

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0386.01 Michael Dohr x4347

HOUSE BILL 21-1280

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A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ASSIST DEFENDANTS IN SECURING RELEASE**
102 **FROM JAIL THROUGH THE BONDING PROCESS, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(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>.)

The bill requires a court to hold a bond setting hearing within 48 hours after an arrestee's arrival at a jail or holding center beginning on April 1, 2022.

Under current law, a person is allowed to post bond within 2 hours after the sheriff receives the bond information. The bill repeals that

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.

SENATE
3rd Reading Unamended
June 4, 2021

SENATE
2nd Reading Unamended
June 3, 2021

HOUSE
3rd Reading Unamended
May 20, 2021

HOUSE
Amended 2nd Reading
May 19, 2021

requirement. The bill states a bond may be paid at a minimum by cash, money order, or cashier's check, and a judge, judicial officer, or bond hearing officer shall not require a monetary bond be paid in the defendant's name. The bill requires that a defendant who posts bond be released from custody within 6 hours after bond is set. If the custodian fails to release the defendant within 6 hours after the bond has been set, the custodian shall inform the defendant and any person posting bond on behalf of the defendant the reason for the delay and shall document the reason for delay in the defendant's file. The bill requires that after a bond has been paid, the defendant and surety, if any, receive a copy of the bond paperwork, a notice of rights related to bonding, and information regarding the defendant's next court date. The bill requires each jurisdiction to establish a way to pay bond online by January 1, 2022. The bill states that a bond is posted when the surety or defendant pays the bond as evidenced by the time stamp on the bond or bond receipt.

Each sheriff shall post a notice of rights related to bonding on the sheriff's website, including information about how to file a complaint for violations. The sheriff shall include the notice in the inmate handbook and must provide the notice free of charge to anyone requesting a copy. The sheriff shall post a notice that contains the bonding information in the common area of the jail in a location clearly visible to the inmates and clearly visible in the public portion of the jail where a person posts bond.

By October 1, 2021, each sheriff shall:

- Create written policies to comply with statutory bonding requirements;
- Review and update the sheriff's website, signage, paperwork, and forms related to bonding to reflect current law; and
- File a certificate of compliance with the statutory bonding provisions with the division of criminal justice in the department of public safety.

In the case of multiple documented failures to comply with the statutory bonding provisions, the state or any agency of the state may deny any funding request of the sheriff.

The bill creates the position of a bond hearing officer to conduct bond hearings on weekends and holidays throughout the state using audiovisual technology. The bond hearing officer conducts bond hearings throughout the state in the counties that request the service of the bond hearing officer. The public will be able to view the hearings. For each case heard by the bonding hearing officer, the arresting jurisdiction shall electronically transmit the arrest report, pretrial services information, and all other relevant information to the bonding hearing officer prior to the hearing.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-4-102, **amend**
3 (2)(a), (2)(b), and (2)(e); and **add** (2)(h), (2)(i), and (2)(j) as follows:

4 **16-4-102. Right to bail - before conviction.** (2) (a) (I) ~~The chief~~
5 ~~judge of each judicial district shall develop, in conjunction with~~
6 ~~representatives from sheriffs' offices, public defenders' offices, district~~
7 ~~attorneys' offices, county commissioners, and any other agencies~~
8 ~~determined necessary by the chief judge, a plan for setting bond for all~~
9 ~~in-custody defendants within forty-eight hours of arrest. In developing the~~
10 ~~plan, the county commissioners, sheriffs, and district attorneys shall~~
11 ~~provide the chief judge cost estimates of feasibility as well as any~~
12 ~~potential savings from the proposal, including jail bed costs and savings.~~
13 ~~In developing the plan, the chief judge shall evaluate the potential of~~
14 ~~utilizing new or existing audiovisual conference technology. In areas~~
15 ~~where a lack of broadband coverage makes audiovisual conferencing~~
16 ~~impossible or unreliable, the chief judge may evaluate the potential of~~
17 ~~utilizing telephonic hearings. No later than November 1, 2019, the state~~
18 ~~court administrator's office shall report to the judiciary committees of the~~
19 ~~house of representatives and the senate, or any successor committees, the~~
20 ~~plans for all twenty-two judicial districts, not including the Denver county~~
21 ~~court. The report must include an estimate of resources necessary to~~
22 ~~implement this subsection (2)(a).~~ THE ARRESTING JURISDICTION SHALL
23 BRING AN IN-CUSTODY ARRESTEE BEFORE A COURT FOR BOND SETTING AS
24 SOON AS PRACTICABLE, BUT NO LATER THAN FORTY-EIGHT HOURS AFTER
25 AN ARRESTEE ARRIVES AT A JAIL OR HOLDING FACILITY. A JUDGE,
26 MAGISTRATE, OR BOND HEARING OFFICER SHALL HOLD A HEARING WITH AN
27 IN-CUSTODY ARRESTEE AT WHICH THE COURT SHALL ENTER AN

1 INDIVIDUALIZED BOND ORDER AS SOON AS PRACTICABLE, BUT NO LATER
2 THAN FORTY-EIGHT HOURS AFTER AN ARRESTEE ARRIVES AT A JAIL OR
3 HOLDING FACILITY. NOTWITHSTANDING THE REQUIREMENT FOR BOND
4 SETTING WITHIN FORTY-EIGHT HOURS, IT IS NOT A VIOLATION OF THIS
5 SECTION IF A BOND HEARING IS NOT HELD WITHIN FORTY-EIGHT HOURS
6 WHEN THE DELAY IS CAUSED BY AN EMERGENCY THAT REQUIRES THE
7 COURT TO CLOSE OR CIRCUMSTANCES IN WHICH THE DEFENDANT REFUSES
8 TO ATTEND COURT, IS UNABLE TO ATTEND COURT DUE TO A DEBILITATING
9 PHYSICAL AILMENT, OR IS UNABLE TO PROCEED DUE TO DRUG OR ALCOHOL
10 USE OR MENTAL ILLNESS. USE OF AUDIOVISUAL CONFERENCING
11 TECHNOLOGY IS PERMISSIBLE TO EXPEDITE BOND SETTING HEARINGS,
12 INCLUDING PRIOR TO EXTRADITION OF THE DEFENDANT FROM ONE COUNTY
13 TO ANOTHER IN THE STATE OF COLORADO. WHEN HIGH-SPEED INTERNET
14 ACCESS IS UNAVAILABLE, MAKING AUDIOVISUAL CONFERENCING
15 IMPOSSIBLE, THE COURT MAY CONDUCT THE HEARING TELEPHONICALLY.

16 (II) THIS SUBSECTION (2)(a) APPLIES ONLY TO THE INITIAL BOND
17 SETTING BY A JUDGE.

18 (III) THIS SUBSECTION (2)(a) APPLIES TO AN ARRESTEE WHO WAS
19 ARRESTED ON OR AFTER APRIL 1, 2022.

20 (b) (I) ~~Unless extraordinary circumstances exist, a defendant, a~~
21 ~~surety on behalf of the defendant, or another third party on behalf of the~~
22 ~~defendant must be allowed to post bond within two hours after the sheriff~~
23 ~~receives the bond information from the court.~~ A JUDGE, JUDICIAL OFFICER,
24 OR BOND HEARING OFFICER SHALL NOT REQUIRE A MONETARY BOND TO BE
25 PAID IN THE DEFENDANT'S NAME. BOND MAY BE PAID, AT A MINIMUM, BY
26 CASH, MONEY ORDER, OR CASHIER'S CHECK. IF BOND IS PAID BY MONEY
27 ORDER OR CASHIER'S CHECK, THE MONEY ORDER OR CASHIER'S CHECK MAY

1 BE PAYABLE TO THE HOLDING COUNTY. BEFORE BOND IS POSTED, THE
2 SHERIFF SHALL PROVIDE THE DEFENDANT AND SURETY, IF ANY, A COPY OF
3 THE NOTICE DESCRIBED IN SUBSECTION (2)(h)(I) OF THIS SECTION. WHEN
4 THE BOND IS POSTED, THE SHERIFF SHALL PROVIDE THE DEFENDANT AND
5 SURETY, IF ANY, A COPY OF THE BOND PAPERWORK AND INFORMATION
6 REGARDING THE DEFENDANT'S NEXT COURT DATE. THE INDIVIDUAL
7 PROCESSING THE BOND SHALL CERTIFY, IN WRITING, THAT THE PAYOR
8 RECEIVED A COPY OF THE BOND PAPERWORK, THE NOTICE DESCRIBED IN
9 SUBSECTION (2)(h)(I) OF THIS SECTION, AND INFORMATION REGARDING
10 THE DEFENDANT'S NEXT COURT DATE AND SHALL PLACE A COPY OF THE
11 CERTIFICATION IN THE DEFENDANT'S FILE. Notwithstanding the provisions
12 of this section, a sheriff may allow an individual to choose to stay in jail
13 overnight after release when extenuating circumstances exist, including
14 inclement weather, lack of transportation, or lack of shelter.

15 (II) BY JANUARY 1, 2022, EACH JAIL SHALL ESTABLISH A MEANS
16 TO PAY BOND ONLINE WITHOUT THE NEED FOR THE PAYOR TO GO TO THE
17 JAIL IN PERSON TO PAY BOND.

18 (e) Unless extraordinary circumstances exist, the custodian of a
19 jail shall release a defendant WHO IS GRANTED A PERSONAL
20 RECOGNIZANCE BOND as soon as practicable but no later than ~~four~~ SIX
21 hours after the defendant is physically present in the jail. ~~and the~~
22 ~~defendant's bond has been posted.~~ UNLESS EXTRAORDINARY
23 CIRCUMSTANCES EXIST, THE CUSTODIAN OF A JAIL SHALL RELEASE A
24 DEFENDANT WHO IS GRANTED A CASH BOND AS SOON AS PRACTICABLE BUT
25 NO LATER THAN SIX HOURS AFTER BOND IS SET, AFTER THE DEFENDANT IS
26 PHYSICALLY PRESENT IN THE JAIL, AND AFTER THE DEFENDANT OR SURETY
27 NOTIFIES THE JAIL THAT THE DEFENDANT OR SURETY IS PREPARED TO POST

1 BOND. [REDACTED] IF THE CUSTODIAN FAILS TO RELEASE THE DEFENDANT WITHIN
2 SIX HOURS, THE CUSTODIAN SHALL INFORM THE DEFENDANT AND ANY
3 PERSON POSTING BOND ON BEHALF OF THE DEFENDANT THE REASON FOR
4 THE DELAY AND SHALL DOCUMENT THE REASON FOR THE DELAY IN THE
5 DEFENDANT'S FILE. A supervisory condition of release does not serve as
6 a legal basis to continue to detain the defendant; except that, if the
7 defendant is ordered released upon condition of being subject to
8 electronic monitoring, the defendant may be held up to as long as
9 practicable but no longer than twenty-four hours after the defendant is
10 physically present in the jail and the defendant's bond has been posted, if
11 such delay is necessary to ensure the defendant is fitted with electronic
12 monitoring and the court has authorized the defendant to be held until the
13 electronic monitor is fitted. If the court orders electronic monitoring for
14 the protection of a specific individual, and the defendant is ordered to
15 have no contact with that specific individual, and the judge orders that the
16 defendant not be released without electronic monitoring based on finding
17 that the electronic monitoring is necessary for public safety, then the time
18 limits regarding release of the defendant in this ~~subsection~~ SUBSECTION
19 (2)(e) do not apply. However, if a defendant is held more than
20 twenty-four hours after posting bond awaiting electronic monitoring
21 fitting, the sheriff shall bring the defendant to the court the next day the
22 court is in session and explain the reason for the delay.

23 (h) (I) (A) EACH SHERIFF SHALL POST THE FOLLOWING NOTICE OF
24 RIGHTS ON THE SHERIFF'S WEBSITE AND INFORMATION ABOUT HOW TO FILE
25 A COMPLAINT ABOUT VIOLATIONS OF SUBSECTIONS (2)(b) TO (2)(g) OF
26 THIS SECTION:

27 **LEGAL RIGHTS RELATED TO POSTING MONEY BOND**

1 **PURSUANT TO SECTION 16-4-102, COLORADO REVISED STATUTES**

2 1. **BOND FEES, BOOKING FEES, AND OTHER FEES OR**
3 **DEBTS NEVER NEED TO BE PAID TO SECURE A PERSON'S**
4 **RELEASE ON MONEY BOND. A PAYOR NEED ONLY PAY THE**
5 **BOND AMOUNT IN ORDER TO SECURE RELEASE.**

6 2. **WHILE NEVER A BASIS TO HOLD A DEFENDANT IN**
7 **JAIL, THE FOLLOWING FEES ARE CHARGEABLE AS A DEBT TO**
8 **THE DEFENDANT AFTER RELEASE IF THE PAYOR CHOOSES**
9 **NOT TO PAY THE FEES AT THE TIME OF BONDING: A \$10**
10 **BOND FEE AND A MAXIMUM 3.5% CREDIT CARD PAYMENT**
11 **FEE. NO OTHER BOND-RELATED FEES MAY BE CHARGED AT**
12 **ANY TIME, INCLUDING ANY KIOSK FEES OR FEES FOR**
13 **PAYMENT BY CASH, CHECK, OR MONEY ORDER.**

14 3. **BOND PAYMENTS ARE TO BE MADE OUT TO THE**
15 **HOLDING COUNTY AND ARE NEVER TO BE MADE OUT IN THE**
16 **NAME OF THE INCARCERATED PERSON.**

17 4. **A SHERIFF MUST RELEASE A DEFENDANT WITHIN**
18 **SIX HOURS AFTER A PERSONAL RECOGNIZANCE BOND IS**
19 **SET AND THE DEFENDANT HAS RETURNED TO JAIL OR**
20 **WITHIN SIX HOURS AFTER A CASH BOND HAS BEEN SET**
21 **AND THE DEFENDANT HAS RETURNED TO JAIL AND THE**
22 **DEFENDANT OR SURETY NOTIFIED THE JAIL THAT BOND IS**
23 **PREPARED TO BE POSTED, UNLESS EXTRAORDINARY**
24 **CIRCUMSTANCES EXIST. IN THE EVENT OF A DELAY OF MORE**
25 **THAN SIX HOURS, A SURETY AND THE DEFENDANT HAVE A**
26 **RIGHT TO KNOW WHAT, IF ANY, EXTRAORDINARY**
27 **CIRCUMSTANCE IS CAUSING THE DELAY. SUPERVISORY**

1 CONDITIONS OF RELEASE DO NOT JUSTIFY A DELAY IN
2 RELEASE; EXCEPT THAT A SHERIFF MAY HOLD A DEFENDANT
3 FOR UP TO 24 HOURS IF NECESSARY TO ENSURE A
4 DEFENDANT IS FITTED WITH REQUIRED ELECTRONIC
5 MONITORING.

6 5. ANYONE WHO POSTS A MONEY BOND HAS THE RIGHT
7 TO RECEIVE A COPY OF THE BOND PAPERWORK, INCLUDING
8 DOCUMENTATION OF THE NEXT UPCOMING COURT DATE.

9 6. **A SURETY MAY NEVER BE ASKED TO USE POSTED**
10 **BOND MONEY TO PAY A DEFENDANT'S DEBTS.** ONLY WHEN
11 DEFENDANTS HAVE POSTED THEIR OWN MONEY BOND MAY
12 THEY BE ASKED IF THEY WOULD LIKE TO VOLUNTARILY
13 RELINQUISH BOND MONEY TO PAY THEIR DEBTS.
14 RELINQUISHMENT OF BOND MONEY BY A DEFENDANT TO
15 PAY A DEBT IS NEVER REQUIRED AND IS ENTIRELY A
16 VOLUNTARY CHOICE BY THE DEFENDANT.

17 (B) THE NOTICE DESCRIBED IN THIS SUBSECTION (2)(h)(I) MUST
18 INCLUDE INFORMATION ABOUT HOW TO FILE A COMPLAINT ABOUT
19 VIOLATIONS OF THESE PROVISIONS.

20 (II) THE SHERIFF SHALL INCLUDE THE NOTICE DESCRIBED IN
21 SUBSECTION (2)(h)(I) OF THIS SECTION IN THE INMATE HANDBOOK. THE
22 NOTICE MUST ALSO BE AVAILABLE AT THE BONDING COUNTER AND
23 PROVIDED TO ANY INDIVIDUAL, INCLUDING A DEFENDANT, INQUIRING
24 ABOUT POSTING BOND.

25 (i) EACH SHERIFF SHALL POST A NOTICE BOTH IN THE COMMON
26 AREA OF THE JAIL IN A LOCATION CLEARLY VISIBLE TO THE INMATES AND
27 IN THE PUBLIC PORTION OF THE JAIL WHERE A PERSON POSTS BOND,

1 CLEARLY VISIBLE TO A PERSON POSTING BOND, THAT CONTAINS THE
2 FOLLOWING INFORMATION:

3 (I) BOND FEES, BOOKING FEES, AND OTHER FEES OR DEBTS NEVER
4 NEED TO BE PAID TO SECURE A PERSON'S RELEASE ON MONEY BOND. A
5 PAYOR NEED ONLY PAY THE BOND AMOUNT IN ORDER TO SECURE RELEASE.

6 (II) THE SHERIFF SHALL RELEASE A DEFENDANT WITHIN SIX HOURS
7 AFTER A PERSONAL RECOGNIZANCE BOND IS SET AND THE DEFENDANT HAS
8 RETURNED TO JAIL OR WITHIN SIX HOURS AFTER A CASH BOND HAS BEEN
9 SET AND THE DEFENDANT HAS RETURNED TO JAIL AND THE DEFENDANT OR
10 SURETY NOTIFIED THE JAIL THAT BOND IS PREPARED TO BE POSTED, UNLESS
11 EXTRAORDINARY CIRCUMSTANCES EXIST. HOWEVER, A SHERIFF MAY HOLD
12 A DEFENDANT FOR UP TO TWENTY-FOUR HOURS IF NECESSARY TO ENSURE
13 A DEFENDANT IS FITTED WITH REQUIRED ELECTRONIC MONITORING.


14 (III) HOW TO FILE A COMPLAINT ABOUT VIOLATIONS OF
15 SUBSECTIONS (2)(i)(I) AND (2)(i)(II) OF THIS SECTION.

16 (j) (I) EACH SHERIFF SHALL CREATE WRITTEN POLICIES TO COMPLY
17 WITH THIS SUBSECTION (2) BY OCTOBER 1, 2021. THE SHERIFF SHALL POST
18 THE POLICIES ON THE SHERIFF'S WEBSITE AND DISTRIBUTE THEM TO ALL
19 STAFF. THE SHERIFF SHALL TRAIN ALL STAFF WHO PROCESS BONDS OR
20 INTERACT WITH INMATES ON THE POLICIES.

21 (II) EACH SHERIFF SHALL REVIEW AND UPDATE THE SHERIFF'S
22 WEBSITE, SIGNAGE, PAPERWORK, AND FORMS RELATED TO BONDING TO
23 REFLECT CURRENT LAW BY OCTOBER 1, 2021, AND UPDATE THE SHERIFF'S
24 WEBSITE, SIGNAGE, PAPERWORK, AND FORMS RELATED TO BONDING AS
25 NECESSARY THEREAFTER.

26 (III) EACH SHERIFF SHALL FILE A CERTIFICATE OF COMPLIANCE
27 WITH THIS SUBSECTION (2), A COPY OF THE WRITTEN POLICIES REQUIRED

1 BY SUBSECTION (2)(j)(I) OF THIS SECTION, AND THE NOTICES REQUIRED BY
2 SUBSECTIONS (2)(h)(I)(A) AND (2)(i) OF THIS SECTION WITH THE DIVISION
3 OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, BY
4 OCTOBER 1, 2021, AND EACH OCTOBER 1 THEREAFTER. COPIES OF THE
5 POLICIES AND NOTICES ONLY HAVE TO BE PROVIDED WHEN UPDATED. THE
6 SHERIFF SHALL USE THE CERTIFICATE OF COMPLIANCE FORM DEVELOPED
7 BY THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC
8 SAFETY PURSUANT TO SECTION 24-33.5-503 (1)(bb).

9 
10 **SECTION 2.** In Colorado Revised Statutes, 16-4-104, **add (5),**
11 **(6), (7), and (8) as follows:**

12 **16-4-104. Types of bond set by the court. (5)** AT THE INITIAL
13 HEARING, THE PERSON HAS THE RIGHT TO BE REPRESENTED BY AN
14 ATTORNEY AND THE COURT SHALL ADVISE THE PERSON OF THE POSSIBLE
15 CHARGES, PENALTIES, AND THE PERSON'S RIGHTS AS SPECIFIED IN RULE 5
16 OF THE COLORADO RULES OF CRIMINAL PROCEDURE, UNLESS WAIVED BY
17 THE PERSON. THE COURT SHALL NOTIFY THE PUBLIC DEFENDER OF EACH
18 PERSON IN CUSTODY BEFORE THE INITIAL HEARING, AND EACH PERSON IN
19 CUSTODY HAS THE RIGHT TO BE REPRESENTED BY A PUBLIC DEFENDER AT
20 THE HEARING. THE COURT SHALL PROVIDE THE PERSON'S ATTORNEY
21 SUFFICIENT TIME TO PREPARE FOR AND PRESENT AN INDIVIDUALIZED
22 ARGUMENT REGARDING THE TYPE OF BOND AND CONDITIONS OF RELEASE
23 AT THE INITIAL HEARING, CONSISTENT WITH THE COURT'S DOCKET AND
24 SCHEDULING PRIORITIES.

25 **(6)** THE PROSECUTING ATTORNEY HAS THE RIGHT TO BE NOTIFIED
26 OF EACH PERSON SET FOR INITIAL HEARING, TO APPEAR AT ALL INITIAL
27 HEARINGS TO PROVIDE HIS OR HER POSITION REGARDING THE TYPE OF

1 BOND AND CONDITIONS OF RELEASE, AND SHALL BE PROVIDED SUFFICIENT
2 TIME BY THE COURT TO PREPARE FOR AND PRESENT ANY RELEVANT
3 ARGUMENT, CONSISTENT WITH THE COURT'S DOCKET AND SCHEDULING
4 PRIORITIES.

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

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

19 **SECTION 3.** In Colorado Revised Statutes, **add 16-4-116 and**
20 **16-4-117** as follows:

21 **16-4-116. Bond hearing officer.** (1) (a) THERE IS CREATED IN
22 THE STATE COURT ADMINISTRATOR'S OFFICE THE POSITION OF BOND
23 HEARING OFFICER. A BOND HEARING OFFICER IS A MAGISTRATE APPOINTED
24 BY THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT OR HIS OR HER
25 DESIGNEE AND MUST BE A QUALIFIED ATTORNEY-AT-LAW ADMITTED TO
26 PRACTICE IN THIS STATE AND IN GOOD STANDING.

27 (b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE

1 CONTRARY, A BOND HEARING OFFICER HAS THE AUTHORITY TO CONDUCT
2 BOND HEARINGS FOR ANY JURISDICTION IN THE STATE. A BOND HEARING
3 OFFICER SHALL CONDUCT BOND HEARINGS ON WEEKENDS AND HOLIDAYS
4 USING AN INTERACTIVE AUDIOVISUAL DEVICE THAT PROVIDES THE PUBLIC
5 WITH THE OPPORTUNITY TO VIEW THE HEARING AND THE CRIME VICTIM, IF
6 ANY, WITH AN OPPORTUNITY TO PARTICIPATE IN THE HEARING IF DESIRED.

7 (2) (a) (I) EACH JUDICIAL DISTRICT THAT CONTAINS A COUNTY
8 THAT IS DESIGNATED AS A HIGH PRIORITY OR ELIGIBLE COUNTY BY THE
9 UNDERFUNDED COURTHOUSE FACILITY CASH FUND COMMISSION, CREATED
10 IN SECTION 13-1-303, HAS THE RIGHT TO HAVE A BOND HEARING OFFICER
11 CONDUCT WEEKEND AND HOLIDAY BOND HEARINGS. THE CHIEF JUDGE OF
12 THE JUDICIAL DISTRICT SHALL NOTIFY THE STATE COURT ADMINISTRATOR
13 IF THE JUDICIAL DISTRICT WANTS TO HAVE A BOND HEARING OFFICER
14 CONDUCT BOND HEARINGS ON A WEEKEND OR HOLIDAY.

15 (II) IF ANY OTHER JUDICIAL DISTRICT WANTS TO HAVE A BOND
16 HEARING OFFICER CONDUCT BOND HEARINGS, THE CHIEF JUDGE OF THE
17 JUDICIAL DISTRICT SHALL NOTIFY THE STATE COURT ADMINISTRATOR. THE
18 STATE COURT ADMINISTRATOR SHALL DETERMINE WHICH JUDICIAL
19 DISTRICTS NOT SUBJECT TO SUBSECTION (2)(a)(I) OF THIS SECTION THE
20 BOND HEARING OFFICER CAN SERVE WITHIN AVAILABLE RESOURCES.

21 (b) THE STATE COURT ADMINISTRATOR SHALL POST A SCHEDULE
22 FOR THE BOND HEARINGS TO BE HELD BY A BOND HEARING OFFICER ON ITS
23 WEBSITE.

24 (3) FOR EACH CASE HEARD BY A BOND HEARING OFFICER, THE
25 ARRESTING JURISDICTION SHALL ELECTRONICALLY TRANSMIT THE ARREST
26 REPORT, PRETRIAL SERVICES INFORMATION, AND ALL OTHER RELEVANT
27 INFORMATION TO THE BONDING HEARING OFFICER PRIOR TO THE HEARING.

1 **16-4-117. District attorney assistance for bond hearings grant**

2 **program - created - cash fund - rules - repeal.** (1) ALL COSTS AND
3 EXPENSES RELATED TO A DISTRICT ATTORNEYS' OFFICE'S ABILITY TO
4 COMPLY WITH THE BOND HEARING REQUIREMENTS OF SECTION 16-4-102
5 (2)(a) ARE REASONABLE AND NECESSARY EXPENSES REQUIRED TO FULLY
6 DISCHARGE THE OFFICIAL DUTIES OF THE OFFICE.

7 (2) THERE IS HEREBY CREATED IN THE COLORADO DISTRICT
8 ATTORNEYS' COUNCIL THE DISTRICT ATTORNEY ASSISTANCE FOR BOND
9 HEARINGS GRANT PROGRAM TO PROVIDE GRANTS TO ASSIST DISTRICT
10 ATTORNEYS IN COMPLYING WITH SECTION 16-4-102 (2)(a).

11 (3) GRANT RECIPIENTS SHALL USE THE MONEY TO PAY FOR ANY
12 REASONABLE COST OR EXPENSE DIRECTLY RELATED TO COMPLIANCE WITH
13 SECTION 16-4-102 (2)(a), INCLUDING BUT NOT LIMITED TO PERSONNEL,
14 EQUIPMENT, AND TRAVEL.

15 (4) THE COLORADO DISTRICT ATTORNEYS' COUNCIL SHALL
16 ADMINISTER THE GRANT PROGRAM AND, SUBJECT TO AVAILABLE
17 APPROPRIATIONS, SHALL AWARD GRANTS. SUBJECT TO AVAILABLE
18 APPROPRIATIONS, GRANTS SHALL BE PAID OUT OF THE DISTRICT ATTORNEY
19 ASSISTANCE FOR BOND HEARINGS CASH FUND CREATED IN SUBSECTION (9)
20 OF THIS SECTION.

21 (5) THE COLORADO DISTRICT ATTORNEYS' COUNCIL SHALL
22 PROMULGATE SUCH RULES AS MAY BE NECESSARY TO IMPLEMENT THE
23 GRANT PROGRAM. AT A MINIMUM, THE RULES MUST SPECIFY THE TIME
24 FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT PROGRAM
25 APPLICATION, AND THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY.

26 (6) TO RECEIVE A GRANT, A DISTRICT ATTORNEY MUST SUBMIT AN
27 APPLICATION TO THE COLORADO DISTRICT ATTORNEYS' COUNCIL IN

1 ACCORDANCE WITH RULES PROMULGATED BY THE COLORADO DISTRICT
2 ATTORNEYS' COUNCIL.

3 (7) THE COLORADO DISTRICT ATTORNEYS' COUNCIL EXECUTIVE
4 COMMITTEE SHALL REVIEW ALL APPLICATIONS RECEIVED PURSUANT TO
5 THIS SECTION AND SHALL PRIORITIZE AWARDED AT LEAST SEVENTY-FIVE
6 PERCENT OF ALL AVAILABLE GRANT MONEY TO DISTRICT ATTORNEYS'
7 OFFICES LOCATED IN A JUDICIAL DISTRICT WITH A POPULATION BASE OF
8 TWO HUNDRED THOUSAND PEOPLE OR FEWER TO COMPLY WITH SECTION
9 16-4-102 (2)(a).

10 (8) SUBJECT TO AVAILABLE APPROPRIATIONS, ON OR BEFORE
11 OCTOBER 1 EACH YEAR OF THE GRANT PROGRAM, THE COLORADO
12 DISTRICT ATTORNEYS' COUNCIL SHALL AWARD GRANTS.

13 (9) (a) THE DISTRICT ATTORNEY ASSISTANCE FOR BOND HEARINGS
14 CASH FUND, REFERRED TO IN THIS SUBSECTION (9) AS THE "FUND", IS
15 HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF
16 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
17 TO THE FUND. THE DEPARTMENT OF LAW SHALL ADMINISTER THE FUND.

18 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
19 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
20 FUND TO THE FUND.

21 (c) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING
22 IN THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND
23 AND MAY BE SPENT IN FUTURE FISCAL YEARS.

24 **SECTION 4.** In Colorado Revised Statutes, 20-1-111, **add** (4)(d)
25 as follows:

26 **20-1-111. District attorneys may cooperate or contract -**
27 **contents - appropriation - repeal.** (4) (d) THE GENERAL ASSEMBLY

1 SHALL ANNUALLY APPROPRIATE NECESSARY FUNDS TO THE DEPARTMENT
2 OF LAW FOR ALLOCATION TO THE COLORADO DISTRICT ATTORNEYS'
3 COUNCIL, OR ITS SUCCESSOR, FOR THE PUBLIC PURPOSE OF PROVIDING
4 GRANTS TO LOCAL DISTRICT ATTORNEYS' OFFICES TO COVER COSTS AND
5 EXPENSES RELATED TO COMPLYING WITH THE BOND HEARING
6 REQUIREMENTS OF SECTION 16-4-102 (2)(a). BY NOVEMBER 1 OF EACH
7 YEAR, THE COLORADO DISTRICT ATTORNEYS' COUNCIL SHALL SUBMIT A
8 REQUEST TO THE JOINT BUDGET COMMITTEE FOR NECESSARY FUNDS
9 CONSISTENT WITH THIS SUBSECTION (4)(d).

10 **SECTION 5.** In Colorado Revised Statutes, 24-33.5-503, **amend**
11 (1)(z); and **add** (1)(bb) and (1)(cc) as follows:

12 **24-33.5-503. Duties of division.** (1) The division has the
13 following duties:

14 (z) To provide training on the Colorado risk assessment scale and
15 the administrative release guideline instrument as required by section
16 17-22.5-404 (2)(c); ~~C.R.S.~~; and

17 (bb) TO DEVELOP THE CERTIFICATE OF COMPLIANCE REQUIRED BY
18 SECTION 16-4-102 (2)(j)(III) THAT INCLUDES SPECIFIC CERTIFICATIONS
19 FOR:

20 (I) POSTING THE NOTICES REQUIRED BY SECTION 16-4-102
21 (2)(h)(I)(A) AND (2)(i) FOR INMATES AND THE PUBLIC TO SEE;

22 (II) CREATION AND PROVISION OF THE NOTICE REQUIRED BY
23 SECTION 16-4-102 (2)(h);

24 (III) CREATION AND TRAINING ON THE WRITTEN POLICIES
25 REQUIRED BY SECTION 16-4-102 (2)(j)(I); AND

26 (IV) TIMELY UPDATES REQUIRED BY SECTION 16-4-102 (2)(j)(II);
27 AND

1 (cc) MAINTAIN A PUBLICLY ACCESSIBLE DATABASE OF THE
2 CERTIFICATES OF COMPLIANCE, POLICIES, AND NOTICES FILED BY A SHERIFF
3 PURSUANT TO SECTION 16-4-102 (2)(j)(III).

4 **SECTION 6. Appropriation.** (1) For the 2021-22 state fiscal
5 year, \$412,816 is appropriated to the judicial department for use by courts
6 administration. This appropriation consists of \$318,184 from the general
7 fund and \$94,632 from the judicial department information technology
8 cash fund created in section 13-32-114 (1), C.R.S. To implement this act,
9 the department may use this appropriation as follows:

10 (a) \$115,332, which consists of \$47,100 from the general fund
11 and \$68,232 from the judicial department information technology cash
12 fund created in section 13-32-114 (1), C.R.S., for general courts
13 administration, which amount is based on an assumption that the
14 department will require an additional 1.0 FTE;

15 (b) \$92,218, which consists of \$65,818 from the general fund and
16 \$26,400 from the judicial department information technology cash fund
17 created in section 13-32-114 (1), C.R.S., for capital outlay; and

18 (c) \$205,266 from the general fund for trial court programs, which
19 amount is based on an assumption that the department will require an
20 additional 2.2 FTE.

21 (2) For the 2021-22 state fiscal year, \$67,136 is appropriated to
22 the judicial department for use by the office of the state public defender.
23 This appropriation is from the general fund. To implement this act, the
24 office may use this appropriation as follows:

25 (a) \$27,836 for personal services;

26 (b) \$38,000 for capital outlay; and

27 (c) \$1,300 for operating expenses.

1 (3) For the 2021-22 state fiscal year, \$19,500 is appropriated to
2 the department of public safety for use by the division of criminal justice.
3 This appropriation is from the general fund. To implement this act, the
4 division may use this appropriation for DCJ administrative services.

5 (4) For the 2021-22 state fiscal year, \$150,000 is appropriated to
6 the district attorney assistance for bond hearings cash fund created in
7 section 16-4-117 (9)(a), C.R.S. This appropriation is from the general
8 fund. The department of law is responsible for the accounting related to
9 this appropriation.

10 (5) For the 2021-22 state fiscal year, \$150,000 is appropriated to
11 the department of law. This appropriation is from reappropriated funds in
12 the district attorney assistance for bond hearings cash fund under
13 subsection (4) of this section. To implement this act, the department may
14 use the appropriation for the district attorney assistance for bond hearings
15 grant program.

16 **SECTION 7. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly; except
19 that, if a referendum petition is filed pursuant to section 1 (3) of article V
20 of the state constitution against this act or an item, section, or part of this
21 act within such period, then the act, item, section, or part will not take
22 effect unless approved by the people at the general election to be held in
23 November 2022 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.