

CHAPTER 264

COURTS

HOUSE BILL 22-1067

BY REPRESENTATIVE(S) Woodrow and Gonzales-Gutierrez, Bacon, Benavidez, Bennett, Boesenecker, Duran, Exum, Herod, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Michaelson Jenet, Sirota, Tipper, Titone, Valdez A., Weissman, Amabile, Caraveo, Cutter, Lontine, Ricks, Snyder, Van Winkle;
also SENATOR(S) Lee and Rodriguez, Buckner, Donovan, Gonzales, Hansen, Moreno, Story.

AN ACT

CONCERNING CLARIFYING CHANGES TO MEASURES THAT ENSURE DEFENDANTS HAVE A PROMPT BOND HEARING, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 13-10-111.5, **amend** (2) as follows:

13-10-111.5. Notice to municipal courts of municipal holds. (2) Once a municipal court receives notice that the defendant is being held solely on the basis of a municipal hold, the municipal court shall hold a hearing within ~~two calendar days, excluding Sundays and federal holidays; except that, if the defendant has failed to appear in that case at least twice and the defendant is incarcerated in a county different from the county where the demanding municipal court is located, the demanding municipal court shall hold a hearing within four calendar days, excluding Sundays and federal holidays~~ FORTY-EIGHT HOURS AFTER THE RECEIPT OF SUCH A NOTICE. THE COUNTY SHERIFF SHALL MAKE THE IN-CUSTODY DEFENDANT AVAILABLE TO APPEAR IN A TIMELY MANNER BEFORE A MUNICIPAL JUDGE FOR A HEARING REQUIRED BY THIS SUBSECTION (2) AT THE DATE AND TIME MUTUALLY AGREED TO BY THE COUNTY SHERIFF AND MUNICIPAL COURT. THIS SUBSECTION (2) MUST NOT BE CONSTRUED TO REQUIRE THE COUNTY SHERIFF TO TRANSPORT THE IN-CUSTODY DEFENDANT TO THE MUNICIPAL COURT. 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 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, OR WHEN THE DELAY IS CAUSED BY AN EMERGENCY THAT REQUIRES THE COURT TO CLOSE. USE OF AUDIOVISUAL CONFERENCING TECHNOLOGY IS

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.

PERMISSIBLE TO EXPEDITE THE HEARING. WHEN HIGH-SPEED INTERNET ACCESS IS UNAVAILABLE, MAKING AUDIOVISUAL CONFERENCING IMPOSSIBLE, THE COURT MAY CONDUCT THE HEARING TELEPHONICALLY.

SECTION 2. In Colorado Revised Statutes, 16-4-117, **amend** (4) and (8); and **repeal** (9) as follows:

16-4-117. District attorney assistance for bond hearings grant program - created - rules. (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.~~

(8) Subject to available appropriations, on or before ~~October 1~~ APRIL 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 3. Appropriation - adjustments to 2022 long bill. (1) To implement this act, appropriations made in the annual general appropriation act for the 2022-23 state fiscal year to the department of law are adjusted as follows:

(a) The general fund appropriation for appropriation to district attorney assistance for bond hearings cash fund is decreased by \$600,000; and

(b) The reappropriated funds appropriation from the district attorney assistance for bond hearings cash fund created in section 16-4-117 (9), C.R.S., for district attorney assistance for bond hearings grants is decreased by \$600,000.

(2) For the 2022-23 state fiscal year, \$600,000 is appropriated to the department of law. This appropriation is from the general fund. The department may use this appropriation for district attorney assistance for bond hearings grants.

SECTION 4. Appropriation to the department of law for the fiscal year beginning July 1, 2021. In Session Laws of Colorado 2021, **repeal** section 6 (4) and (5) of chapter 457, (HB 21-1280), as follows:

Section 6. **Appropriation.** (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 5. Appropriation. For the 2021-22 state fiscal year, \$150,000 is appropriated to the department of law. This appropriation is from the general fund. The department may use this appropriation for district attorney assistance for bond hearings grants.

SECTION 6. Effective date. Section 1 of this act takes effect January 1, 2023, and the remainder of this act takes effect upon passage.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: May 27, 2022