

**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.**

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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 requirement. The bill states a bond may be paid at a minimum by cash,

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.

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

3           **16-4-102. Right to bail - before conviction.** (2) (a) (I) ~~The chief~~  
4 ~~judge of each judicial district shall develop, in conjunction with~~  
5 ~~representatives from sheriffs' offices, public defenders' offices, district~~  
6 ~~attorneys' offices, county commissioners, and any other agencies~~  
7 ~~determined necessary by the chief judge, a plan for setting bond for all~~  
8 ~~in-custody defendants within forty-eight hours of arrest. In developing the~~  
9 ~~plan, the county commissioners, sheriffs, and district attorneys shall~~  
10 ~~provide the chief judge cost estimates of feasibility as well as any~~  
11 ~~potential savings from the proposal, including jail bed costs and savings.~~  
12 ~~In developing the plan, the chief judge shall evaluate the potential of~~  
13 ~~utilizing new or existing audiovisual conference technology. In areas~~  
14 ~~where a lack of broadband coverage makes audiovisual conferencing~~  
15 ~~impossible or unreliable, the chief judge may evaluate the potential of~~  
16 ~~utilizing telephonic hearings. No later than November 1, 2019, the state~~  
17 ~~court administrator's office shall report to the judiciary committees of the~~  
18 ~~house of representatives and the senate, or any successor committees, the~~  
19 ~~plans for all twenty-two judicial districts, not including the Denver county~~  
20 ~~court. The report must include an estimate of resources necessary to~~  
21 ~~implement this subsection (2)(a).~~ THE ARRESTING JURISDICTION SHALL  
22 BRING AN IN-CUSTODY ARRESTEE BEFORE A COURT FOR BOND SETTING AS  
23 SOON AS PRACTICABLE, BUT NO LATER THAN FORTY-EIGHT HOURS AFTER  
24 AN ARRESTEE ARRIVES AT A JAIL OR HOLDING FACILITY. A JUDGE,  
25 MAGISTRATE, OR BOND HEARING OFFICER SHALL HOLD A HEARING WITH AN  
26 IN-CUSTODY ARRESTEE AT WHICH THE COURT SHALL ENTER AN  
27 INDIVIDUALIZED BOND ORDER AS SOON AS PRACTICABLE, BUT NO LATER

1 THAN FORTY-EIGHT HOURS AFTER AN ARRESTEE ARRIVES AT A JAIL OR  
2 HOLDING FACILITY. NOTWITHSTANDING THE REQUIREMENT FOR BOND  
3 SETTING WITHIN FORTY-EIGHT HOURS, IT IS NOT A VIOLATION OF THIS  
4 SECTION IF A BOND HEARING IS NOT HELD WITHIN FORTY-EIGHT HOURS  
5 WHEN THE DELAY IS CAUSED BY AN EMERGENCY THAT REQUIRES THE  
6 COURT TO CLOSE OR CIRCUMSTANCES IN WHICH THE DEFENDANT REFUSES  
7 TO ATTEND COURT, IS UNABLE TO ATTEND COURT DUE TO A DEBILITATING  
8 PHYSICAL AILMENT, OR IS UNABLE TO PROCEED DUE TO DRUG OR ALCOHOL  
9 USE OR MENTAL ILLNESS. USE OF AUDIOVISUAL CONFERENCING  
10 TECHNOLOGY IS PERMISSIBLE TO EXPEDITE BOND SETTING HEARINGS,  
11 INCLUDING PRIOR TO EXTRADITION OF THE DEFENDANT FROM ONE COUNTY  
12 TO ANOTHER IN THE STATE OF COLORADO. WHEN HIGH-SPEED INTERNET  
13 ACCESS IS UNAVAILABLE, MAKING AUDIOVISUAL CONFERENCING  
14 IMPOSSIBLE, THE COURT MAY CONDUCT THE HEARING TELEPHONICALLY.

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

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

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

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

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

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

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

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

26 **LEGAL RIGHTS RELATED TO POSTING MONEY BOND**  
27 **PURSUANT TO SECTION 16-4-102, COLORADO REVISED STATUTES**

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

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

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

16          4.       **A SHERIFF MUST RELEASE A DEFENDANT WITHIN**  
17          **SIX HOURS AFTER A PERSONAL RECOGNIZANCE BOND IS**  
18          **SET AND THE DEFENDANT HAS RETURNED TO JAIL OR**  
19          **WITHIN SIX HOURS AFTER A CASH BOND HAS BEEN SET**  
20          **AND THE DEFENDANT HAS RETURNED TO JAIL AND THE**  
21          **DEFENDANT OR SURETY NOTIFIED THE JAIL THAT BOND IS**  
22          **PREPARED TO BE POSTED, UNLESS** EXTRAORDINARY  
23          CIRCUMSTANCES EXIST. IN THE EVENT OF A DELAY OF MORE  
24          THAN SIX HOURS, A SURETY AND THE DEFENDANT HAVE A  
25          RIGHT TO KNOW WHAT, IF ANY, EXTRAORDINARY  
26          CIRCUMSTANCE IS CAUSING THE DELAY. SUPERVISORY  
27          CONDITIONS OF RELEASE DO NOT JUSTIFY A DELAY IN

1           RELEASE; EXCEPT THAT A SHERIFF MAY HOLD A DEFENDANT  
2           FOR UP TO 24 HOURS IF NECESSARY TO ENSURE A  
3           DEFENDANT IS FITTED WITH REQUIRED ELECTRONIC  
4           MONITORING.

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

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

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

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

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

1 FOLLOWING INFORMATION:

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

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

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

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

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

25 (III) EACH SHERIFF SHALL FILE A CERTIFICATE OF COMPLIANCE  
26 WITH THIS SUBSECTION (2), A COPY OF THE WRITTEN POLICIES REQUIRED  
27 BY SUBSECTION (2)(j)(I) OF THIS SECTION, AND THE NOTICES REQUIRED BY

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

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

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

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

1 SCHEDULING PRIORITIES.

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

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

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

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

25 **16-4-116. Bond hearing officer.** (1) (a) THERE IS CREATED IN  
26 THE STATE COURT ADMINISTRATOR'S OFFICE THE POSITION OF BOND  
27 HEARING OFFICER. A BOND HEARING OFFICER IS APPOINTED BY THE CHIEF

1 JUSTICE OF THE COLORADO SUPREME COURT OR HIS OR HER DESIGNEE AND  
2 MUST BE A QUALIFIED ATTORNEY-AT-LAW ADMITTED TO PRACTICE IN THIS  
3 STATE AND IN GOOD STANDING.

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

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

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

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

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

5 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-503, **amend**  
6 (1)(z); and **add** (1)(bb) and (1)(cc) as follows:

7 **24-33.5-503. Duties of division.** (1) The division has the  
8 following duties:

9 (z) To provide training on the Colorado risk assessment scale and  
10 the administrative release guideline instrument as required by section  
11 17-22.5-404 (2)(c); ~~C.R.S.~~ and

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

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

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

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

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

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

26 **SECTION 5. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except  
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
3 of the state constitution against this act or an item, section, or part of this  
4 act within such period, then the act, item, section, or part will not take  
5 effect unless approved by the people at the general election to be held in  
6 November 2022 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.