 DECISION-MAKERS SEPARATE RISK CATEGORY INFORMATION FOR EACH OF  
24 THE PRETRIAL RISKS IDENTIFIED IN SECTION 16-4-104 (1)(a)(I) AND  
25 (1)(a)(II) IF STATISTICALLY POSSIBLE.

26 (IV) IN ORDER TO EVALUATE AN APPROVED RISK ASSESSMENT  
27 INSTRUMENT FOR BIAS AND PROPER MEASUREMENT OF RISK FACTORS,

1 BEGINNING ON JANUARY 1, 2020, EACH JURISDICTION USING A RISK  
2 ASSESSMENT INSTRUMENT SHALL COLLECT ALL RELEVANT DATA AS  
3 REQUESTED BY THE STATE COURT ADMINISTRATOR IN CONJUNCTION WITH  
4 THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC  
5 SAFETY. THIS DATA MUST INCLUDE, AT A MINIMUM, THE FOLLOWING  
6 INFORMATION FOR EACH PERSON ASSESSED;

7 (A) RACE, ETHNICITY, AND GENDER;  
8 (B) THE PRETRIAL RISK CATEGORY;  
9 (C) SCORES ASSIGNED TO EACH UNDERLYING VARIABLE USED BY  
10 A RISK ASSESSMENT INSTRUMENT;

11 (D) THE TOTAL RISK ASSESSMENT INSTRUMENT SCORE;

12 (E) ANY RECOMMENDATION MADE BY A STRUCTURED  
13 DECISION-MAKING DESIGN, IF AVAILABLE;

14 (F) WHETHER THE RECOMMENDATION OF A STRUCTURED  
15 DECISION-MAKING DESIGN WAS FOLLOWED BY THE COURT, IF AVAILABLE;

16 (G) THE BOND TYPE SET BY THE COURT;

17 (H) THE CONDITIONS OF BOND SET BY THE COURT, WHICH MUST  
18 INCLUDE, BUT IS NOT LIMITED TO, THE MONETARY CONDITIONS IMPOSED;

19 (I) WHETHER THE DEFENDANT WAS RELEASED;

20 (J) IF THE DEFENDANT FAILED TO APPEAR FOR COURT WHILE ON  
21 SUPERVISION, WHETHER THE DEFENDANT SUBSEQUENTLY APPEARED IN  
22 THAT CASE WITHIN THIRTY DAYS, NINETY DAYS, AND ONE HUNDRED  
23 TWENTY DAYS;

24 (K) THE PRETRIAL SUPERVISION OUTCOME; AND

25 (L) THE RESULTS OF ANY ADDITIONAL ASSESSMENTS USED IN  
26 ORDER TO PROVIDE ADDITIONAL INFORMATION TO THE COURT.

27 (V) UPON REQUEST BY THE DIVISION OF CRIMINAL JUSTICE IN THE

1 DEPARTMENT OF PUBLIC SAFETY, THE STATE COURT ADMINISTRATOR  
2 SHALL PROVIDE ANY AVAILABLE INFORMATION NECESSARY TO EVALUATE  
3 AN APPROVED RISK ASSESSMENT PURSUANT TO THIS SECTION.

4 (c) THE STATE COURT ADMINISTRATOR SHALL PROVIDE TECHNICAL  
5 ASSISTANCE TO LOCAL PRETRIAL SERVICES PROGRAM STAKEHOLDERS TO  
6 INCLUDE TRAINING, EDUCATION, INFORMATIONAL MATERIALS, AND TOOLS  
7 TO TRACK OUTCOMES AND FIDELITY TO BEST PRACTICES. THE STATE  
8 COURT ADMINISTRATOR SHALL COLLECT, ANALYZE, AND REPORT  
9 CENTRALIZED DATA TO IDENTIFY PRETRIAL RELEASE SERVICES TRENDS  
10 AND OUTCOMES THROUGHOUT THE STATE.

11 (d) THE STATE COURT ADMINISTRATOR SHALL ALLOCATE MONEY  
12 FROM THE PRETRIAL SERVICES CASH FUND ESTABLISHED IN SECTION  
13 16-4-106.5. THE STATE COURT ADMINISTRATOR SHALL DEVELOP AND  
14 MAINTAIN AN ANNUAL FORMULA FUNDING MODEL TO EQUITABLY AND  
15 OBJECTIVELY ALLOCATE AND DISTRIBUTE THE PRETRIAL SERVICES CASH  
16 FUND AMONG COUNTIES THAT REQUEST MONEY FOR PRETRIAL SERVICES.  
17 COUNTIES WITHOUT PRETRIAL SERVICES PROGRAMS AS OF JULY 1, 2019,  
18 MUST BE THE HIGHEST PRIORITY FOR ALLOCATIONS FROM THE PRETRIAL  
19 SERVICES CASH FUND.

20 (e) THE STATE COURT ADMINISTRATOR SHALL ESTABLISH  
21 ADMINISTRATIVE REPORTING PROCEDURES TO BE USED BY PRETRIAL  
22 SERVICES PROGRAMS. THE STATE COURT ADMINISTRATOR SHALL USE  
23 PRETRIAL SERVICES PROGRAM REPORTS TO ENSURE:

24 (I) EACH PRETRIAL SERVICES PROGRAM'S USE OF MONEY IS  
25 CONSISTENT WITH THE GENERAL ASSEMBLY'S INTENT AS SET FORTH IN  
26 SECTION 16-4-106.5; AND

27 (II) THE JUDICIAL DEPARTMENT MEETS ITS REPORTING

1 REQUIREMENTS AS SET FORTH IN SECTION 16-4-106 (5) AND (6).

2

3 **SECTION 11.** In Colorado Revised Statutes, 16-4-111, **amend**  
4 (3) as follows:

5 **16-4-111. Disposition of security deposits upon forfeiture or**  
6 **termination of bond.** (3) When the defendant has been released upon  
7 deposit of cash or property, upon an unsecured personal recognizance  
8 bond with a monetary condition pursuant to section 16-4-104, ~~(1)(a)~~ or  
9 ~~(1)(b)~~, or upon a surety bond secured by property, if the defendant fails  
10 to appear in accordance with the primary condition of the bond, the court  
11 shall declare a forfeiture. Notice of the order of forfeiture shall be mailed  
12 by the court to the defendant, all sureties, and all depositors or assignees  
13 of any deposits of cash or property if such sureties, depositors, or  
14 assignees have direct contact with the court, at their last-known addresses.  
15 Such notice shall be sent within fourteen days after the entry of the order  
16 of forfeiture. If the defendant does not appear and surrender to the court  
17 having jurisdiction within thirty-five days from the date of the forfeiture  
18 or within that period satisfy the court that appearance and surrender by  
19 the defendant is impossible and without fault by such defendant, the court  
20 may enter judgment for the state against the defendant for the amount of  
21 the bond and costs of the court proceedings. Any cash deposits made with  
22 the clerk of the court shall be applied to the payment of costs. If any  
23 amount of such cash deposit remains after the payment of costs, it shall  
24 be applied to payment of the judgment.

25 **SECTION 12.** In Colorado Revised Statutes, 16-4-203, **amend**  
26 (4) as follows:

27 **16-4-203. Appeal bond hearing - order.** (4) Upon written

1 motion of the state or the defendant, the sentencing court may increase or  
2 reduce the amount of appeal bond, alter the security for or conditions of  
3 the appeal bond, or revoke the appeal bond. Notice of hearing on the  
4 motion shall be given in the manner provided in ~~section 16-4-107~~  
5 SECTION 16-4-109.

6 **SECTION 13.** In Colorado Revised Statutes, 16-8.5-105, **amend**  
7 (1)(c) as follows:

8 **16-8.5-105. Evaluations and report.** (1) (c) The court, when  
9 setting bond pursuant to ~~section 16-4-103~~ SECTION 16-4-104, if the  
10 defendant is eligible for bond, and after receiving any information  
11 pursuant to section 16-4-106, shall not consider the need for the  
12 defendant to receive an evaluation pursuant to this ~~article~~ ARTICLE 8.5.

13 **SECTION 14.** In Colorado Revised Statutes, 19-2-509, **amend**  
14 (4)(a) as follows:

15 **19-2-509. Bail.** (4) (a) In determining the type of bond and  
16 conditions of release for the juvenile, the judge or magistrate fixing the  
17 same shall consider the criteria set forth in ~~section 16-4-103, C.R.S.~~  
18 SECTION 16-4-104.

19 **SECTION 15. Appropriation.** (1) For the 2019-20 state fiscal  
20 year, \$440,493 is appropriated to the judicial department. This  
21 appropriation is from the general fund. To implement this act, this  
22 appropriation may be used as follows:

23 (a) \$330,253 for general courts administration, which amount is  
24 based on an assumption that the department will require an additional 3.7  
25 FTE; and

26 (b) \$110,240 for information technology infrastructure.

27 (2) For the 2019-20 state fiscal year, \$2,500,000 is appropriated to

1 the judicial department. This appropriation is from the pretrial services  
2 cash fund created in section 16-4-106.5 (1), C.R.S. To implement this act,  
3 the department may use this appropriation for assistance to county pretrial  
4 programs.

5 (3) For the 2019-20 state fiscal year, \$39,813 is appropriated to  
6 the department of public safety for use by the division of criminal justice.  
7 This appropriation is from the general fund and is based on an assumption  
8 that the division will require an addition 0.3 FTE. To implement this act,  
9 the division may use this appropriation for DCJ administrative services.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$

**SECTION 16. Appropriation to the department of corrections for the fiscal year beginning July 1, 2019.** In Senate Bill 19-207, section 2, **amend** Part II (5)(A) and the

affected totals, as follows:

**Section 2. Appropriation.**

**PART II**

**DEPARTMENT OF CORRECTIONS**

**(5) COMMUNITY SERVICES**

**(A) Parole Subprogram**

<u>Personal Services</u>	<u>19,007,465</u>		<u>19,007,465</u>				
			<u>(302.2 FTE)</u>				
<u>Operating Expenses</u>	<u>2,615,820</u>		<u>2,615,820</u>				
<u>Parolee Supervision and</u>							
<u>Support Services</u>	<u>11,299,514</u>		<u>9,089,758</u>			<u>2,209,756<sup>a</sup></u>	
<u>Wrap-Around Services</u>							
<u>Program</u>	<u>2,336,782</u>		<u>2,336,782</u>				

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<u>Grants to Community-based</u>						
2	<u>Organizations for Parolee</u>						
3	<u>6,697,140</u>		<u>6,697,140</u>				
4	<u>Community-based</u>						
5	<u>Organizations Housing</u>						
6	<u>500,000</u>		<u>500,000</u>				
7	<u>500,000</u>		<u>500,000</u>				
8	<u>3,500,000</u>		<u>3,500,000</u>				
9	<u>2,500,000</u>		<u>2,500,000</u>				
10	<u>46,456,721</u>						
11	<u>45,456,721</u>						

13 <sup>a</sup> Of this amount, \$2,163,125 shall be transferred from the Judicial Department from the Correctional Treatment Cash Fund Expenditures line item appropriation in the Probation and  
14 Related Services section and \$46,631 shall be transferred from the General Fund appropriation to the Offender Treatment and Services line item in the Probation and Related Services  
15 section. The transfer from the Offender Treatment and Services line item is for the provision of day reporting services.



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APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
<b><u>TOTALS PART II</u></b>						
<b><u>(CORRECTIONS)</u></b>	<u>\$975,865,876</u>	<u>\$872,913,457</u>		<u>\$47,619,442<sup>a</sup></u>	<u>\$51,757,665</u>	<u>\$3,575,312<sup>b</sup></u>
	<u>\$974,865,876</u>	<u>\$871,913,457</u>				

<sup>a</sup> Of this amount, \$21,314,186 contains an (I) notation.

<sup>b</sup> This amount contains an (I) notation.

1           **SECTION 17. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety.