

CHAPTER 457

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 21-1280

BY REPRESENTATIVE(S) Woodrow and Gonzales-Gutierrez, Amabile, Bacon, Benavidez, Bennett, Bird, Boesenecker, Caraveo, Cutter, Daugherty, Esgar, Exum, Herod, Hooton, Jackson, Jodeh, Kennedy, Kipp, Lontine, McCormick, Michaelson Jenet, Ortiz, Ricks, Sirota, Weissman, Garnett;
also SENATOR(S) Lee and Rodriguez, Buckner, Jaquez Lewis, Moreno.

AN ACT

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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

~~(b) (I) Unless extraordinary circumstances exist, a defendant, a surety on behalf of the defendant, or another third party on behalf of the defendant must be allowed to post bond within two hours after the sheriff receives the bond information from the court.~~ A JUDGE, JUDICIAL OFFICER, OR BOND HEARING OFFICER SHALL NOT REQUIRE A MONETARY BOND TO BE PAID IN THE DEFENDANT'S NAME. BOND MAY BE PAID, AT A MINIMUM, BY CASH, MONEY ORDER, OR CASHIER'S CHECK. IF BOND IS PAID BY MONEY ORDER OR CASHIER'S CHECK, THE MONEY ORDER OR CASHIER'S CHECK MAY BE PAYABLE TO THE HOLDING COUNTY. BEFORE BOND IS POSTED, THE SHERIFF SHALL PROVIDE THE DEFENDANT AND SURETY, IF ANY, A COPY OF THE NOTICE DESCRIBED IN SUBSECTION (2)(h)(I) OF THIS SECTION. WHEN THE BOND IS POSTED, THE SHERIFF SHALL PROVIDE THE DEFENDANT AND SURETY, IF ANY, A COPY OF THE BOND PAPERWORK AND INFORMATION REGARDING THE DEFENDANT'S NEXT COURT DATE. THE INDIVIDUAL PROCESSING THE BOND SHALL CERTIFY, IN WRITING, THAT THE PAYOR RECEIVED A COPY OF THE BOND PAPERWORK, THE NOTICE DESCRIBED IN SUBSECTION (2)(h)(I) OF THIS SECTION, AND INFORMATION REGARDING THE DEFENDANT'S NEXT COURT DATE AND SHALL PLACE A COPY OF THE CERTIFICATION IN THE DEFENDANT'S FILE. Notwithstanding the provisions of this section, a sheriff may allow an individual to choose to stay in jail overnight after release when extenuating circumstances exist, including inclement weather, lack of transportation, or lack of shelter.

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

~~(e) Unless extraordinary circumstances exist, the custodian of a jail shall release a defendant who is granted a personal recognizance bond as soon as practicable but no later than four six hours after the defendant is physically present in the jail. and the defendant's bond has been posted.~~ UNLESS EXTRAORDINARY

CIRCUMSTANCES EXIST, THE CUSTODIAN OF A JAIL SHALL RELEASE A DEFENDANT WHO IS GRANTED A CASH BOND AS SOON AS PRACTICABLE BUT NO LATER THAN SIX HOURS AFTER BOND IS SET, AFTER THE DEFENDANT IS PHYSICALLY PRESENT IN THE JAIL, AND AFTER THE DEFENDANT OR SURETY NOTIFIES THE JAIL THAT THE DEFENDANT OR SURETY IS PREPARED TO POST BOND. IF THE CUSTODIAN FAILS TO RELEASE THE DEFENDANT WITHIN SIX HOURS, 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 THE DELAY IN THE DEFENDANT'S FILE. A supervisory condition of release does not serve as a legal basis to continue to detain the defendant; except that, if the defendant is ordered released upon condition of being subject to electronic monitoring, the defendant may be held up to as long as practicable but no longer than twenty-four hours after the defendant is physically present in the jail and the defendant's bond has been posted, if such delay is necessary to ensure the defendant is fitted with electronic monitoring and the court has authorized the defendant to be held until the electronic monitor is fitted. If the court orders electronic monitoring for the protection of a specific individual, and the defendant is ordered to have no contact with that specific individual, and the judge orders that the defendant not be released without electronic monitoring based on finding that the electronic monitoring is necessary for public safety, then the time limits regarding release of the defendant in this ~~subsection~~ SUBSECTION (2)(e) do not apply. However, if a defendant is held more than twenty-four hours after posting bond awaiting electronic monitoring fitting, the sheriff shall bring the defendant to the court the next day the court is in session and explain the reason for the delay.

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

LEGAL RIGHTS RELATED TO POSTING MONEY BOND

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

1. **BOND FEES, BOOKING FEES, AND OTHER FEES OR DEBTS NEVER NEED TO BE PAID TO SECURE A PERSON'S RELEASE ON MONEY BOND. A PAYOR NEED ONLY PAY THE BOND AMOUNT IN ORDER TO SECURE RELEASE.**
2. **WHILE NEVER A BASIS TO HOLD A DEFENDANT IN JAIL, THE FOLLOWING FEES ARE CHARGEABLE AS A DEBT TO THE DEFENDANT AFTER RELEASE IF THE PAYOR CHOOSES NOT TO PAY THE FEES AT THE TIME OF BONDING: A \$10 BOND FEE AND A MAXIMUM 3.5% CREDIT CARD PAYMENT FEE. NO OTHER BOND-RELATED FEES MAY BE CHARGED AT ANY TIME, INCLUDING ANY KIOSK FEES OR FEES FOR PAYMENT BY CASH, CHECK, OR MONEY ORDER.**
3. **BOND PAYMENTS ARE TO BE MADE OUT TO THE HOLDING COUNTY AND ARE NEVER TO BE MADE OUT IN THE NAME OF THE INCARCERATED PERSON.**
4. **A SHERIFF MUST RELEASE A DEFENDANT WITHIN SIX HOURS AFTER A PERSONAL RECOGNIZANCE BOND IS SET AND THE DEFENDANT HAS RETURNED TO JAIL OR WITHIN SIX HOURS AFTER A CASH BOND HAS BEEN SET AND THE DEFENDANT HAS RETURNED TO JAIL AND THE DEFENDANT OR SURETY NOTIFIED THE JAIL THAT BOND IS PREPARED TO BE POSTED, UNLESS EXTRAORDINARY CIRCUMSTANCES EXIST. IN THE EVENT OF A DELAY OF MORE THAN SIX HOURS, A SURETY AND THE DEFENDANT HAVE A RIGHT TO KNOW WHAT, IF ANY, EXTRAORDINARY CIRCUMSTANCE IS CAUSING THE DELAY. SUPERVISORY CONDITIONS OF RELEASE DO NOT JUSTIFY A DELAY IN RELEASE;**

EXCEPT THAT A SHERIFF MAY HOLD A DEFENDANT FOR UP TO 24 HOURS IF NECESSARY TO ENSURE A DEFENDANT IS FITTED WITH REQUIRED ELECTRONIC MONITORING.

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

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

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

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

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

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

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

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

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

(II) EACH SHERIFF SHALL REVIEW AND UPDATE THE SHERIFF'S WEBSITE, SIGNAGE, PAPERWORK, AND FORMS RELATED TO BONDING TO REFLECT CURRENT LAW BY OCTOBER 1, 2021, AND UPDATE THE SHERIFF'S WEBSITE, SIGNAGE, PAPERWORK, AND

FORMS RELATED TO BONDING AS NECESSARY THEREAFTER.

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

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

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

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

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

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

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

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

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

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

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

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

(3) FOR EACH CASE HEARD BY A BOND 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.

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

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

(3) GRANT RECIPIENTS SHALL USE THE MONEY TO PAY FOR ANY REASONABLE COST OR EXPENSE DIRECTLY RELATED TO COMPLIANCE WITH SECTION 16-4-102

(2)(a), INCLUDING BUT NOT LIMITED TO PERSONNEL, EQUIPMENT, AND TRAVEL.

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

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

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

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

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

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

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

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

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

20-1-111. District attorneys may cooperate or contract - contents - appropriation - repeal. (4) (d) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE NECESSARY FUNDS TO THE DEPARTMENT OF LAW FOR ALLOCATION TO THE COLORADO DISTRICT ATTORNEYS' COUNCIL, OR ITS SUCCESSOR, FOR THE PUBLIC PURPOSE OF PROVIDING GRANTS TO LOCAL DISTRICT ATTORNEYS' OFFICES TO COVER COSTS AND EXPENSES RELATED TO COMPLYING WITH THE BOND HEARING REQUIREMENTS OF SECTION 16-4-102 (2)(a). BY NOVEMBER 1 OF EACH YEAR, THE

COLORADO DISTRICT ATTORNEYS' COUNCIL SHALL SUBMIT A REQUEST TO THE JOINT BUDGET COMMITTEE FOR NECESSARY FUNDS CONSISTENT WITH THIS SUBSECTION (4)(d).

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) For the 2021-22 state fiscal year, \$67,136 is appropriated to the judicial

department for use by the office of the state public defender. This appropriation is from the general fund. To implement this act, the office may use this appropriation as follows:

- (a) \$27,836 for personal services;
- (b) \$38,000 for capital outlay; and
- (c) \$1,300 for operating expenses.

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

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

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

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

Approved: July 6, 2021