

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0078.01 Conrad Imel x2313

HOUSE BILL 25-1116

HOUSE SPONSORSHIP

Armagost and Bacon,

SENATE SPONSORSHIP

Pelton R.,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING REQUIRING THE DEPARTMENT OF CORRECTIONS TO
102 SEARCH FOR INFORMATION RELATED TO AN OFFENDER'S COURT
103 APPEARANCES.

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 requires the department of corrections (department) to search all information available to the department to determine whether an offender held at a correctional facility is subject to an outstanding warrant or if the offender has a pending case in a Colorado court. The department is required to conduct the search when the offender is

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.

admitted to the department, when the department conducts the initial comprehensive evaluation of the offender's sentence, 6 months after the offender's admission to the department, once 3 to 6 months prior to the offender's community correction eligibility date, and upon request of a public defender liaison to the department.

If the department determines that an offender is subject to a warrant, the department shall notify the offender, a public defender liaison to the department, and the court that issued the warrant. The general assembly encourages a court to ensure the offender appears before the court, is assigned counsel if the defendant is eligible for court-appointed counsel, allows the offender to resolve the warrant in a timely manner, and facilitates virtual appearance for the offender.

The bill does not prohibit the department from searching for outstanding warrants at any other time. The bill requires the office of state public defender to designate an email address for the public defender liaisons to the department of corrections to receive notifications from the department.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 17-33-104 as
3 follows:

4 **17-33-104. Warrant search prior to offender's release -**
5 **notification to offender, public defender, and court - legislative intent**
6 **- definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
7 OTHERWISE REQUIRES:

8 (a) "COMMUNITY CORRECTIONS ELIGIBILITY DATE" MEANS THE
9 DATE AN OFFENDER IS ELIGIBLE TO BE PLACED IN A COMMUNITY
10 CORRECTIONS PROGRAM PURSUANT TO SECTION 18-1.3-301 (2)(b),
11 REGARDLESS OF WHETHER STATE LAW OR AN ADMINISTRATIVE
12 REGULATION OR POLICY ADOPTED BY THE DEPARTMENT PRECLUDES
13 PLACEMENT IN A COMMUNITY CORRECTIONS PROGRAM.

14 (b) "COURT" MEANS A COURT IN COLORADO, INCLUDING A
15 MUNICIPAL COURT.

16 (c) "OFFENDER" MEANS AN OFFENDER HELD IN CUSTODY AT A

1 CORRECTIONAL FACILITY.

2 (d) "PUBLIC DEFENDER LIAISON TO THE DEPARTMENT OF
3 CORRECTIONS" MEANS A PUBLIC DEFENDER LIAISON TO THE DEPARTMENT
4 OF CORRECTIONS DESCRIBED IN SECTION 21-1-104 (6).

5 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS
6 SECTION, THE DEPARTMENT SHALL SEARCH ALL INFORMATION AVAILABLE
7 TO THE DEPARTMENT TO DETERMINE WHETHER AN OFFENDER IS SUBJECT
8 TO AN OUTSTANDING IN-STATE WARRANT ISSUED BY A COURT OR A
9 WARRANT ISSUED BY A COURT OUTSIDE OF COLORADO, OR IF THE
10 OFFENDER HAS A PENDING CASE IN A COLORADO COURT:

11 (I) UPON THE OFFENDER BEING ADMITTED TO THE DEPARTMENT;

12 (II) UPON THE INITIAL COMPREHENSIVE EVALUATION OF THE
13 OFFENDER'S SENTENCE BY THE DEPARTMENT'S TIME COMPUTATION UNIT;

14 (III) SIX MONTHS AFTER THE OFFENDER'S ADMISSION TO THE
15 DEPARTMENT;

16 (IV) NO EARLIER THAN SIX MONTHS AND NO LATER THAN THREE
17 MONTHS PRIOR TO THE OFFENDER'S COMMUNITY CORRECTION ELIGIBILITY
18 DATE, UNLESS THE OFFENDER IS WITHIN SIX MONTHS OF ELIGIBILITY UPON
19 ADMISSION TO THE DEPARTMENT; AND

20 (V) UPON REQUEST OF A PUBLIC DEFENDER LIAISON TO THE
21 DEPARTMENT OF CORRECTIONS.

22 (b) THE DEPARTMENT IS NOT REQUIRED TO CONDUCT A SEARCH
23 FOR INFORMATION AS REQUIRED IN SUBSECTION (2)(a)(III) OR (2)(a)(IV)
24 OF THIS SECTION IF THE DEPARTMENT HAS CONDUCTED A SEARCH
25 PURSUANT TO ANOTHER PROVISION OF SUBSECTION (2)(a) OF THIS SECTION
26 WITHIN NINETY DAY PRIOR TO THE SEARCH REQUIRED IN SUBSECTION
27 (2)(a)(III) OR (2)(a)(IV) OF THIS SECTION.

1 (3) (a) IF, FOLLOWING A SEARCH CONDUCTED PURSUANT TO
2 SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT DETERMINES THAT AN
3 OFFENDER IS SUBJECT TO A WARRANT, THE DEPARTMENT SHALL NOTIFY:

4 (I) THE OFFENDER THAT THEY ARE SUBJECT TO A WARRANT AND
5 PROVIDE THE OFFENDER WITH ALL THE INFORMATION AVAILABLE TO THE
6 DEPARTMENT ABOUT THE WARRANT, INCLUDING THE CHARGES IN THE
7 WARRANT, THE COURT THAT ISSUED THE WARRANT AND ITS LOCATION,
8 THE DATE THE WARRANT WAS ISSUED, THE WARRANT NUMBER, AND ANY
9 CASE NUMBERS ASSOCIATED WITH THE WARRANT;

10 (II) THE PUBLIC DEFENDER LIAISON TO THE DEPARTMENT OF
11 CORRECTIONS, AT AN EMAIL ADDRESS DESIGNATED TO RECEIVE THE
12 NOTIFICATION PURSUANT TO SECTION 21-1-104 (6)(b), OF THE OFFENDER'S
13 NAME AND DEPARTMENT OF CORRECTIONS NUMBER; THE CORRECTIONAL
14 FACILITY WHERE THE OFFENDER IS IN CUSTODY; THE OFFENDER'S CURRENT
15 COMMUNITY CORRECTIONS ELIGIBILITY DATE AND PAROLE ELIGIBILITY
16 DATE; AND ALL THE INFORMATION AVAILABLE TO THE DEPARTMENT
17 ABOUT THE WARRANT, INCLUDING THE CHARGES IN THE WARRANT, THE
18 COURT THAT ISSUED THE WARRANT AND ITS LOCATION, THE DATE THE
19 WARRANT WAS ISSUED, THE WARRANT NUMBER, AND ANY CASE NUMBERS
20 ASSOCIATED WITH THE WARRANT; AND

21 (III) THE COURT THAT ISSUED THE WARRANT THAT THE OFFENDER
22 IS IN THE CUSTODY OF THE DEPARTMENT AND THE CORRECTIONAL
23 FACILITY IN WHICH THE OFFENDER IS IN CUSTODY.

24 (b) IF, FOLLOWING A SEARCH CONDUCTED PURSUANT TO
25 SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT DETERMINES THAT AN
26 OFFENDER HAS A PENDING CASE IN A COLORADO COURT, THE DEPARTMENT
27 SHALL NOTIFY:

1 (I) THE OFFENDER THAT THEY HAVE A PENDING CASE IN A
2 COLORADO COURT AND PROVIDE THE OFFENDER WITH INFORMATION
3 ABOUT THE COURT CASE, INCLUDING THE NAME AND LOCATION OF THE
4 COURT IN WHICH THE CASE IS PENDING AND THE CASE NUMBER;

5 (II) THE PUBLIC DEFENDER LIAISON TO THE DEPARTMENT OF
6 CORRECTIONS, AT AN EMAIL ADDRESS DESIGNATED TO RECEIVE THE
7 NOTIFICATION PURSUANT TO SECTION 21-1-104 (6)(b), ABOUT THE
8 PENDING CASE, INCLUDING THE OFFENDER'S NAME AND DEPARTMENT OF
9 CORRECTIONS NUMBER, THE CORRECTIONAL FACILITY WHERE THE
10 OFFENDER IS IN CUSTODY, THE OFFENDER'S CURRENT COMMUNITY
11 CORRECTIONS ELIGIBILITY DATE AND PAROLE ELIGIBILITY DATE, THE NAME
12 AND LOCATION OF THE COURT IN WHICH THE CASE IS PENDING, AND THE
13 CASE NUMBER; AND

14 (III) THE COURT IN WHICH THE CASE IS PENDING THAT THE
15 OFFENDER IS IN THE CUSTODY OF THE DEPARTMENT AND THE
16 CORRECTIONAL FACILITY IN WHICH THE OFFENDER IS IN CUSTODY.

17 (4) (a) THE GENERAL ASSEMBLY ENCOURAGES A COURT THAT
18 RECEIVES A NOTIFICATION ABOUT AN OFFENDER'S OUTSTANDING WARRANT
19 OR PENDING CASE PURSUANT TO THIS SECTION TO ENSURE THE OFFENDER
20 APPEARS BEFORE THE COURT, IS ASSIGNED COUNSEL IF THE DEFENDANT IS
21 ELIGIBLE FOR COURT-APPOINTED COUNSEL, AND ALLOWS THE OFFENDER
22 TO RESOLVE THE WARRANT IN A TIMELY MANNER THAT DOES NOT DELAY
23 ANY DEPARTMENTAL PROCESS THAT INVOLVES CONSIDERATION OF THE
24 OFFENDER'S RELEASE TO COMMUNITY CORRECTIONS OR PAROLE.

25 (b) SUBJECT TO APPLICABLE COURT RULES AND AVAILABLE
26 RESOURCES, AND TO EFFECTIVELY USE RESOURCES AND AVOID
27 UNNECESSARY TRANSPORT OF THE OFFENDER FROM A CORRECTIONAL

1 FACILITY TO THE COURT, THE GENERAL ASSEMBLY ENCOURAGES A COURT
2 TO USE VIRTUAL APPEARANCES FOR AN APPEARANCE DESCRIBED IN THIS
3 SUBSECTION (4).

4 (c) SUBJECT TO AVAILABLE TECHNOLOGICAL RESOURCES IN THE
5 CORRECTIONAL FACILITY IN WHICH THE OFFENDER IS IN CUSTODY, THE
6 DEPARTMENT SHALL FACILITATE AN OFFENDER'S VIRTUAL APPEARANCE AT
7 AN APPEARANCE DESCRIBED IN THIS SUBSECTION (4).

8 (5) THIS SECTION DOES NOT PROHIBIT THE DEPARTMENT FROM
9 SEARCHING FOR AN OFFENDER'S OUTSTANDING WARRANTS AT ANY OTHER
10 TIME.

11 **SECTION 2.** In Colorado Revised Statutes, 21-1-104, **amend** (6)
12 as follows:

13 **21-1-104. Duties of public defender - report.** (6) (a) The office
14 of state public defender shall provide one or more public defender
15 liaisons to the department of corrections and the state board of parole to
16 assist inmates or inmate liaisons with legal matters related to detainers,
17 bonds, holds, warrants, competency, special needs parole applications,
18 and commutation applications. The office of state public defender, in
19 consultation with the state board of parole and the department of
20 corrections, shall develop any necessary policies and procedures for
21 implementation of this subsection (6).

22 (b) THE OFFICE OF STATE PUBLIC DEFENDER SHALL DESIGNATE AN
23 EMAIL ADDRESS FOR THE PUBLIC DEFENDER LIAISONS TO THE DEPARTMENT
24 OF CORRECTIONS TO RECEIVE NOTIFICATIONS MADE PURSUANT TO SECTION
25 17-33-104 FROM THE DEPARTMENT OF CORRECTIONS ABOUT OFFENDERS'
26 OUTSTANDING WARRANTS AND PENDING COLORADO COURT CASES.

27 **SECTION 3. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2026 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.