

**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. 25-0078.01 Conrad Imel x2313

HOUSE BILL 25-1116

HOUSE SPONSORSHIP

Armagost and Bacon,

SENATE SPONSORSHIP

Pelton R.,

House Committees

Judiciary
Appropriations

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 INITIAL COMPREHENSIVE EVALUATION OF THE
12 OFFENDER'S SENTENCE BY THE DEPARTMENT'S TIME COMPUTATION UNIT;
13 AND

14 (II) NO EARLIER THAN EIGHT MONTHS BUT NO LATER THAN THREE
15 MONTHS PRIOR TO THE OFFENDER'S STATUTORY COMMUNITY CORRECTIONS
16 ELIGIBILITY DATE, REGARDLESS OF WHETHER POLICIES AND REGULATIONS
17 WOULD ALLOW FOR ACTUAL SCREENING FOR REFERRAL TO COMMUNITY
18 CORRECTIONS; EXCEPT THIS SEARCH IS NOT REQUIRED IF THE OFFENDER IS
19 WITHIN FOUR MONTHS OF THE OFFENDER'S STATUTORY COMMUNITY
20 CORRECTIONS DATE WHEN THE SEARCH PURSUANT TO SUBSECTION
21 (2)(a)(II) WAS CONDUCTED.

22 (b) THE DEPARTMENT SHALL ESTABLISH GUIDELINES AND POLICIES
23 TO COMPLY WITH THIS SECTION AND WHICH MUST ALSO ADDRESS
24 REQUESTS FOR ADDITIONAL SEARCHES AS MAY BE NEEDED BY THE PUBLIC
25 DEFENDER LIAISON TO THE DEPARTMENT OF CORRECTIONS.

26 (3) (a) IF, FOLLOWING A SEARCH CONDUCTED PURSUANT TO
27 SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT DETERMINES THAT AN

1 OFFENDER IS SUBJECT TO A WARRANT, THE DEPARTMENT SHALL NOTIFY:

2 (I) THE OFFENDER THAT THEY ARE SUBJECT TO A WARRANT AND
3 PROVIDE THE OFFENDER WITH ALL INFORMATION MADE AVAILABLE TO THE
4 DEPARTMENT ABOUT THE WARRANT THAT THE DEPARTMENT MAY RELEASE
5 IN ACCORDANCE WITH APPLICABLE LAW;

6 (II) THE PUBLIC DEFENDER LIAISON TO THE DEPARTMENT OF
7 CORRECTIONS, AT AN EMAIL ADDRESS DESIGNATED TO RECEIVE THE
8 NOTIFICATION PURSUANT TO SECTION 21-1-104 (6)(b), THAT THE
9 OFFENDER IS SUBJECT TO THE WARRANT AND PROVIDE THE PUBLIC
10 DEFENDER LIAISON TO THE DEPARTMENT OF CORRECTIONS WITH ALL
11 INFORMATION THAT IS MADE AVAILABLE TO THE DEPARTMENT THAT THE
12 DEPARTMENT MAY RELEASE IN ACCORDANCE WITH APPLICABLE LAW; AND

13
14 (III) THE COURT THAT ISSUED THE WARRANT THAT THE OFFENDER
15 IS IN THE CUSTODY OF THE DEPARTMENT AND THE CORRECTIONAL
16 FACILITY IN WHICH THE OFFENDER IS IN CUSTODY.

17 (b) IF, FOLLOWING A SEARCH CONDUCTED PURSUANT TO
18 SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT DETERMINES THAT AN
19 OFFENDER HAS A PENDING CASE IN A COLORADO COURT, THE DEPARTMENT
20 SHALL NOTIFY:

21 (I) THE OFFENDER THAT THEY HAVE A PENDING CASE IN A
22 COLORADO COURT AND PROVIDE THE OFFENDER WITH INFORMATION
23 ABOUT THE COURT CASE, INCLUDING THE NAME AND LOCATION OF THE
24 COURT IN WHICH THE CASE IS PENDING AND THE CASE NUMBER;

25 (II) THE PUBLIC DEFENDER LIAISON TO THE DEPARTMENT OF
26 CORRECTIONS, AT AN EMAIL ADDRESS DESIGNATED TO RECEIVE THE
27 NOTIFICATION PURSUANT TO SECTION 21-1-104 (6)(b), ABOUT THE

1 PENDING CASE, INCLUDING THE OFFENDER'S NAME AND DEPARTMENT OF
2 CORRECTIONS NUMBER, THE CORRECTIONAL FACILITY WHERE THE
3 OFFENDER IS IN CUSTODY, THE OFFENDER'S CURRENT COMMUNITY
4 CORRECTIONS ELIGIBILITY DATE AND PAROLE ELIGIBILITY DATE, THE NAME
5 AND LOCATION OF THE COURT IN WHICH THE CASE IS PENDING, AND THE
6 CASE NUMBER; AND

7 (III) THE COURT IN WHICH THE CASE IS PENDING THAT THE
8 OFFENDER IS IN THE CUSTODY OF THE DEPARTMENT AND THE
9 CORRECTIONAL FACILITY IN WHICH THE OFFENDER IS IN CUSTODY.

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

18 (b) SUBJECT TO APPLICABLE COURT RULES AND AVAILABLE
19 RESOURCES, AND TO EFFECTIVELY USE RESOURCES AND AVOID
20 UNNECESSARY TRANSPORT OF THE OFFENDER FROM A CORRECTIONAL
21 FACILITY TO THE COURT, THE GENERAL ASSEMBLY ENCOURAGES A COURT
22 TO USE VIRTUAL APPEARANCES FOR AN APPEARANCE DESCRIBED IN THIS
23 SUBSECTION (4).

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

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

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

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

15 (b) THE OFFICE OF STATE PUBLIC DEFENDER SHALL DESIGNATE AN
16 EMAIL ADDRESS FOR THE PUBLIC DEFENDER LIAISONS TO THE DEPARTMENT
17 OF CORRECTIONS TO RECEIVE NOTIFICATIONS MADE PURSUANT TO SECTION
18 17-33-104 FROM THE DEPARTMENT OF CORRECTIONS ABOUT OFFENDERS'
19 OUTSTANDING WARRANTS AND PENDING COLORADO COURT CASES.

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

- 1 November 2026 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.