

**First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0303.01 Michael Dohr x4347

**HOUSE BILL 25-1049**

---

**HOUSE SPONSORSHIP**

**Garcia,**

**SENATE SPONSORSHIP**

**Amabile and Gonzales J.,**

---

**House Committees**

Judiciary  
Appropriations

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING COMMUNICATION RIGHTS FOR PERSONS IN CUSTODY.**

---

**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/>.)*

**Legislative Oversight Committee Concerning Colorado Jail Standards.** Current law allows a person who is committed, imprisoned, or arrested (person in custody) the right to communicate with an attorney or family member by making a reasonable number of telephone calls or through any other reasonable manner. The bill adds the right for a person in custody to receive a reasonable number of telephone calls or other reasonable communications and to communicate through interactive audiovisual conferencing, if available.

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.

Current law allows a person in custody the right to consult with an attorney. The bill clarifies that the person in custody has the right to make and receive private and unrecorded legal telephone calls without cost, and, alternatively, to communicate through private unrecorded interactive audiovisual conferencing.

Current law requires all peace officers or individuals who have a person in custody to allow the person in custody to see and consult with an attorney, alone and in private, at the location the person in custody is being held. The bill expands this requirement to allow the attorney for the person in custody to call and consult with the person in custody by telephone through a private and unrecorded legal telephone call without cost or by making and receiving private and unrecorded interactive audiovisual conferencing calls without cost.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-3-402, **amend** (1),  
3 (2), and (3) as follows:

4 **16-3-402. Right to communicate with attorney and family.**

5 (1) ~~Persons who are arrested shall have~~ A PERSON WHO IS ARRESTED HAS  
6 the right to communicate with an attorney of ~~their~~ THE PERSON'S choice  
7 and a member of ~~their~~ THE PERSON'S family by making a reasonable  
8 number of telephone calls or by communicating in any other reasonable  
9 manner. ~~Such~~ THE communication ~~shall~~ MUST be permitted at the earliest  
10 possible time after arrival at the police station, sheriff's office, jail, or  
11 other like confinement facility to which ~~such~~ THE person is first taken  
12 after arrest.

13 (2) If the accused PERSON is transferred to a new place of custody,  
14 ~~his~~ THE ACCUSED PERSON'S right to communicate with an attorney and a  
15 member of ~~his~~ THE ACCUSED PERSON'S family is renewed.

16 (3) (a) Consistent with ~~the provisions of section 21-1-103, C.R.S.,~~  
17 if ~~any~~ A person in custody indicates in any manner ~~his~~ THE desire to speak  
18 with an attorney, or the court determines that an inquiry into the matter of

1 indigency should occur, ~~the~~ A public defender ~~shall be~~ IS permitted to  
2 communicate with that person IN PERSON OR THROUGH TELEPHONE CALLS  
3 AND, IF AVAILABLE, INTERACTIVE AUDIOVISUAL CONFERENCING OR ANY  
4 OTHER REASONABLE AND AVAILABLE METHOD to determine whether ~~that~~  
5 THE person IN CUSTODY has counsel, ~~and, if~~ WHETHER the person IN  
6 CUSTODY desires ~~that~~ REPRESENTATION FROM the public defender, OR  
7 PUBLIC DEFENDER'S AGENT, ~~represent him,~~ AND to make an initial  
8 determination as to whether the person IN CUSTODY is indigent. If the  
9 public defender determines that the person IN CUSTODY is indigent, ~~such~~  
10 THE person IN CUSTODY shall apply for representation by the public  
11 defender in accordance with section 21-1-103. ~~C.R.S.~~

12 (b) The public defender, upon ~~his~~ request and with due regard for  
13 reasonable law enforcement administrative procedures, ~~shall be~~ IS  
14 permitted to determine whether or not ~~any~~ A person in custody has been  
15 taken without unnecessary delay before the nearest available county or  
16 district judge.

17 **SECTION 2.** In Colorado Revised Statutes, **amend** 16-3-403 as  
18 follows:

19 **16-3-403. Right to consult with attorney.** ~~Any~~ A person  
20 committed, imprisoned, or arrested for any cause, whether or not ~~such~~  
21 THE person is charged with an offense, ~~shall be~~ IS allowed to consult IN  
22 PERSON, ALONE, AND PRIVATELY AT THE PLACE OF CUSTODY, AND BY  
23 MAKING AND RECEIVING PRIVATE UNRECORDED LEGAL TELEPHONE CALLS  
24 WITHOUT COST, OR, ALTERNATIVELY, BY MAKING AND RECEIVING PRIVATE  
25 UNRECORDED INTERACTIVE AUDIOVISUAL CONFERENCING CALLS WITHOUT  
26 COST, with an attorney-at-law of this state AND OTHER PROFESSIONALS  
27 UNDER CONTRACT WITH THE OFFICE OF ALTERNATE DEFENSE COUNSEL

1     AND AUTHORIZED TO WORK WITH AN ATTORNEY APPOINTED BY THE COURT  
2     whom ~~such~~ THE person desires to see or consult alone and in private at the  
3     place of custody, BY MAKING AND RECEIVING PRIVATE AND UNRECORDED  
4     LEGAL TELEPHONE CALLS WITHOUT COST, OR, ALTERNATIVELY, BY  
5     COMMUNICATING THROUGH PRIVATE AND UNRECORDED INTERACTIVE  
6     AUDIOVISUAL CONFERENCING, as many times and for such period each  
7     time as is reasonable. Except where extradition proceedings have been  
8     completed or are not required by law, when ~~any such~~ A person IN  
9     CUSTODY is about to be moved beyond the limits of this state, the person  
10    ~~to be moved shall be~~ IN CUSTODY IS entitled to a reasonable delay for the  
11    purpose of obtaining counsel and ~~of availing himself of~~ BENEFITING FROM  
12    the laws of this state for the security of personal liberty.

13           **SECTION 3.** In Colorado Revised Statutes, 16-3-404, **amend** (2);  
14    and **add** (1.5) as follows:

15           **16-3-404. Duty of officers to admit attorney and allow**  
16    **attorney communications.** (1.5) ALL PEACE OFFICERS OR PERSONS  
17    HAVING IN CUSTODY A PERSON WHO IS COMMITTED, IMPRISONED, OR  
18    ARRESTED FOR ANY ALLEGED CAUSE SHALL ALLOW ANY  
19    ATTORNEY-AT-LAW IN THIS STATE AND OTHER PROFESSIONALS UNDER  
20    CONTRACT WITH THE OFFICE OF ALTERNATE DEFENSE COUNSEL AND  
21    AUTHORIZED TO WORK WITH AN ATTORNEY APPOINTED BY THE COURT  
22    WHO IS THE ATTORNEY FOR THE PERSON IN CUSTODY TO CALL BY  
23    TELEPHONE AND SPEAK WITH OR CONSULT WITH THE PERSON WHO IS IN  
24    CUSTODY, THROUGH A PRIVATE AND UNRECORDED CALL, WHILE THE  
25    PERSON WHO IS IN CUSTODY IS AT THE JAIL OR OTHER PLACE OF CUSTODY,  
26    OR, ALTERNATIVELY, TO COMMUNICATE THROUGH INTERACTIVE  
27    AUDIOVISUAL CONFERENCING IF THE PERSON IN CUSTODY EXPRESSLY

1        CONSENTS TO RECEIVE THE CALL OR CONSULT WITH THE ATTORNEY.

2            (2) ~~Any~~ A peace officer or person ~~violating~~ WHO VIOLATES the  
3 ~~duty~~ DUTIES imposed by ~~this section~~ SUBSECTION (1) OR (1.5) OF THIS  
4 SECTION or section 16-3-403 shall forfeit and pay not less than one  
5 hundred dollars nor more than one thousand dollars to the person  
6 COMMITTED, imprisoned, OR ARRESTED or to ~~his~~ THE PERSON'S attorney  
7 for the benefit of the person COMMITTED, imprisoned, OR ARRESTED, to  
8 be recovered in any court of competent jurisdiction.

9            **SECTION 4. Act subject to petition - effective date.** This act  
10 takes effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly; except  
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
13 of the state constitution against this act or an item, section, or part of this  
14 act within such period, then the act, item, section, or part will not take  
15 effect unless approved by the people at the general election to be held in  
16 November 2026 and, in such case, will take effect on the date of the  
17 official declaration of the vote thereon by the governor.