

CHAPTER 91

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 97-1241

BY REPRESENTATIVES Reeser, Piffner, Tool, Arrington, Dean, George, Lamborn, Mace, Paschall, Schwarz, and Sullivant;
also SENATORS Powers and Arnold.

AN ACT

CONCERNING PRETRIAL RELEASE OF PERSONS CHARGED WITH A CRIME.

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

SECTION 1. 16-4-105 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

16-4-105. Selection by judge of the amount of bail and type of bond - criteria.
(1) In determining the amount of bail and the type of bond to be furnished by the defendant, the judge fixing the same shall consider and be governed by the following criteria:

(n.5) UNLESS THE DISTRICT ATTORNEY CONSENTS, NO PERSON WHO IS EIGHTEEN YEARS OF AGE OR OLDER OR IS BEING CHARGED AS AN ADULT PURSUANT TO SECTION 19-2-517, C.R.S., OR TRANSFERRED TO THE DISTRICT COURT PURSUANT TO SECTION 19-2-518, C.R.S., SHALL BE RELEASED ON PERSONAL RECOGNIZANCE IF THE PERSON'S CRIMINAL RECORD INDICATES THAT HE OR SHE FAILED TO APPEAR ON BOND IN ANY CASE INVOLVING A FELONY OR CLASS 1 MISDEMEANOR CHARGE IN THE PRECEDING FIVE YEARS.

SECTION 2. 16-4-105 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

16-4-105. Selection by judge of the amount of bail and type of bond - criteria. (3) (e) EACH PRETRIAL SERVICES PROGRAM ESTABLISHED PURSUANT TO

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

THIS SUBSECTION (3) SHALL PROVIDE AN ANNUAL REPORT TO THE CHIEF JUDGE OF THE JUDICIAL DISTRICT WHICH IT SERVES. THE JUDICIAL DEPARTMENT SHALL PRESENT AN ANNUAL COMBINED REPORT TO THE HOUSE AND SENATE JUDICIARY COMMITTEES OF THE GENERAL ASSEMBLY. THE REPORT SHALL INCLUDE BUT IS NOT LIMITED TO THE FOLLOWING INFORMATION:

(I) THE NUMBER OF INTERVIEWS CONDUCTED WITH DEFENDANTS;

(II) THE NUMBER AND NATURE OF RECOMMENDATIONS MADE;

(III) THE NUMBER OF DEFENDANTS UNDER PRETRIAL RELEASE SUPERVISION WHO FAILED TO APPEAR; AND

(IV) ANY ADDITIONAL INFORMATION THE COURT MAY REQUEST.

SECTION 3. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 16, 1997