

## CHAPTER 105

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**CRIMINAL LAW AND PROCEDURE**


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**HOUSE BILL 08-1263**

BY REPRESENTATIVE(S) Labuda, Casso, Ferrandino, Frangas, Jahn, Kerr A., Kerr J., King, Looper, Peniston, Borodkin, Buescher, Carroll T., Rice, Roberts, Scanlan, Stafford, Stephens, and Todd;  
also SENATOR(S) Gibbs, Boyd, Groff, Morse, Shaffer, Spence, and Williams.

**AN ACT****CONCERNING MODIFICATIONS TO VICTIM NOTIFICATION REQUIREMENTS.**

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

**SECTION 1.** 24-4.1-302 (2) (c), Colorado Revised Statutes, is amended to read:

**24-4.1-302. Definitions.** As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

(2) "Critical stages" means the following stages of the criminal justice process:

(c) (I) Any COURT ACTION INVOLVING A bond reduction or modification ~~hearing~~ ~~in~~ AT which the ~~request is made~~ FOLLOWING OCCURS:

~~(F)~~ (A) ~~For~~ A bond IS SET lower than the scheduled or customary amount for the specific charge, INCLUDING ANY ADJUSTMENTS MADE BY THE COURT TO THE AMOUNT OF BOND TO CORRESPOND TO THE SPECIFIC CHARGE TO WHICH THE DEFENDANT PLED GUILTY OR FOR WHICH THE DEFENDANT WAS CONVICTED, IF THE ADJUSTED BOND IS LOWER THAN THE SCHEDULED OR CUSTOMARY AMOUNT FOR THE SPECIFIC CHARGE;

~~(H)~~ (B) ~~For~~ A change in the type ~~or condition~~ of a bond;

~~(HH)~~ (C) ~~For an alternative to a bond, or~~ A MODIFICATION TO A CONDITION OF THE BOND;

~~(IV)~~ (D) A DEFENDANT IS PERMITTED to appear without posting ~~of~~ a bond;

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

(E) IN A CASE INVOLVING A CAPITAL OFFENSE, THE COURT GRANTS THE DEFENDANT'S MOTION FOR ADMISSION TO BAIL PURSUANT TO SECTION 16-4-101 (3), C.R.S.; OR

~~(V)~~ (F) FOR JURISDICTIONS THAT DO NOT HAVE A BOND SCHEDULE OR CUSTOMARY AMOUNT FOR BOND, A BOND IS MODIFIED TO A LOWER AMOUNT THAN THAT SET AT THE INITIAL BOND HEARING.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), THE FOLLOWING SHALL NOT CONSTITUTE A BOND REDUCTION OR MODIFICATION:

(A) THE INITIAL SETTING OF A BOND, WHETHER SET BY THE COURT AT THE FIRST APPEARANCE OR BY ANOTHER ENTITY AUTHORIZED TO DO SO BY THE COURT PRIOR TO THE FIRST APPEARANCE;

(B) THE SETTING OF A NEW BOND UPON THE FILING OF CHARGES BY THE DISTRICT ATTORNEY, SO LONG AS THE BOND IS SET AT OR ABOVE THE SCHEDULED OR CUSTOMARY AMOUNT FOR THE SPECIFIC CHARGE FILED; AND

(C) FOR NONBAILABLE OFFENSES PURSUANT TO SECTION 16-4-101, C.R.S., THE SUBSEQUENT SETTING OF A BOND BY THE COURT.

**SECTION 2.** 24-4.1-302.5 (1) (d), Colorado Revised Statutes, is amended to read:

**24-4.1-302.5. Rights afforded to victims.** (1) In order to preserve and protect a victim's rights to justice and due process, each victim of a crime shall have the following rights:

(d) The right to be heard at any court proceeding: ~~that involves a bond reduction or modification, the acceptance of a negotiated plea agreement, or the sentencing or any modification of sentence of any person accused or convicted of a crime against such victim;~~

(I) INVOLVING THE DEFENDANT'S BOND AS SPECIFIED IN SECTION 24-4.1-302 (2) (c);

(II) AT WHICH THE COURT ACCEPTS A PLEA OF NOLO CONTENDERE;

(III) AT WHICH THE COURT ACCEPTS A NEGOTIATED PLEA AGREEMENT;

(IV) AT WHICH A PERSON ACCUSED OR CONVICTED OF A CRIME AGAINST THE VICTIM IS SENTENCED;

(V) AT WHICH THE SENTENCE OF A PERSON ACCUSED OR CONVICTED OF A CRIME AGAINST THE VICTIM IS MODIFIED; OR

(VI) AT WHICH THE DEFENDANT REQUESTS A MODIFICATION OF THE NO CONTACT PROVISION OF THE MANDATORY CRIMINAL PROTECTION ORDER UNDER SECTION 18-1-1001, C.R.S.;

**SECTION 3.** 24-4.1-303 (11), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-4.1-303. Procedures for ensuring rights of victims of crimes.** (11) The district attorney shall inform a victim of the following:

(a.5) THE CHARGES TO BE FILED, PRIOR TO FILING OF THE CHARGES, IF THE MOST SERIOUS CHARGE TO BE FILED IS LOWER THAN THE MOST SERIOUS CHARGE FOR WHICH THE INDIVIDUAL WAS ARRESTED AND THE FILING OF THE LOWER CHARGE MAY RESULT IN THE COURT ISSUING A NEW, LOWER BOND.

**SECTION 4. Applicability.** This act shall apply to crimes committed on or after the effective date of this act.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 7, 2008