

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0676.01 Conrad Imel x2313

HOUSE BILL 24-1284

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A BILL FOR AN ACT

101 **CONCERNING INCREASING PRETRIAL RELEASE REQUIREMENTS FOR**
102 **CERTAIN CRIMINAL DEFENDANTS ACCUSED OF COMMITTING A**
103 **VIOLENT OFFENSE.**

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 prohibits a court, without the consent of the district attorney, from releasing a person on any unsecured personal recognizance bond if the person is accused of committing a crime of violence and the court finds probable cause to believe that the person has committed the offense, and:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- The person has a record of conviction for a crime of violence within the prior 2 years; or
- There are at least 2 pending criminal charges against the person that allege that the person committed a crime of violence and the court finds probable cause to believe that the person has committed the prior alleged offenses (repeat violent offender).

Existing law requires any monetary condition of pretrial release to be reasonable. The bill states that a reasonable monetary condition for a repeat violent offender is at least \$7,500.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-4-104, **add** (2.5)
3 as follows:

4 **16-4-104. Types of bond set by the court.** (2.5) UNLESS THE
5 DISTRICT ATTORNEY CONSENTS, A PERSON MUST NOT BE RELEASED ON AN
6 UNSECURED PERSONAL RECOGNIZANCE BOND PURSUANT TO SUBSECTION
7 (1)(a) OR (1)(b) OF THIS SECTION IF THE PERSON IS ACCUSED OF
8 COMMITTING A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406;
9 THE COURT FINDS THAT THE AFFIDAVIT FOR ARREST ESTABLISHES
10 PROBABLE CAUSE TO BELIEVE THAT THE PERSON HAS COMMITTED THE
11 OFFENSE; AND:

12 (a) THE PERSON HAS A RECORD OF CONVICTION FOR A CRIME OF
13 VIOLENCE WITHIN TWO YEARS PRIOR TO THE ALLEGED OFFENSE; OR

14 (b) AT THE TIME OF THE ALLEGED OFFENSE, THERE ARE TWO OR
15 MORE CRIMINAL CHARGES PENDING AGAINST THE PERSON FOR AN ALLEGED
16 COMMISSION OF A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,
17 AND THE COURT FINDS THAT THE AFFIDAVIT FOR ARREST FOR EACH
18 ALLEGED PRIOR CRIME OF VIOLENCE ESTABLISHES PROBABLE CAUSE TO
19 BELIEVE THAT THE PERSON HAS COMMITTED THE OFFENSE.

20 **SECTION 2.** In Colorado Revised Statutes, 16-4-103, **amend**

1 (4)(a) as follows:

2 **16-4-103. Setting and selection type of bond - criteria.**

3 (4) When the type of bond and conditions of release are determined by
4 the court, the court shall:

5 (a) Presume that all persons in custody are eligible for release on
6 bond with the appropriate and least-restrictive conditions consistent with
7 provisions in ~~paragraph (a) of subsection (3)~~ SUBSECTION (3)(a) of this
8 section unless a person is otherwise ineligible for release pursuant to the
9 provisions of section 16-4-101 and section 19 of article II of the Colorado
10 constitution. A monetary condition of release must be reasonable, and any
11 other condition of conduct not mandated by statute must be tailored to
12 address a specific concern. A REASONABLE MONETARY CONDITION OF
13 RELEASE IS AT LEAST SEVEN THOUSAND FIVE HUNDRED DOLLARS FOR A
14 PERSON ACCUSED OF A CRIME OF VIOLENCE, AS DEFINED IN SECTION
15 18-1.3-406, IF THE COURT FINDS THAT THE AFFIDAVIT FOR ARREST
16 ESTABLISHES PROBABLE CAUSE TO BELIEVE THAT THE PERSON HAS
17 COMMITTED THE CRIME OF VIOLENCE, AND:

18 (I) THE PERSON HAS A RECORD OF CONVICTION FOR A CRIME OF
19 VIOLENCE WITHIN TWO YEARS PRIOR TO THE ALLEGED OFFENSE; OR

20 (II) AT THE TIME OF THE ALLEGED OFFENSE, THERE ARE TWO OR
21 MORE CRIMINAL CHARGES PENDING AGAINST THE PERSON FOR AN ALLEGED
22 COMMISSION OF A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,
23 AND THE COURT FINDS THAT THE AFFIDAVIT FOR ARREST FOR EACH
24 ALLEGED PRIOR CRIME OF VIOLENCE ESTABLISHES PROBABLE CAUSE TO
25 BELIEVE THAT THE PERSON HAS COMMITTED THE OFFENSE.

26 **SECTION 3. Act subject to petition - effective date -**
27 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

1 the expiration of the ninety-day period after final adjournment of the
2 general assembly; except that, if a referendum petition is filed pursuant
3 to section 1 (3) of article V of the state constitution against this act or an
4 item, section, or part of this act within such period, then the act, item,
5 section, or part will not take effect unless approved by the people at the
6 general election to be held in November 2024 and, in such case, will take
7 effect on the date of the official declaration of the vote thereon by the
8 governor.

9 (2) This act applies to offenses committed on or after the
10 applicable effective date of this act.