

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

**PREAMENDED**

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

LLS NO. 21-0386.01 Michael Dohr x4347

**HOUSE BILL 21-1280**

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**HOUSE SPONSORSHIP**

**Woodrow and Gonzales-Gutierrez,**

**SENATE SPONSORSHIP**

**Lee and Rodriguez,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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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.**

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**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.

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 (IV) IN THE CASE OF MULTIPLE DOCUMENTED FAILURES TO  
10 COMPLY WITH THIS SUBSECTION (2) BY A SHERIFF'S OFFICE, THE STATE OR  
11 ANY AGENCY OF THE STATE MAY DENY ANY FUNDING REQUEST MADE BY  
12 THE SHERIFF IF THE SHERIFF RECEIVED WRITTEN NOTICE OF THE  
13 VIOLATIONS AND THE SHERIFF DID NOT CURE THE VIOLATIONS WITHIN  
14 THIRTY DAYS AFTER THE RECEIPT OF THE WRITTEN NOTICE.

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

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

1 AT THE INITIAL HEARING, CONSISTENT WITH THE COURT'S DOCKET AND  
2 SCHEDULING PRIORITIES.

3 (6) THE PROSECUTING ATTORNEY HAS THE RIGHT TO BE NOTIFIED  
4 OF EACH PERSON SET FOR INITIAL HEARING, TO APPEAR AT ALL INITIAL  
5 HEARINGS TO PROVIDE HIS OR HER POSITION REGARDING THE TYPE OF  
6 BOND AND CONDITIONS OF RELEASE, AND SHALL BE PROVIDED SUFFICIENT  
7 TIME BY THE COURT TO PREPARE FOR AND PRESENT ANY RELEVANT  
8 ARGUMENT, CONSISTENT WITH THE COURT'S DOCKET AND SCHEDULING  
9 PRIORITIES.

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

19 (8) THE SHERIFF'S OFFICE AND JAIL PERSONNEL SHALL PROVIDE THE  
20 PUBLIC DEFENDER'S OFFICE OR PRIVATE COUNSEL ACCESS TO THE PERSON  
21 WHO WILL BE APPEARING AT THE HEARING AND SHALL ALLOW SUFFICIENT  
22 TIME WITH THE PERSON PRIOR TO THE HEARING IN ORDER TO PREPARE FOR  
23 THE INITIAL HEARING.

24 **SECTION 3.** In Colorado Revised Statutes, **add 16-4-116 and**  
25 **16-4-117** as follows:

26 **16-4-116. Bond hearing officer.** (1) (a) THERE IS CREATED IN  
27 THE STATE COURT ADMINISTRATOR'S OFFICE THE POSITION OF BOND

1 HEARING OFFICER. A BOND HEARING OFFICER IS APPOINTED BY THE CHIEF  
2 JUSTICE OF THE COLORADO SUPREME COURT OR HIS OR HER DESIGNEE AND  
3 MUST BE A QUALIFIED ATTORNEY-AT-LAW ADMITTED TO PRACTICE IN THIS  
4 STATE AND IN GOOD STANDING.

5 (b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
6 CONTRARY, A BOND HEARING OFFICER HAS THE AUTHORITY TO CONDUCT  
7 BOND HEARINGS FOR ANY JURISDICTION IN THE STATE. A BOND HEARING  
8 OFFICER SHALL CONDUCT BOND HEARINGS ON WEEKENDS AND HOLIDAYS  
9 USING AN INTERACTIVE AUDIOVISUAL DEVICE THAT PROVIDES THE PUBLIC  
10 WITH THE OPPORTUNITY TO VIEW THE HEARING AND THE CRIME VICTIM, IF  
11 ANY, WITH AN OPPORTUNITY TO PARTICIPATE IN THE HEARING IF DESIRED.

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

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

26 (b) THE STATE COURT ADMINISTRATOR SHALL POST A SCHEDULE  
27 FOR THE BOND HEARINGS TO BE HELD BY A BOND HEARING OFFICER ON ITS

1 WEBSITE.

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

6 **16-4-117. District attorney assistance for bond hearings grant**  
7 **program - created - cash fund - rules - repeal.** (1) ALL COSTS AND  
8 EXPENSES RELATED TO A DISTRICT ATTORNEYS' OFFICE'S ABILITY TO  
9 COMPLY WITH THE BOND HEARING REQUIREMENTS OF SECTION 16-4-102  
10 (2)(a) ARE REASONABLE AND NECESSARY EXPENSES REQUIRED TO FULLY  
11 DISCHARGE THE OFFICIAL DUTIES OF THE OFFICE.

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

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

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

26 (5) THE COLORADO DISTRICT ATTORNEYS' COUNCIL SHALL  
27 PROMULGATE SUCH RULES AS MAY BE NECESSARY TO IMPLEMENT THE

1 GRANT PROGRAM. AT A MINIMUM, THE RULES MUST SPECIFY THE TIME  
2 FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT PROGRAM  
3 APPLICATION, AND THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY.

4 (6) TO RECEIVE A GRANT, A DISTRICT ATTORNEY MUST SUBMIT AN  
5 APPLICATION TO THE COLORADO DISTRICT ATTORNEYS' COUNCIL IN  
6 ACCORDANCE WITH RULES PROMULGATED BY THE COLORADO DISTRICT  
7 ATTORNEYS' COUNCIL.

8 (7) THE COLORADO DISTRICT ATTORNEYS' COUNCIL EXECUTIVE  
9 COMMITTEE SHALL REVIEW ALL APPLICATIONS RECEIVED PURSUANT TO  
10 THIS SECTION AND SHALL PRIORITIZE AWARDING AT LEAST SEVENTY-FIVE  
11 PERCENT OF ALL AVAILABLE GRANT MONEY TO DISTRICT ATTORNEYS'  
12 OFFICES LOCATED IN A JUDICIAL DISTRICT WITH A POPULATION BASE OF  
13 TWO HUNDRED THOUSAND PEOPLE OR FEWER TO COMPLY WITH SECTION  
14 16-4-102 (2)(a).

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

18 (9) (a) THE DISTRICT ATTORNEY ASSISTANCE FOR BOND HEARINGS  
19 CASH FUND, REFERRED TO IN THIS SUBSECTION (9) AS THE "FUND", IS  
20 HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF  
21 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER  
22 TO THE FUND.

23 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
24 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
25 FUND TO THE FUND.

26 (c) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING  
27 IN THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND

1 AND MAY BE SPENT IN FUTURE FISCAL YEARS.

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

4 **20-1-111. District attorneys may cooperate or contract -**  
5 **contents - appropriation - repeal.** (4) (d) THE GENERAL ASSEMBLY  
6 SHALL ANNUALLY APPROPRIATE NECESSARY FUNDS TO THE DEPARTMENT  
7 OF LAW FOR ALLOCATION TO THE COLORADO DISTRICT ATTORNEYS'  
8 COUNCIL, OR ITS SUCCESSOR, FOR THE PUBLIC PURPOSE OF PROVIDING  
9 GRANTS TO LOCAL DISTRICT ATTORNEYS' OFFICES TO COVER COSTS AND  
10 EXPENSES RELATED TO COMPLYING WITH THE BOND HEARING  
11 REQUIREMENTS OF SECTION 16-4-102 (2)(a). BY NOVEMBER 1 OF EACH  
12 YEAR, THE COLORADO DISTRICT ATTORNEYS' COUNCIL SHALL SUBMIT A  
13 REQUEST TO THE JOINT BUDGET COMMITTEE FOR NECESSARY FUNDS  
14 CONSISTENT WITH THIS SUBSECTION (4)(d).

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

17 **24-33.5-503. Duties of division.** (1) The division has the  
18 following duties:

19 (z) To provide training on the Colorado risk assessment scale and  
20 the administrative release guideline instrument as required by section  
21 17-22.5-404 (2)(c); ~~C.R.S.~~; and

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

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

27 (II) CREATION AND PROVISION OF THE NOTICE REQUIRED BY

1 SECTION 16-4-102 (2)(h);  
2 (III) CREATION AND TRAINING ON THE WRITTEN POLICIES  
3 REQUIRED BY SECTION 16-4-102 (2)(j)(I); AND  
4 (IV) TIMELY UPDATES REQUIRED BY SECTION 16-4-102 (2)(j)(II);  
5 AND  
6 (cc) MAINTAIN A PUBLICLY ACCESSIBLE DATABASE OF THE  
7 CERTIFICATES OF COMPLIANCE, POLICIES, AND NOTICES FILED BY A SHERIFF  
8 PURSUANT TO SECTION 16-4-102 (2)(j)(III).

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

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

20 (b) \$92,218, which consists of \$65,818 from the general fund and  
21 \$26,400 from the judicial department information technology cash fund  
22 created in section 13-32-114 (1), C.R.S., for capital outlay; and

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

26 (2) For the 2021-22 state fiscal year, \$67,136 is appropriated to  
27 the judicial department for use by the office of the state public defender.



1 This appropriation is from the general fund. To implement this act, the  
2 office may use this appropriation as follows:

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

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

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

6 (3) For the 2021-22 state fiscal year, \$19,500 is appropriated to  
7 the department of public safety for use by the division of criminal justice.

8 This appropriation is from the general fund. To implement this act, the  
9 division may use this appropriation for DCJ administrative services.

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

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

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

- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.