

CHAPTER 104

**CRIMINAL LAW AND PROCEDURE**

**HOUSE BILL 09-1262**

BY REPRESENTATIVE(S) Casso, Apuan, King S., Looper, McFadyen, Merrifield, Nikkel, Pace, Roberts, Ryden, Schafer S., Todd, Waller;  
also SENATOR(S) Morse, Carroll M.

**AN ACT**

**CONCERNING THE ISSUANCE OF A SUMMONS INSTEAD OF AN ARREST WARRANT IN CERTAIN CIRCUMSTANCES.**

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

**SECTION 1.** 16-5-206 (1), Colorado Revised Statutes, is amended to read:

**16-5-206. Summons in lieu of warrant.** (1) Except in class 1, class 2, and class 3 felonies and in unclassified felonies punishable by a maximum penalty of more than ten years, if an indictment is returned or an information, felony complaint, or complaint has been filed prior to the arrest of the person named as defendant therein, the court ~~with the consent of the prosecuting attorney~~; has power to issue a summons commanding the appearance of the defendant in lieu of a warrant for his OR HER arrest UNLESS A LAW ENFORCEMENT OFFICER PRESENTS IN WRITING A BASIS TO BELIEVE THERE IS A SIGNIFICANT RISK OF FLIGHT OR THAT THE VICTIM OR PUBLIC SAFETY MAY BE COMPROMISED.

**SECTION 2. Act subject to petition - effective date.** 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, (August 5, 2009, if adjournment sine die is on May 6, 2009); 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 3, 2009

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