

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0722.01 Michael Dohr x4347

HOUSE BILL 25-1015

HOUSE SPONSORSHIP

Mabrey and Zokaie,

SENATE SPONSORSHIP

Rodriguez,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CLARIFYING CHANGES TO ENSURE THAT BOND CAN BE
102 POSTED ONLINE.

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>.)

Current law requires that bond can be posted online. The bill makes clarifying changes to the bond statutes to ensure that bond can be posted online.

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

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.

1 **SECTION 1.** In Colorado Revised Statutes, 16-4-102, **amend**
2 (2)(b), (2)(c), (2)(d), (2)(e), (2)(f), (2)(h)(I)(A), (2)(i)(I), (2)(i)(II),
3 (2)(j)(I), and (2)(j)(II) as follows:

4 **16-4-102. Right to bail - before conviction.** (2) (b) (I) A judge,
5 judicial officer, or bond hearing officer shall not require a monetary bond
6 to be ~~paid~~ POSTED in the defendant's name. Bond may be ~~paid~~ POSTED, at
7 a minimum, by cash, money order, or cashier's check. BOND MAY BE
8 POSTED ONLINE, AT A MINIMUM, BY CREDIT CARD. If bond is ~~paid~~ POSTED
9 by money order or cashier's check, the money order or cashier's check
10 may be payable to the holding county. Before bond is posted, the sheriff
11 shall provide the defendant and surety OR THIRD-PARTY PAYER, if any, a
12 copy of the notice described in subsection (2)(h)(I) of this section. When
13 the bond is posted, the sheriff shall provide the defendant and surety OR
14 THIRD-PARTY PAYER, if any, a copy of the bond paperwork and
15 information regarding the defendant's next court date. The individual
16 processing the bond shall certify, in writing, that the ~~payor~~ DEFENDANT
17 AND SURETY OR THIRD-PARTY PAYER, IF ANY, received a copy of the bond
18 paperwork, the notice described in subsection (2)(h)(I) of this section, and
19 information regarding the defendant's next court date and shall place a
20 copy of the certification in the defendant's file. Notwithstanding the
21 provisions of this section, a sheriff may allow an individual to choose to
22 stay in jail overnight after release when extenuating circumstances exist,
23 including inclement weather, lack of transportation, or lack of shelter.

24 (II) By ~~January 1, 2022~~ OCTOBER 1, 2025, each jail shall establish
25 a means to ~~pay~~ POST bond online without the need for the ~~payor~~ SURETY
26 OR THIRD-PARTY PAYER to go to the jail in person to ~~pay~~ POST bond. ALL
27 BONDS OF ANY AMOUNT THAT ARE POSTABLE IN PERSON MUST BE

1 POSTABLE ONLINE. DEFENDANTS AND SURETIES OR THIRD-PARTY PAYERS
2 THAT POST BOND ONLINE HAVE THE SAME RIGHTS THAT ARE AFFORDED TO
3 A PERSON WHEN POSTING IN PERSON, SPECIFICALLY:

4 (A) THE SHERIFF SHALL PROVIDE THE DEFENDANT AND SURETY OR
5 THIRD-PARTY PAYER, IF ANY, A COPY OF THE NOTICE DESCRIBED IN
6 SUBSECTION (2)(h)(I) OF THIS SECTION; AND

7 (B) THE SHERIFF SHALL PROVIDE THE DEFENDANT AND SURETY OR
8 THIRD-PARTY PAYER, IF ANY, A COPY OF THE BOND PAPERWORK AND
9 INFORMATION REGARDING THE DEFENDANT'S NEXT COURT DATE.

10 (c) The custodian of a jail shall ensure the defendant, a surety on
11 behalf of the defendant, or another third party on behalf of the defendant
12 is not charged more than a ten-dollar bond processing fee, INCLUDING
13 WHEN BOND IS POSTED ONLINE.

14 (d) The custodian of a jail shall also ensure the defendant, a surety
15 on behalf of the defendant, or another third party on behalf of the
16 defendant is not charged any additional transaction fees, including kiosk
17 fees, INCLUDING WHEN BOND IS POSTED ONLINE; except that the standard
18 credit card processing fee that the credit card company charges may be
19 charged when a credit card is used, or, when a third-party vendor provides
20 defendants the option to ~~pay~~ POST monetary bond with a credit card, the
21 defendant ~~can~~ MAY be required to pay ~~up to~~ NOT MORE THAN a
22 three-and-one-half percent credit card payment processing fee.

23 (e) Unless extraordinary circumstances exist, the custodian of a
24 jail shall release a defendant who is granted a personal recognizance bond
25 as soon as practicable but no later than six hours after the defendant is
26 physically present in the jail. Unless extraordinary circumstances exist,
27 the custodian of a jail shall release a defendant who is granted a cash

1 bond as soon as practicable but no later than six hours after bond is set,
2 after the defendant is physically present in the jail, and after the
3 defendant, ~~or~~ surety, OR THIRD-PARTY PAYER notifies the jail that the
4 defendant, ~~or~~ surety, OR THIRD-PARTY PAYER is prepared to post bond. IF
5 BOND IS POSTED ONLINE, THE SIX-HOUR RELEASE TIMELINE BEGINS WHEN
6 THE DEFENDANT, SURETY, OR THIRD-PARTY PAYER SUBMITS PAYMENT FOR
7 A BOND ONLINE OR ELECTRONICALLY FILES A POWER OF ATTORNEY
8 PURSUANT TO SECTION 10-2-418. If the custodian fails to release the
9 defendant within six hours, the custodian shall inform the defendant and
10 any person posting bond on behalf of the defendant the reason for the
11 delay and shall document the reason for the delay in the defendant's file.
12 A supervisory condition of release does not serve as a legal basis to
13 continue to detain the defendant; except that, if the defendant is ordered
14 released upon condition of being subject to electronic monitoring, the
15 defendant may be held up to as long as practicable but no longer than
16 twenty-four hours after the defendant is physically present in the jail and
17 the defendant's bond has been posted, if such delay is necessary to ensure
18 the defendant is fitted with electronic monitoring and the court has
19 authorized the defendant to be held until the electronic monitor is fitted.
20 If the court orders electronic monitoring for the protection of a specific
21 individual, and the defendant is ordered to have no contact with that
22 specific individual, and the judge orders that the defendant not be
23 released without electronic monitoring based on finding that the
24 electronic monitoring is necessary for public safety, then the time limits
25 regarding release of the defendant in this subsection (2)(e) do not apply.
26 However, if a defendant is held more than twenty-four hours after posting
27 bond awaiting electronic monitoring fitting, the sheriff shall bring the

1 defendant to the court the next day the court is in session and explain the
2 reason for the delay.

3 (f) A defendant ~~who~~ WHOSE BOND has BEEN posted, ~~bond~~,
4 INCLUDING WHEN BOND HAS BEEN POSTED ONLINE, must be released
5 regardless of whether the defendant has paid any outstanding fee, cost, or
6 surcharge, including bond processing fees, booking fees, pretrial
7 supervision fees, or electronic monitoring supervision fees.

8 (h) (I) (A) Each sheriff shall post the following notice of rights on
9 the sheriff's website and information about how to file a complaint about
10 violations of ~~subsections (2)(b) to (2)(g)~~ SUBSECTIONS (2)(b) TO (2)(f) of
11 this section:

12 **Legal Rights Related to Posting Money Bond**

13 **Pursuant to Section 16-4-102, Colorado Revised Statutes**

14 1. **Bond fees, booking fees, and other fees or debts**
15 **never need to be paid to secure a person's release on**
16 **money bond, INCLUDING WHEN BOND IS POSTED ONLINE.**

17 A ~~payor~~ DEFENDANT, SURETY, OR ANOTHER THIRD-PARTY
18 PAYER need only pay the bond amount in order to secure
19 release.

20 2. While never a basis to hold a defendant in jail, the
21 following fees are chargeable as a debt to the defendant
22 after release if the ~~payor~~ SURETY OR ANOTHER THIRD-PARTY
23 PAYER chooses not to pay the fees at the time of bonding:
24 A \$10 bond fee and a maximum 3.5% credit card payment
25 fee. No other bond-related fees may be charged at any time,
26 including any kiosk fees or fees for payment by cash,
27 check, or money order, INCLUDING WHEN BOND IS POSTED

1 ONLINE.

2 3. Bond payments are to be made out to the holding
3 county and are never to be made out in the name of the
4 incarcerated person.

5 4. **A sheriff must release a defendant within six**
6 **hours after a personal recognizance bond is set and the**
7 **defendant has returned to jail or within six hours after**
8 **a cash bond has been set and the defendant has**
9 **returned to jail and the defendant, or surety, OR**
10 **THIRD-PARTY PAYER notified the jail that bond is**
11 **prepared to be posted,** unless extraordinary circumstances
12 exist. IF BOND IS POSTED ONLINE, THE SIX-HOUR RELEASE
13 TIMELINE BEGINS WHEN THE DEFENDANT, SURETY, OR
14 THIRD-PARTY PAYER SUBMITS PAYMENT FOR A BOND OR
15 ELECTRONICALLY FILES A POWER OF ATTORNEY. In the
16 event of a delay of more than six hours, a surety OR
17 THIRD-PARTY PAYER and the defendant have a right to
18 know what, if any, extraordinary circumstance is causing
19 the delay. Supervisory conditions of release do not justify
20 a delay in release; except that a sheriff may hold a
21 defendant for up to 24 hours if necessary to ensure a
22 defendant is fitted with required electronic monitoring.

23 5. Anyone who posts a money bond, INCLUDING BOND
24 POSTED ONLINE, has the right to receive a copy of the bond
25 paperwork, including documentation of the next upcoming
26 court date.

27 6. **A surety OR THIRD-PARTY PAYER may never be**

1 (j) (I) Each sheriff shall create written policies to comply with this
2 subsection (2) by ~~October 1, 2021~~ OCTOBER 1, 2025. The sheriff shall
3 post the policies on the sheriff's website and distribute them to all staff.
4 The sheriff shall train all staff who process bonds or interact with inmates
5 on the policies.

6 (II) Each sheriff shall review and update the sheriff's website,
7 signage, paperwork, and forms related to bonding to reflect current law
8 by ~~October 1, 2021~~ OCTOBER 1, 2025, and update the sheriff's website,
9 signage, paperwork, and forms related to bonding as necessary thereafter.

10 **SECTION 2.** In Colorado Revised Statutes, 16-4-111, **amend** (1)
11 as follows:

12 **16-4-111. Disposition of security deposits upon forfeiture or**
13 **termination of bond.** (1) (a) If a defendant is released upon deposit of
14 cash in any amount or upon deposit of any stocks or bonds and the
15 defendant is later discharged from all liability under the terms of the
16 bond, the clerk of the court shall return the deposit to the person who
17 made the deposit, INCLUDING WHEN BOND IS POSTED ONLINE.

18 (b) (I) If the depositor of the cash bond is the defendant and the
19 defendant owes court costs, fees, fines, restitution, or surcharges at the
20 time the defendant is discharged from all liability under the terms of the
21 bond, the court may apply the deposit toward any amount owed by the
22 defendant in court costs, fees, fines, restitution, or surcharges if the
23 defendant voluntarily agrees in writing to the use of the deposit for such
24 purpose. A defendant ~~shall not be~~ IS NOT required to agree to apply the
25 deposit toward any amount owed by the defendant as a condition of
26 release, INCLUDING WHEN BOND IS POSTED ONLINE. If any amount of the
27 deposit remains after paying the defendant's outstanding court costs, fees,

1 fines, restitution, or surcharges, the court shall return the remainder of the
2 deposit to the defendant.

3 (II) If the depositor of the cash bond is not the defendant but the
4 defendant owes court costs, fees, fines, restitution, or surcharges at the
5 time the defendant is discharged from all liability under the terms of the
6 bond, the court shall not apply the deposit toward the amount owed by the
7 defendant in court costs, fees, fines, restitution, or surcharges. The court
8 shall return the deposit to the depositor, INCLUDING WHEN A BOND IS
9 POSTED ONLINE.

10 (III) A depositor of a cash bond who is not the defendant may
11 deposit bond funds directly with the jail. The depositor ~~shall not be~~ IS NOT
12 required to pay any additional fees, costs, or surcharges other than the
13 bond amount and bond processing fee. The depositor ~~shall not be~~ IS NOT
14 required to apply bond funds to the defendant's inmate account for
15 payment of the bond and ~~shall not be~~ IS NOT required to deposit money in
16 the defendant's name, INCLUDING WHEN A BOND IS POSTED ONLINE.

17 **SECTION 3. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within such period, then the act, item, section, or part will not take
23 effect unless approved by the people at the general election to be held in
24 November 2026 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.