

## CHAPTER 99

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**CRIMINAL LAW AND PROCEDURE**


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**HOUSE BILL 11-1189**

BY REPRESENTATIVE(S) Fields, Schafer S., Todd, Vigil, Barker, Duran, Fischer, Gardner B., Hamner, Labuda, Peniston, Summers;  
also SENATOR(S) King K., King S.

**AN ACT**

**CONCERNING BAIL BOND CONDITIONS FOR THOSE ARRESTED FOR SUBSEQUENT SUBSTANCE ABUSE DRIVING OFFENSES.**

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

**SECTION 1.** 16-4-103 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**16-4-103. Fixing of bail and conditions of bail bond.** (1) (e) (I) IF A PERSON IS ARRESTED FOR DRIVING UNDER THE INFLUENCE OR DRIVING WHILE ABILITY IMPAIRED, PURSUANT TO SECTION 42-4-1301, C.R.S., AND THE PERSON HAS ONE OR MORE PREVIOUS CONVICTIONS FOR AN OFFENSE IN SECTION 42-4-1301, C.R.S., OR ONE OR MORE CONVICTIONS IN ANY OTHER JURISDICTION THAT WOULD CONSTITUTE A VIOLATION OF SECTION 42-4-1301, C.R.S., AS A CONDITION OF ANY BAIL BOND, THE COURT SHALL ORDER THAT THE DEFENDANT ABSTAIN FROM THE USE OF ALCOHOL OR THE ILLEGAL USE OF DRUGS AND SUCH ABSTINENCE SHALL BE MONITORED.

(II) A DEFENDANT SEEKING RELIEF FROM ANY OF THE CONDITIONS IMPOSED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (e) SHALL FILE A MOTION WITH THE COURT AND THE COURT SHALL CONDUCT A HEARING UPON THE MOTION. THE COURT SHALL CONSIDER WHETHER THE CONDITION FROM WHICH THE DEFENDANT IS SEEKING RELIEF IS IN THE INTEREST OF JUSTICE AND WHETHER PUBLIC SAFETY WOULD BE ENDANGERED IF THE CONDITION WERE NOT ENFORCED. WHEN DETERMINING WHETHER TO GRANT RELIEF PURSUANT TO THIS SUBPARAGRAPH (II), THE COURT SHALL CONSIDER WHETHER THE DEFENDANT HAS VOLUNTARILY ENROLLED IN AND IS PARTICIPATING IN AN APPROPRIATE SUBSTANCE ABUSE TREATMENT PROGRAM.

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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.*

**SECTION 2. 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 8, 2011