

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

**INTRODUCED**

LLS NO. 21-0966.02 Jacob Baus x2173

**HOUSE BILL 21-1309**

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**HOUSE SPONSORSHIP**

**Roberts and Carver,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING MEASURES RELATED TO PERMITTING CONTINUING A**  
102 **CRIMINAL TRIAL BECAUSE OF THE COVID-19 PANDEMIC.**

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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>.)*

Under existing law, a criminal defendant must be brought to trial within 6 months after the date of the entry of a plea of not guilty. However, there are circumstances that exclude a period of time when computing the time within which a defendant must be brought to trial. These exclusions extend the length of time within which the defendant must be brought to trial.

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.

The bill permits the court to exclude a period of delay caused by the COVID-19 pandemic, not to exceed 6 months, if the case includes a charge of a certain crime and other considerations are satisfied. The court may grant not more than 2 continuances due to a period of delay caused by the COVID-19 pandemic.

The bill requires the court that orders an exclusion of a period of delay caused by the COVID-19 pandemic to conduct a hearing for reconsideration of bond for an eligible defendant in custody awaiting trial.

A court shall not grant a continuance based on a delay caused by the COVID-19 pandemic on or after 5:01 p.m. on April 29, 2022.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1-405, **amend** (6)  
3 introductory portion and (6)(i); and **add** (6)(j) as follows:

4 **18-1-405. Speedy trial - definition - repeal.** (6) In computing  
5 the time within which a defendant ~~shall be~~ IS brought to trial as provided  
6 in subsection (1) of this section, the following periods of time ~~shall be~~  
7 ARE excluded:

8 (i) The period of delay between the filing of a motion pursuant to  
9 section 18-1-202 (11) and any decision by the court regarding such  
10 motion, and if such decision by the court transfers the case to another  
11 county, the period of delay until the first appearance of all the parties in  
12 a court of appropriate jurisdiction in the county to which the case has  
13 been transferred, and in such event ~~the provisions of~~ subsection (7) of this  
14 section ~~shall apply.~~ APPLIES; AND

15 (j) (I) A PERIOD OF DELAY FOR ANY CONTINUANCE GRANTED AT  
16 THE REQUEST OF THE PROSECUTING ATTORNEY DUE TO THE BACKLOG OF  
17 JURY TRIALS CAUSED BY THE COVID-19 PANDEMIC, NOT TO EXCEED SIX  
18 MONTHS FOR EACH CONTINUANCE. THE COURT MAY GRANT NOT MORE  
19 THAN TWO CONTINUANCES PURSUANT TO THIS SUBSECTION (6)(j) IF IT

1 MAKES THE FOLLOWING SPECIFIC FINDINGS:

2 (A) THE CASE PENDING FOR A JURY TRIAL INCLUDES A CHARGE OF  
3 A CRIME LISTED IN SECTION 24-4.1-302 (1) OR AN OFFENSE DESCRIBED IN  
4 SECTION 42-4-1301;

5 (B) NEITHER THE COURT NOR A TRANSFER COURTROOM IN THE  
6 COUNTY WHERE THE CASE IS SET FOR A JURY TRIAL IS AVAILABLE TO TRY  
7 THE CASE DUE TO THE BACKLOG OF JURY TRIALS CAUSED BY THE  
8 COVID-19 PANDEMIC;

9 (C) THE COURT HAS NOT PREVIOUSLY GRANTED MORE THAN ONE  
10 CONTINUANCE PURSUANT TO THIS SUBSECTION (6)(j); AND

11 (D) GRANTING THE CONTINUANCE SERVES THE INTEREST OF  
12 JUSTICE. WHEN DETERMINING WHETHER THE CONTINUANCE SERVES THE  
13 INTEREST OF JUSTICE, THE COURT SHALL MAKE SPECIFIC FINDINGS  
14 REGARDING THE IMPACT OF A CONTINUANCE ON THE PROSECUTION AND  
15 THE DEFENDANT.

16 (II) IF A COURT GRANTS A CONTINUANCE PURSUANT TO THIS  
17 SUBSECTION (6)(j) AND THE DEFENDANT'S CASE IS SET FOR A JURY TRIAL  
18 AND THE DEFENDANT IS IN CUSTODY BECAUSE THE DEFENDANT IS UNABLE  
19 TO SATISFY THE CONDITIONS OF BOND FOR RELEASE DESPITE ELIGIBILITY  
20 FOR BAIL, THE COURT SHALL RECONSIDER BOND PURSUANT TO SECTION  
21 16-4-107.5.

22 (III) A COURT SHALL NOT GRANT A CONTINUANCE PURSUANT TO  
23 THIS SUBSECTION (6)(j) ON OR AFTER 5:01 P.M. ON APRIL 29, 2022.

24 (IV) THIS SUBSECTION (6)(j) IS REPEALED, EFFECTIVE JULY 1,  
25 2023.

26 **SECTION 2.** In Colorado Revised Statutes, **add** 16-4-107.5 as  
27 follows:

1           **16-4-107.5. Hearing after excluding time for speedy trial for**  
2 **public health emergency - repeal.** (1) IF A COURT GRANTS A  
3 CONTINUANCE PURSUANT TO SECTION 18-1-405 (6)(j) AND THE  
4 DEFENDANT'S CASE IS SET FOR A JURY TRIAL AND THE DEFENDANT IS IN  
5 CUSTODY BECAUSE THE DEFENDANT IS UNABLE TO SATISFY THE  
6 CONDITIONS OF BOND FOR RELEASE DESPITE ELIGIBILITY FOR BAIL, THE  
7 COURT SHALL CONDUCT A HEARING AS SOON AS PRACTICABLE, BUT NOT  
8 LONGER THAN SEVEN DAYS AFTER THE COURT GRANTED THE  
9 CONTINUANCE PURSUANT TO SECTION 18-1-405 (6)(j), FOR  
10 RECONSIDERATION OF THE DEFENDANT'S BOND AND CONDITIONS OF  
11 RELEASE. THE COURT SHALL CHANGE THE BOND AND CONDITIONS OF  
12 RELEASE TO ALLOW THE DEFENDANT TO BE RELEASED, UNLESS THE COURT  
13 CONCLUDES THAT THE DEFENDANT POSES A SIGNIFICANT RISK TO ANY  
14 PERSON OR THE COMMUNITY AND THAT NO BOND AND CONDITIONS OF  
15 RELEASE ARE SUFFICIENT TO REASONABLY PROTECT AGAINST SUCH RISK.  
16 FAILURE TO COMPLY WITH THIS SUBSECTION (1) REQUIRES THE COURT TO  
17 ORDER THE IMMEDIATE RELEASE OF THE DEFENDANT FROM CUSTODY UPON  
18 A PERSONAL RECOGNIZANCE BOND WITH APPROPRIATE CONDITIONS OF  
19 RELEASE.

20           (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

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