

## CHAPTER 212

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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SENATE BILL 08-076

BY SENATOR(S) Renfroe, Schultheis, Kopp, Mitchell S., Penry, Brophy, Gibbs, Harvey, Romer, Spence, Tochtrop, and Groff;  
also REPRESENTATIVE(S) Lambert, Stephens, Frangas, Gardner C., King, Lundberg, Mitchell V., and Summers.

**AN ACT**

**CONCERNING BAIL FOR A PERSON CHARGED WITH CERTAIN ALCOHOL- AND DRUG-RELATED DRIVING OFFENSES.**

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

**SECTION 1.** 16-5-205 (1), Colorado Revised Statutes, is amended to read:

**16-5-205. Informations - authority to file - indictments - warrants and summons.** (1) The prosecuting attorney may file an information in the court having jurisdiction over the offense charged, alleging that a person committed the criminal offense described therein. The court shall enter an order fixing the amount of bail, if the offense is bailable, and the amount of bail shall be endorsed upon any warrant issued for the arrest of the alleged offender. When a summons is issued instead of a warrant, no bail shall be fixed; EXCEPT THAT, WHEN A PERSON IS CHARGED WITH AN OFFENSE PURSUANT TO SECTION 42-2-138 (1) (d) OR 42-4-1301 (1) OR (2) (a), C.R.S., THE COURT MAY ENTER AN ORDER FIXING THE AMOUNT OF BAIL EVEN IF A SUMMONS IS ISSUED.

**SECTION 2.** 16-2-113, Colorado Revised Statutes, is amended to read:

**16-2-113. Appearance of defendant before judge - subsequent procedure.** (1) Upon appearance of the defendant before the judge in response to a summons or following arrest for a misdemeanor or a petty offense and in all proceedings thereafter unless otherwise provided in this code, the Colorado rules of criminal procedure are applicable. Prosecution may be conducted on the summons and complaint or the separate complaint if one has been filed. Trial may be held forthwith if the court calendar permits, immediate trial appears proper, and the parties do not request a continuance for good cause. Otherwise, the case shall be set for trial as soon as possible.

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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.*

(2) UPON APPEARANCE BEFORE A JUDGE FOR AN OFFENSE UNDER SECTION 42-2-138 (1) (d) OR 42-4-1301 (1) OR (2) (a), C.R.S., THE JUDGE MAY ORDER CONDITIONS OF THE SUMMONS, INCLUDING BUT NOT LIMITED TO DRUG AND ALCOHOL EVALUATION AND TREATMENT. FOR A VIOLATION OF AN ORDER ENTERED PURSUANT TO THIS SUBSECTION (2), A COURT MAY REVOKE THE SUMMONS, ISSUE A WARRANT FOR THE DEFENDANT'S ARREST, AND IMPOSE BAIL PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF THIS TITLE.

**SECTION 3. Effective date - applicability.** This act shall take effect July 1, 2008, and shall apply to offenses committed on or after said date.

**SECTION 4. 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: May 14, 2008