ENGROSSED

This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction

LLS NO. 25-0150.01 Chelsea Princell x4335   **SENATE BILL 25-062**

SENATE SPONSORSHIP

Hinrichsen and Weissman,

HOUSE SPONSORSHIP

Carter and Bird,

Senate Committees	House Committees
Judiciary	

A BILL FOR AN ACT

101   CONCERNING CONTEMPT OF COURT FOR FAILURE TO APPEAR CHARGES

102   IN MUNICIPAL COURT.

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 person's failure to appear from forming the basis of a municipal criminal charge against the person and prohibits a municipal judge from imposing a jail sentence for a person's failure to appear. The bill adds the failure to appear and contempt of court for the failure to appear prohibitions to the list of state laws that cannot be superseded by a charter or ordinance enacted by a home rule city.

The bill clarifies that, for purposes of the bill, failure to appear includes contempt of court for the failure to appear or any other term used by a municipality to refer to a person's failure to appear at a scheduled court date.

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

2   **SECTION 1.** In Colorado Revised Statutes, **amend** 13-10-103 as

3   follows:

4   **13-10-103. Applicability.** This article 10 applies to and governs

5   the operation of municipal courts in the cities and towns of this state.

6   Except for the provisions relating to the method of salary payment for

7   municipal judges; the incarceration of children pursuant to sections

8   19-2.5-305 and 19-2.5-1511; the appearance of the parent, guardian, or

9   lawful custodian of any child under eighteen years of age who is charged

10   with a municipal offense as required by section 13-10-111; THE FAILURE

11   TO APPEAR PURSUANT TO SECTION 13-10-127; the right to a trial by jury

12   for petty offenses pursuant to section 16-10-109; relief from improperly

13   entered guilty pleas pursuant to section 18-1-410.6; the prosecution of an

14   alleged act of domestic violence, as defined in section 18-6-800.3;

15   making a criminal court proceeding conducted in open court available for

16   remote public viewing and listening in real time; rules of procedure

17   promulgated by the supreme court; and appellate procedure, this article

18   10 may be superseded by charter or ordinance enacted by a home rule

19   city.

20   **SECTION 2.** In Colorado Revised Statutes, **add** 13-10-127

21   as follows:

22   **13-10-127. Failure to appear.** (1) A PERSON'S FAILURE TO

23   APPEAR IN PERSON OR BY COUNSEL AT THE PLACE AND TIME SPECIFIED IN

1 THE SUMMONS OR SUMMONS AND COMPLAINT, OR FAILURE TO APPEAR IN

2 PERSON OR BY COUNSEL ON ANY SUBSEQUENT DATE, SERVED UPON THE

3 PERSON MUST NOT FORM THE BASIS OF A MUNICIPAL CRIMINAL CHARGE

4 AGAINST THE PERSON.

5   (2) THIS SECTION APPLIES TO ANY MUNICIPAL ORDINANCE

6 PREMISED ON A PERSON'S FAILURE TO APPEAR, REGARDLESS OF WHETHER

7 A MUNICIPALITY REFERS TO THIS SITUATION AS A FAILURE TO APPEAR,

8 CONTEMPT OF COURT FOR A FAILURE TO APPEAR, OR BY ANY OTHER NAME.

9   (3) NOTHING IN THIS SECTION LIMITS A MUNICIPAL COURT'S

10 INHERENT JUDICIAL CONTEMPT POWER OR PROHIBITS A MUNICIPAL JUDGE

11 FROM ISSUING A BENCH WARRANT UPON A PERSON'S FAILURE TO APPEAR

12 OR FROM CONSIDERING A PERSON'S FAILURE TO APPEAR FOR THE PURPOSE

13 OF SETTING AN APPROPRIATE BOND AT A SUBSEQUENT BOND HEARING.

14   **SECTION 3. Safety clause.** The general assembly finds,

15 determines, and declares that this act is necessary for the immediate

16 preservation of the public peace, health, or safety or for appropriations for

17 the support and maintenance of the departments of the state and state

18 institutions.