

CHAPTER 202

**CRIMINAL LAW AND PROCEDURE**

HOUSE BILL 13-1236

BY REPRESENTATIVE(S) Levy, Labuda, Lee, Court, Fischer, Hullinghorst, Kagan, May, Rosenthal, Singer, Pabon; also SENATOR(S) Ulibarri, Giron, Guzman, Aguilar, Carroll, Heath, Hodge, King, Newell, Nicholson, Steadman, Tochtrop, Morse.

**AN ACT**

**CONCERNING PRE-TRIAL RELEASE FROM CUSTODY.**

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

**SECTION 1.** In Colorado Revised Statutes, 16-1-104, **amend** (3) and (5) as follows:

**16-1-104. Definitions.** (3) "~~Bail~~" means ~~the amount of money set by the court which is required to be obligated by a bond for the release of a person in custody to assure that he will appear before the court in which his appearance is required or that he will comply with other conditions set forth in a bond~~ A SECURITY, WHICH MAY INCLUDE A BOND WITH OR WITHOUT MONETARY CONDITIONS, REQUIRED BY A COURT FOR THE RELEASE OF A PERSON IN CUSTODY SET TO PROVIDE REASONABLE ASSURANCE OF PUBLIC SAFETY AND COURT APPEARANCE.

(5) "**Bond**" means A BAIL BOND WHICH IS AN UNDERTAKING, WITH OR WITHOUT SURETIES OR SECURITY, ENTERED INTO BY A PERSON IN CUSTODY BY WHICH HE BINDS HIMSELF TO COMPLY WITH THE CONDITIONS OF THE UNDERTAKING AND IN DEFAULT OF SUCH COMPLIANCE TO PAY THE AMOUNT OF BAIL OR OTHER SUM FIXED, IF ANY, IN THE BOND.

**SECTION 2.** In Colorado Revised Statutes, **repeal and reenact, with amendments**, part 1 of article 4 of title 16 as follows:

**PART 1  
RELEASE ON BAIL**

**16-4-101. Bailable offenses - definitions.** (1) ALL PERSONS SHALL BE BAILABLE BY SUFFICIENT SURETIES EXCEPT:

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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.*

(a) FOR CAPITAL OFFENSES WHEN PROOF IS EVIDENT OR PRESUMPTION IS GREAT;  
OR

(b) WHEN, AFTER A HEARING HELD WITHIN NINETY-SIX HOURS OF ARREST AND UPON REASONABLE NOTICE, THE COURT FINDS THAT THE PROOF IS EVIDENT OR THE PRESUMPTION IS GREAT AS TO THE CRIME ALLEGED TO HAVE BEEN COMMITTED AND FINDS THAT THE PUBLIC WOULD BE PLACED IN SIGNIFICANT PERIL IF THE ACCUSED WERE RELEASED ON BAIL AND SUCH PERSON IS ACCUSED IN ANY OF THE FOLLOWING CASES:

(I) A CRIME OF VIOLENCE ALLEGED TO HAVE BEEN COMMITTED WHILE ON PROBATION OR PAROLE RESULTING FROM THE CONVICTION OF A CRIME OF VIOLENCE;

(II) A CRIME OF VIOLENCE ALLEGED TO HAVE BEEN COMMITTED WHILE ON BAIL PENDING THE DISPOSITION OF A PREVIOUS CRIME OF VIOLENCE CHARGE FOR WHICH PROBABLE CAUSE HAS BEEN FOUND;

(III) A CRIME OF VIOLENCE ALLEGED TO HAVE BEEN COMMITTED AFTER TWO PREVIOUS FELONY CONVICTIONS, OR ONE SUCH PREVIOUS FELONY CONVICTION IF SUCH CONVICTION WAS FOR A CRIME OF VIOLENCE, UPON CHARGES SEPARATELY BROUGHT AND TRIED UNDER THE LAWS OF THIS STATE OR UNDER THE LAWS OF ANY OTHER STATE, THE UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED STATES WHICH, IF COMMITTED IN THIS STATE, WOULD BE A FELONY;

(IV) A CRIME OF POSSESSION OF A WEAPON BY A PREVIOUS OFFENDER ALLEGED TO HAVE BEEN COMMITTED IN VIOLATION OF SECTION 18-12-108 (2) (b), (2) (c), (4) (b), (4) (c), OR (5), C.R.S.;

(V) SEXUAL ASSAULT, AS DESCRIBED IN SECTION 18-3-402, SEXUAL ASSAULT IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-402, AS IT EXISTED PRIOR TO JULY 1, 2000, SEXUAL ASSAULT IN THE SECOND DEGREE, AS DESCRIBED IN SECTION 18-3-403, AS IT EXISTED PRIOR TO JULY 1, 2000, SEXUAL ASSAULT ON A CHILD, AS DESCRIBED IN SECTION 18-3-405, OR SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST, AS DESCRIBED IN SECTION 18-3-405.3 IN WHICH THE VICTIM IS FOURTEEN YEARS OF AGE OR YOUNGER AND SEVEN OR MORE YEARS YOUNGER THAN THE ACCUSED.

(c) WHEN A PERSON HAS BEEN CONVICTED OF A CRIME OF VIOLENCE OR A CRIME OF POSSESSION OF A WEAPON BY A PREVIOUS OFFENDER, AS DESCRIBED IN SECTION 18-12-108 (2) (b), (2) (c), (4) (b), (4) (c), OR (5), C.R.S., AT THE TRIAL COURT LEVEL AND SUCH PERSON IS APPEALING SUCH CONVICTION OR AWAITING SENTENCING FOR SUCH CONVICTION AND THE COURT FINDS THAT THE PUBLIC WOULD BE PLACED IN SIGNIFICANT PERIL IF THE CONVICTED PERSON WERE RELEASED ON BAIL.

(2) FOR PURPOSES OF THIS SECTION, "CRIME OF VIOLENCE" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 18-1.3-406 (2), C.R.S.

(3) IN ANY CAPITAL CASE, THE DEFENDANT MAY MAKE A WRITTEN MOTION FOR ADMISSION TO BAIL UPON THE GROUND THAT THE PROOF IS NOT EVIDENT OR THAT

PRESUMPTION IS NOT GREAT, AND THE COURT SHALL PROMPTLY CONDUCT A HEARING UPON SUCH MOTION. AT SUCH HEARING, THE BURDEN SHALL BE UPON THE PEOPLE TO ESTABLISH THAT THE PROOF IS EVIDENT OR THAT THE PRESUMPTION IS GREAT. THE COURT MAY COMBINE IN A SINGLE HEARING THE QUESTIONS AS TO WHETHER THE PROOF IS EVIDENT OR THE PRESUMPTION GREAT WITH THE DETERMINATION OF THE EXISTENCE OF PROBABLE CAUSE TO BELIEVE THAT THE DEFENDANT COMMITTED THE CRIME CHARGED.

(4) EXCEPT IN THE CASE OF A CAPITAL OFFENSE, IF A PERSON IS DENIED BAIL UNDER THIS SECTION, THE TRIAL OF THE PERSON SHALL BE COMMENCED NOT MORE THAN NINETY-ONE DAYS AFTER THE DATE ON WHICH BAIL IS DENIED. IF THE TRIAL IS NOT COMMENCED WITHIN NINETY-ONE DAYS AND THE DELAY IS NOT ATTRIBUTABLE TO THE DEFENSE, THE COURT SHALL IMMEDIATELY SCHEDULE A BAIL HEARING AND SHALL SET THE AMOUNT OF THE BAIL FOR THE PERSON.

(5) WHEN A PERSON IS ARRESTED FOR A CRIME OF VIOLENCE, AS DEFINED IN SECTION 16-1-104(8.5), OR A CRIMINAL OFFENSE ALLEGING THE USE OR POSSESSION OF A DEADLY WEAPON OR THE CAUSING OF BODILY INJURY TO ANOTHER PERSON, OR A CRIMINAL OFFENSE ALLEGING THE POSSESSION OF A WEAPON BY A PREVIOUS OFFENDER, AS DESCRIBED IN SECTION 18-12-108 (2) (b), (2) (c), (4) (b), (4) (c), OR (5), C.R.S., AND SUCH PERSON IS ON PAROLE, THE LAW ENFORCEMENT AGENCY MAKING THE ARREST SHALL NOTIFY THE DEPARTMENT OF CORRECTIONS WITHIN TWENTY-FOUR HOURS. THE PERSON SO ARRESTED SHALL NOT BE ELIGIBLE FOR BAIL TO BE SET UNTIL AT LEAST SEVENTY-TWO HOURS FROM THE TIME OF HIS OR HER ARREST HAS PASSED.

**16-4-102. Right to bail - before conviction.** ANY PERSON WHO IS IN CUSTODY, AND FOR WHOM THE COURT HAS NOT SET BOND AND CONDITIONS OF RELEASE PURSUANT TO THE APPLICABLE RULE OF CRIMINAL PROCEDURE, AND WHO IS NOT SUBJECT TO THE PROVISIONS OF SECTION 16-4-101 (5), HAS THE RIGHT TO A HEARING TO DETERMINE BOND AND CONDITIONS OF RELEASE. A PERSON IN CUSTODY MAY ALSO REQUEST A HEARING SO THAT BOND AND CONDITIONS OF RELEASE CAN BE SET. UPON RECEIVING THE REQUEST, THE JUDGE SHALL NOTIFY THE DISTRICT ATTORNEY IMMEDIATELY OF THE ARRESTED PERSON'S REQUEST, AND THE DISTRICT ATTORNEY SHALL HAVE THE RIGHT TO ATTEND AND ADVISE THE COURT OF MATTERS PERTINENT TO THE TYPE OF BOND AND CONDITIONS OF RELEASE TO BE SET. THE JUDGE SHALL ALSO ORDER THE APPROPRIATE LAW ENFORCEMENT AGENCY HAVING CUSTODY OF THE PRISONER TO BRING HIM OR HER BEFORE THE COURT FORTHWITH, AND THE JUDGE SHALL SET BOND AND CONDITIONS OF RELEASE IF THE OFFENSE FOR WHICH THE PERSON WAS ARRESTED IS BAILABLE. IT SHALL NOT BE A PREREQUISITE TO BAIL THAT A CRIMINAL CHARGE OF ANY KIND HAS BEEN FILED.

**16-4-103. Setting and selection type of bond - criteria.** (1) AT THE FIRST APPEARANCE OF A PERSON IN CUSTODY BEFORE A COURT OF RECORD, THE COURT SHALL DETERMINE THE TYPE OF BOND AND CONDITIONS OF RELEASE UNLESS THE PERSON IS SUBJECT TO THE PROVISIONS OF SECTION 16-4-101.

(2) IF AN INDICTMENT, INFORMATION, OR COMPLAINT HAS BEEN FILED AND THE TYPE OF BOND AND CONDITIONS OF RELEASE HAVE BEEN FIXED UPON RETURN OF THE INDICTMENT OR FILING OF THE INFORMATION OR COMPLAINT, THE COURT SHALL REVIEW THE PROPRIETY OF THE TYPE OF BOND AND CONDITIONS OF RELEASE UPON

## FIRST APPEARANCE OF A PERSON IN CUSTODY.

(3)(a) THE TYPE OF BOND AND CONDITIONS OF RELEASE SHALL BE SUFFICIENT TO REASONABLY ENSURE THE APPEARANCE OF THE PERSON AS REQUIRED AND TO PROTECT THE SAFETY OF ANY PERSON OR THE COMMUNITY, TAKING INTO CONSIDERATION THE INDIVIDUAL CHARACTERISTICS OF EACH PERSON IN CUSTODY, INCLUDING THE PERSON'S FINANCIAL CONDITION.

(b) IN DETERMINING THE TYPE OF BOND AND CONDITIONS OF RELEASE, IF PRACTICABLE AND AVAILABLE IN THE JURISDICTION, THE COURT SHALL USE AN EMPIRICALLY DEVELOPED RISK ASSESSMENT INSTRUMENT DESIGNED TO IMPROVE PRETRIAL RELEASE DECISIONS BY PROVIDING TO THE COURT INFORMATION THAT CLASSIFIES A PERSON IN CUSTODY BASED UPON PREDICTED LEVEL OF RISK OF PRETRIAL FAILURE.

(4) WHEN THE TYPE OF BOND AND CONDITIONS OF RELEASE ARE DETERMINED BY THE COURT, THE COURT SHALL:

(a) PRESUME THAT ALL PERSONS IN CUSTODY ARE ELIGIBLE FOR RELEASE ON BOND WITH THE APPROPRIATE AND LEAST-RESTRICTIVE CONDITIONS CONSISTENT WITH PROVISIONS IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION UNLESS A PERSON IS OTHERWISE INELIGIBLE FOR RELEASE PURSUANT TO THE PROVISIONS OF SECTION 16-4-101 AND SECTION 19 OF ARTICLE II OF THE COLORADO CONSTITUTION. A MONETARY CONDITION OF RELEASE MUST BE REASONABLE AND ANY OTHER CONDITION OF CONDUCT NOT MANDATED BY STATUTE MUST BE TAILORED TO ADDRESS A SPECIFIC CONCERN.

(b) TO THE EXTENT A COURT USES A BOND SCHEDULE, THE COURT SHALL INCORPORATE INTO THE BOND SCHEDULE CONDITIONS OF RELEASE AND FACTORS THAT CONSIDER THE INDIVIDUALIZED RISK AND CIRCUMSTANCES OF A PERSON IN CUSTODY AND ALL OTHER RELEVANT CRITERIA AND NOT SOLELY THE LEVEL OF OFFENSE; AND

(c) CONSIDER ALL METHODS OF BOND AND CONDITIONS OF RELEASE TO AVOID UNNECESSARY PRETRIAL INCARCERATION AND LEVELS OF COMMUNITY-BASED SUPERVISION AS CONDITIONS OF PRETRIAL RELEASE.

(5) THE COURT MAY ALSO CONSIDER THE FOLLOWING CRITERIA AS APPROPRIATE AND RELEVANT IN MAKING A DETERMINATION OF THE TYPE OF BOND AND CONDITIONS OF RELEASE:

- (a) THE EMPLOYMENT STATUS AND HISTORY OF THE PERSON IN CUSTODY;
- (b) THE NATURE AND EXTENT OF FAMILY RELATIONSHIPS OF THE PERSON IN CUSTODY;
- (c) PAST AND PRESENT RESIDENCES OF THE PERSON IN CUSTODY;
- (d) THE CHARACTER AND REPUTATION OF THE PERSON IN CUSTODY;
- (e) IDENTITY OF PERSONS WHO AGREE TO ASSIST THE PERSON IN CUSTODY IN

ATTENDING COURT AT THE PROPER TIME;

(f) THE LIKELY SENTENCE, CONSIDERING THE NATURE AND THE OFFENSE PRESENTLY CHARGED;

(g) THE PRIOR CRIMINAL RECORD, IF ANY, OF THE PERSON IN CUSTODY AND ANY PRIOR FAILURES TO APPEAR FOR COURT;

(h) ANY FACTS INDICATING THE POSSIBILITY OF VIOLATIONS OF THE LAW IF THE PERSON IN CUSTODY IS RELEASED WITHOUT CERTAIN CONDITIONS OF RELEASE;

(i) ANY FACTS INDICATING THAT THE DEFENDANT IS LIKELY TO INTIMIDATE OR HARASS POSSIBLE WITNESSES; AND

(j) ANY OTHER FACTS TENDING TO INDICATE THAT THE PERSON IN CUSTODY HAS STRONG TIES TO THE COMMUNITY AND IS NOT LIKELY TO FLEE THE JURISDICTION.

(6) WHEN A PERSON IS CHARGED WITH AN OFFENSE PUNISHABLE BY FINE ONLY, ANY MONETARY CONDITION OF RELEASE SHALL NOT EXCEED THE AMOUNT OF THE MAXIMUM FINE PENALTY.

**16-4-104. Types of bond set by the court.** (1) THE COURT SHALL DETERMINE, AFTER CONSIDERATION OF ALL RELEVANT CRITERIA, WHICH OF THE FOLLOWING TYPES OF BOND IS APPROPRIATE FOR THE PRETRIAL RELEASE OF A PERSON IN CUSTODY, SUBJECT TO THE RELEVANT STATUTORY CONDITIONS OF RELEASE LISTED IN SECTION 16-4-105. THE PERSON MAY BE RELEASED UPON EXECUTION OF:

(a) AN UNSECURED PERSONAL RECOGNIZANCE BOND IN AN AMOUNT SPECIFIED BY THE COURT. THE COURT MAY REQUIRE ADDITIONAL OBLIGORS ON THE BOND AS A CONDITION OF THE BOND.

(b) AN UNSECURED PERSONAL RECOGNIZANCE BOND WITH ADDITIONAL NON-MONETARY CONDITIONS OF RELEASE DESIGNED SPECIFICALLY TO REASONABLY ENSURE THE APPEARANCE OF THE PERSON IN COURT AND THE SAFETY OF ANY PERSON OR PERSONS OR THE COMMUNITY;

(c) A BOND WITH SECURED MONETARY CONDITIONS WHEN REASONABLE AND NECESSARY TO ENSURE THE APPEARANCE OF THE PERSON IN COURT OR THE SAFETY OF ANY PERSON OR PERSONS OR THE COMMUNITY. THE FINANCIAL CONDITIONS SHALL STATE AN AMOUNT OF MONEY THAT THE PERSON MUST POST WITH THE COURT IN ORDER FOR THE PERSON TO BE RELEASED. THE PERSON MAY BE RELEASED FROM CUSTODY UPON EXECUTION OF BOND IN THE FULL AMOUNT OF MONEY TO BE SECURED IN ANY ONE OF THE FOLLOWING WAYS:

(I) BY A DEPOSIT WITH THE CLERK OF THE COURT OF AN AMOUNT OF CASH EQUAL TO THE MONETARY CONDITION OF THE BOND;

(II) BY REAL ESTATE SITUATED IN THIS STATE WITH UNENCUMBERED EQUITY NOT EXEMPT FROM EXECUTION OWNED BY THE ACCUSED OR ANY OTHER PERSON ACTING AS SURETY ON THE BOND, WHICH UNENCUMBERED EQUITY SHALL BE AT LEAST ONE AND ONE-HALF THE AMOUNT OF THE SECURITY SET IN THE BOND;

(III) BY SURETIES WORTH AT LEAST ONE AND ONE-HALF OF THE SECURITY SET IN THE BOND; OR

(IV) BY A BAIL BONDING AGENT, AS DEFINED IN SECTION 16-1-104 (3.5).

(d) A BOND WITH SECURED REAL ESTATE CONDITIONS WHEN IT IS DETERMINED THAT RELEASE ON AN UNSECURED PERSONAL RECOGNIZANCE BOND WITHOUT MONETARY CONDITIONS WILL NOT REASONABLY ENSURE THE APPEARANCE OF THE PERSON IN COURT OR THE SAFETY OF ANY PERSON OR PERSONS OR THE COMMUNITY. FOR A BOND SECURED BY REAL ESTATE, THE BOND SHALL NOT BE ACCEPTED BY THE CLERK OF THE COURT UNLESS THE RECORD OWNER OF SUCH PROPERTY PRESENTS TO THE CLERK OF THE COURT THE ORIGINAL DEED OF TRUST AS SET FORTH IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH (d) AND THE APPLICABLE RECORDING FEE. UPON RECEIPT OF THE DEED OF TRUST AND FEE, THE CLERK OF THE COURT SHALL RECORD THE DEED OF TRUST WITH THE CLERK AND RECORDER FOR THE COUNTY IN WHICH THE PROPERTY IS LOCATED. FOR A BOND SECURED BY REAL ESTATE, THE AMOUNT OF THE OWNER'S UNENCUMBERED EQUITY SHALL BE DETERMINED BY DEDUCTING THE AMOUNT OF ALL ENCUMBRANCES LISTED IN THE OWNER AND ENCUMBRANCES CERTIFICATE FROM THE ACTUAL VALUE OF SUCH REAL ESTATE AS SHOWN ON THE CURRENT NOTICE OF VALUATION. THE OWNER OF THE REAL ESTATE SHALL FILE WITH THE BOND THE FOLLOWING, WHICH SHALL CONSTITUTE A MATERIAL PART OF THE BOND:

(I) THE CURRENT NOTICE OF VALUATION FOR SUCH REAL ESTATE PREPARED BY THE COUNTY ASSESSOR PURSUANT TO SECTION 39-5-121, C.R.S.; AND

(II) EVIDENCE OF TITLE ISSUED BY A TITLE INSURANCE COMPANY OR AGENT LICENSED PURSUANT TO ARTICLE 11 OF TITLE 10, C.R.S., WITHIN THIRTY-FIVE DAYS AFTER THE DATE UPON WHICH THE BOND IS FILED; AND

(III) A SWORN STATEMENT BY THE OWNER OF THE REAL ESTATE THAT THE REAL ESTATE IS SECURITY FOR THE COMPLIANCE BY THE ACCUSED WITH THE PRIMARY CONDITION OF THE BOND; AND

(IV) A DEED OF TRUST TO THE PUBLIC TRUSTEE OF THE COUNTY IN WHICH THE REAL ESTATE IS LOCATED THAT IS EXECUTED AND ACKNOWLEDGED BY ALL RECORD OWNERS OF THE REAL ESTATE. THE DEED OF TRUST SHALL NAME THE CLERK OF THE COURT APPROVING THE BOND AS BENEFICIARY. THE DEED OF TRUST SHALL SECURE AN AMOUNT EQUAL TO ONE AND ONE-HALF TIMES THE AMOUNT OF THE BOND.

(2) UNLESS THE DISTRICT ATTORNEY CONSENTS OR UNLESS THE COURT IMPOSES CERTAIN ADDITIONAL INDIVIDUALIZED CONDITIONS OF RELEASE AS DESCRIBED IN SECTION 16-4-105, A PERSON MUST NOT BE RELEASED ON AN UNSECURED PERSONAL RECOGNIZANCE BOND PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION UNDER THE FOLLOWING CIRCUMSTANCES:

(a) THE PERSON IS PRESENTLY FREE ON ANOTHER BOND OF ANY KIND IN ANOTHER CRIMINAL ACTION INVOLVING A FELONY OR A CLASS 1 MISDEMEANOR;

(b) THE PERSON HAS A RECORD OF CONVICTION OF A CLASS 1 MISDEMEANOR WITHIN TWO YEARS OR A FELONY WITHIN FIVE YEARS, PRIOR TO THE BAIL HEARING;

OR

(c) THE PERSON HAS WILLFULLY FAILED TO APPEAR ON BOND IN ANY CASE INVOLVING A FELONY OR A CLASS 1 MISDEMEANOR CHARGE IN THE PRECEDING FIVE YEARS.

(3) A PERSON MAY NOT BE RELEASED ON AN UNSECURED PERSONAL RECOGNIZANCE BOND IF, AT THE TIME OF SUCH APPLICATION, THE PERSON IS PRESENTLY ON RELEASE UNDER A SURETY BOND FOR FELONY OR CLASS 1 MISDEMEANOR CHARGES UNLESS THE SURETY THEREON IS NOTIFIED AND AFFORDED AN OPPORTUNITY TO SURRENDER THE PERSON INTO CUSTODY ON SUCH TERMS AS THE COURT DEEMS JUST UNDER THE PROVISIONS OF SECTION 16-4-108.

(4) BECAUSE OF THE DANGER POSED TO ANY PERSON AND THE COMMUNITY, A PERSON WHO IS ARRESTED FOR AN OFFENSE UNDER SECTION 42-4-1301 (1) OR (2) (a), C.R.S., MAY NOT ATTEND A BAIL HEARING UNTIL THE PERSON IS NO LONGER INTOXICATED OR UNDER THE INFLUENCE OF DRUGS. THE PERSON SHALL BE HELD IN CUSTODY UNTIL THE PERSON MAY SAFELY ATTEND SUCH HEARING.

**16-4-105. Conditions of release on bond.** (1) FOR EACH BOND, THE COURT SHALL REQUIRE THAT THE RELEASED PERSON APPEAR TO ANSWER THE CHARGE AGAINST THE PERSON AT A PLACE AND UPON A DATE CERTAIN AND AT ANY PLACE OR UPON ANY DATE TO WHICH THE PROCEEDING IS TRANSFERRED OR CONTINUED. THIS CONDITION IS THE ONLY CONDITION FOR WHICH A BREACH OF SURETY OR SECURITY ON THE BAIL BOND MAY BE SUBJECT TO FORFEITURE.

(2) FOR A PERSON WHO HAS BEEN ARRESTED FOR A FELONY OFFENSE, THE COURT SHALL REQUIRE AS A CONDITION OF A BOND THAT THE PERSON EXECUTE A WAIVER OF EXTRADITION STATING THE PERSON CONSENTS TO EXTRADITION TO THIS STATE AND WAIVES ALL FORMAL PROCEDURES INCIDENTAL TO EXTRADITION PROCEEDINGS IN THE EVENT THAT HE OR SHE IS ARRESTED IN ANOTHER STATE WHILE AT LIBERTY ON SUCH BAIL BOND AND ACKNOWLEDGING THAT HE OR SHE SHALL NOT BE ADMITTED TO BAIL IN ANY OTHER STATE PENDING EXTRADITION TO THIS STATE.

(3) ADDITIONAL CONDITIONS OF EVERY BOND IS THAT THE RELEASED PERSON SHALL NOT COMMIT ANY FELONY WHILE FREE ON SUCH A BAIL BOND, AND THE COURT IN WHICH THE ACTION IS PENDING HAS THE POWER TO REVOKE THE RELEASE OF THE PERSON, TO CHANGE ANY BOND CONDITION, INCLUDING THE AMOUNT OF ANY MONETARY CONDITION IF IT IS SHOWN THAT A COMPETENT COURT HAS FOUND PROBABLE CAUSE TO BELIEVE THAT THE DEFENDANT HAS COMMITTED A FELONY WHILE RELEASED, PENDING THE RESOLUTION OF A PRIOR FELONY CHARGE.

(4) AN ADDITIONAL CONDITION OF EVERY BOND IN CASES OF DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S., IS THAT THE RELEASED PERSON ACKNOWLEDGE THE PROTECTION ORDER AS PROVIDED IN SECTION 18-1-1001 (5), C.R.S.

(5) AN ADDITIONAL CONDITION OF EVERY BOND IN A CASE OF AN OFFENSE UNDER SECTION 42-2-138 (1) (d) (I), C.R.S., OF DRIVING WHILE SUCH PERSON'S DRIVER'S LICENSE OR PRIVILEGE TO DRIVE, EITHER AS A RESIDENT OR NONRESIDENT, IS RESTRAINED SOLELY OR PARTIALLY BECAUSE OF A CONVICTION OF A DRIVING

OFFENSE PURSUANT TO SECTION 42-4-1301 (1) OR (2) (a), C.R.S., IS THAT SUCH PERSON NOT DRIVE ANY MOTOR VEHICLE DURING THE PERIOD OF SUCH DRIVING RESTRAINT.

(6)(a) 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 BOND, THE COURT SHALL ORDER THAT THE PERSON ABSTAIN FROM THE USE OF ALCOHOL OR ILLEGAL DRUGS, AND SUCH ABSTINENCE SHALL BE MONITORED.

(b) A PERSON SEEKING RELIEF FROM ANY OF THE CONDITIONS IMPOSED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6) 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 PERSON 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 PARAGRAPH (b), THE COURT SHALL CONSIDER WHETHER THE PERSON HAS VOLUNTARILY ENROLLED AND IS PARTICIPATING IN AN APPROPRIATE SUBSTANCE ABUSE TREATMENT PROGRAM.

(7) A PERSON MAY BE RELEASED ON A BOND WITH MONETARY CONDITION OF BOND, WHEN APPROPRIATE, AS DESCRIBED IN SECTION 16-4-104 (1) (c).

(8) IN ADDITION TO THE CONDITIONS SPECIFIED IN THIS SECTION, THE COURT MAY IMPOSE ANY ADDITIONAL CONDITIONS ON THE CONDUCT OF THE PERSON RELEASED THAT WILL ASSIST IN OBTAINING THE APPEARANCE OF THE PERSON IN COURT AND THE SAFETY OF ANY PERSON OR PERSONS AND THE COMMUNITY. THESE CONDITIONS MAY INCLUDE, BUT ARE NOT LIMITED TO, SUPERVISION BY A QUALIFIED PERSON OR ORGANIZATION OR SUPERVISION BY A PRETRIAL SERVICES PROGRAM ESTABLISHED PURSUANT TO SECTION 16-4-106. WHILE UNDER THE SUPERVISION OF A QUALIFIED ORGANIZATION OR PRETRIAL SERVICES PROGRAM, THE CONDITIONS OF RELEASE IMPOSED BY THE COURT MAY INCLUDE, BUT ARE NOT LIMITED TO:

(a) PERIODIC TELEPHONE CONTACT WITH THE PROGRAM;

(b) PERIODIC OFFICE VISITS BY THE PERSON TO THE PRETRIAL SERVICES PROGRAM OR ORGANIZATION;

(c) PERIODIC VISITS TO THE PERSON'S HOME BY THE PROGRAM OR ORGANIZATION;

(d) MENTAL HEALTH OR SUBSTANCE ABUSE TREATMENT FOR THE PERSON, INCLUDING RESIDENTIAL TREATMENT IF THE DEFENDANT CONSENTS TO THE TREATMENT;

(e) PERIODIC ALCOHOL OR DRUG TESTING OF THE PERSON;

(f) DOMESTIC VIOLENCE COUNSELING FOR THE DEFENDANT IF THE DEFENDANT CONSENTS TO THE COUNSELING;

- (g) ELECTRONIC OR GLOBAL POSITION MONITORING OF THE PERSON;
- (h) PRETRIAL WORK RELEASE FOR THE PERSON; AND
- (i) OTHER SUPERVISION TECHNIQUES SHOWN BY RESEARCH TO INCREASE COURT APPEARANCE AND PUBLIC SAFETY RATES FOR PERSONS RELEASED ON BOND.

**16-4-106. Pretrial services programs.** (1) THE CHIEF JUDGE OF ANY JUDICIAL DISTRICT MAY ORDER A PERSON WHO IS ELIGIBLE FOR BOND OR OTHER PRETRIAL RELEASE TO BE EVALUATED BY A PRETRIAL SERVICES PROGRAM ESTABLISHED PURSUANT TO THIS SECTION, WHICH PROGRAM MAY ADVISE THE COURT IF THE PERSON IS BOND ELIGIBLE, MAY PROVIDE INFORMATION THAT ENABLES THE COURT TO MAKE AN APPROPRIATE DECISION ON BOND AND CONDITIONS OF RELEASE, AND MAY RECOMMEND CONDITIONS OF RELEASE CONSISTENT WITH THIS SECTION. THE CHIEF JUDGE MAY MAKE SUCH ORDER IN ANY OR ALL OF THE COUNTIES OF THE CHIEF JUDGE'S JUDICIAL DISTRICT.

(2) THE CHIEF JUDGE OF ANY JUDICIAL DISTRICT SHALL ENDEAVOR TO CONSULT, ON AN ANNUAL BASIS, WITH THE COUNTY OR COUNTIES WITHIN THE JUDICIAL DISTRICT IN AN EFFORT TO SUPPORT AND ENCOURAGE THE DEVELOPMENT BY THE COUNTY OR COUNTIES, TO THE EXTENT PRACTICABLE AND WITHIN AVAILABLE RESOURCES, OF PRETRIAL SERVICES PROGRAMS THAT SUPPORT THE WORK OF THE COURT AND EVIDENCE-BASED DECISION-MAKING IN DETERMINING THE TYPE OF BOND AND CONDITIONS OF RELEASE.

(3) TO REDUCE BARRIERS TO THE PRETRIAL RELEASE OF PERSONS IN CUSTODY WHOSE RELEASE ON BOND WITH APPROPRIATE CONDITIONS REASONABLY ASSURES COURT APPEARANCE AND PUBLIC SAFETY, ALL COUNTIES AND CITIES AND COUNTIES ARE ENCOURAGED TO DEVELOP A PRETRIAL SERVICES PROGRAM IN CONSULTATION WITH THE CHIEF JUDGE OF THE JUDICIAL DISTRICT IN AN EFFORT TO ESTABLISH A PRETRIAL SERVICES PROGRAM THAT MAY BE UTILIZED BY THE DISTRICT COURT OF SUCH COUNTY OR CITY AND COUNTY. ANY PRETRIAL SERVICES PROGRAM MUST BE ESTABLISHED PURSUANT TO A PLAN FORMULATED BY A COMMUNITY ADVISORY BOARD CREATED FOR SUCH PURPOSE AND APPOINTED BY THE CHIEF JUDGE OF THE JUDICIAL DISTRICT. MEMBERSHIP ON SUCH COMMUNITY ADVISORY BOARD MUST INCLUDE, AT A MINIMUM, A REPRESENTATIVE OF A LOCAL LAW ENFORCEMENT AGENCY, A REPRESENTATIVE OF THE DISTRICT ATTORNEY, A REPRESENTATIVE OF THE PUBLIC DEFENDER, AND A REPRESENTATIVE OF THE CITIZENS AT LARGE. THE CHIEF JUDGE IS ENCOURAGED TO APPOINT TO THE COMMUNITY ADVISORY BOARD AT LEAST ONE REPRESENTATIVE OF THE BAIL BOND INDUSTRY WHO CONDUCTS BUSINESS IN THE JUDICIAL DISTRICT, WHICH MAY INCLUDE A BAIL BONDSMAN, A BAIL SURETY, OR OTHER DESIGNATED BAIL INDUSTRY REPRESENTATIVE. THE PLAN FORMULATED BY SUCH COMMUNITY ADVISORY BOARD MUST BE APPROVED BY THE CHIEF JUDGE OF THE JUDICIAL DISTRICT PRIOR TO THE ESTABLISHMENT AND UTILIZATION OF THE PRETRIAL SERVICES PROGRAM. THE OPTION CONTAINED IN THIS SECTION THAT A PRETRIAL SERVICES PROGRAM BE ESTABLISHED PURSUANT TO A PLAN FORMULATED BY THE COMMUNITY ADVISORY BOARD DOES NOT APPLY TO ANY PRETRIAL SERVICES PROGRAM THAT EXISTED BEFORE MAY 31, 1991.

(4) ANY PRETRIAL SERVICES PROGRAM APPROVED PURSUANT TO THIS SECTION MUST MEET THE FOLLOWING CRITERIA:

(a) THE PROGRAM MUST ESTABLISH A PROCEDURE FOR THE SCREENING OF PERSONS WHO ARE DETAINED DUE TO AN ARREST FOR THE ALLEGED COMMISSION OF A CRIME SO THAT SUCH INFORMATION MAY BE PROVIDED TO THE JUDGE WHO IS SETTING THE BOND AND CONDITIONS OF RELEASE. THE PROGRAM MUST PROVIDE INFORMATION THAT PROVIDES THE COURT WITH THE ABILITY TO MAKE AN APPROPRIATE INITIAL BOND DECISION THAT IS BASED UPON FACTS RELATING TO THE PERSON'S RISK OF FAILURE TO APPEAR FOR COURT AND RISK OF DANGER TO THE COMMUNITY.

(b) THE PROGRAM MUST MAKE ALL REASONABLE ATTEMPTS TO PROVIDE THE COURT WITH SUCH INFORMATION DELINEATED IN THIS SECTION AS IS APPROPRIATE TO EACH INDIVIDUAL PERSON SEEKING RELEASE FROM CUSTODY;

(c) THE PROGRAM, IN CONJUNCTION WITH THE COMMUNITY ADVISORY BOARD, MUST MAKE ALL REASONABLE EFFORTS TO IMPLEMENT AN EMPIRICALLY DEVELOPED PRETRIAL RISK ASSESSMENT TOOL AND A STRUCTURED DECISION-MAKING DESIGN BASED UPON THE PERSON'S CHARGE AND THE RISK ASSESSMENT SCORE;

(d) THE PROGRAM MUST WORK WITH ALL APPROPRIATE AGENCIES AND ASSIST WITH ALL EFFORTS TO COMPLY WITH SECTIONS 24-4.1-302.5 AND 24-4.1-303, C.R.S.

(5) ANY PRETRIAL SERVICES PROGRAM MAY ALSO INCLUDE DIFFERENT METHODS AND LEVELS OF COMMUNITY-BASED SUPERVISION AS A CONDITION OF RELEASE, AND THE PROGRAM MUST USE ESTABLISHED METHODS FOR PERSONS WHO ARE RELEASED PRIOR TO TRIAL IN ORDER TO DECREASE UNNECESSARY PRETRIAL DETENTION. THE PROGRAM MAY INCLUDE, BUT IS NOT LIMITED TO, ANY OF THE CRITERIA AS OUTLINED IN SECTION 16-4-105 (8) AS CONDITIONS FOR PRETRIAL RELEASE.

(6) COMMENCING JULY 1, 2012, EACH PRETRIAL SERVICES PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL PROVIDE AN ANNUAL REPORT TO THE JUDICIAL DEPARTMENT NO LATER THAN NOVEMBER 1 OF EACH YEAR, REGARDLESS OF WHETHER THE PROGRAM EXISTED PRIOR TO MAY 31, 1991. THE JUDICIAL DEPARTMENT SHALL PRESENT AN ANNUAL COMBINED REPORT TO THE HOUSE AND SENATE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, OF THE GENERAL ASSEMBLY. THE REPORT TO THE JUDICIAL DEPARTMENT MUST INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING INFORMATION:

(a) THE TOTAL NUMBER OF PRETRIAL ASSESSMENTS PERFORMED BY THE PROGRAM AND SUBMITTED TO THE COURT;

(b) THE TOTAL NUMBER OF CLOSED CASES BY THE PROGRAM IN WHICH THE PERSON WAS RELEASED FROM CUSTODY AND SUPERVISED BY THE PROGRAM;

(c) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PROGRAM, AND, WHILE UNDER SUPERVISION, APPEARED FOR ALL SCHEDULED COURT APPEARANCES ON THE CASE;

(d) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PROGRAM, AND WAS NOT CHARGED WITH A NEW CRIMINAL OFFENSE THAT WAS ALLEGED TO HAVE OCCURRED WHILE UNDER

SUPERVISION AND THAT CARRIED THE POSSIBILITY OF A SENTENCE TO JAIL OR IMPRISONMENT;

(e) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON WAS RELEASED FROM CUSTODY AND WAS SUPERVISED BY THE PROGRAM, AND THE PERSON'S BOND WAS NOT REVOKED BY THE COURT DUE TO A VIOLATION OF ANY OTHER TERMS AND CONDITIONS OF SUPERVISION; AND

(f) ANY ADDITIONAL INFORMATION THE JUDICIAL DEPARTMENT MAY REQUEST.

(7) FOR THE REPORTS REQUIRED IN SUBSECTION (6) OF THIS SECTION, THE PRETRIAL SERVICES PROGRAM SHALL INCLUDE INFORMATION DETAILING THE NUMBER OF PERSONS RELEASED ON A COMMERCIAL SURETY BOND IN ADDITION TO PRETRIAL SUPERVISION, THE NUMBER OF PERSONS RELEASED ON A CASH, PRIVATE SURETY, OR PROPERTY BOND IN ADDITION TO PRETRIAL SUPERVISION, AND THE NUMBER OF PERSONS RELEASED ON ANY FORM OF A PERSONAL RECOGNIZANCE BOND IN ADDITION TO PRETRIAL SUPERVISION.

**16-4-107. Hearing after setting of monetary conditions of bond.** IF A PERSON IS IN CUSTODY AND THE COURT IMPOSED A MONETARY BOND FOR RELEASE, AND THE PERSON, AFTER SEVEN DAYS FROM THE SETTING OF THE MONETARY BOND, IS UNABLE TO MEET THE MONETARY OBLIGATIONS OF THE BOND, THE PERSON MAY FILE A WRITTEN MOTION FOR RECONSIDERATION OF THE MONETARY CONDITIONS OF THE BOND. THE PERSON MAY ONLY FILE THE WRITTEN MOTION IF HE OR SHE BELIEVES THAT, UPON PRESENTATION OF EVIDENCE NOT FULLY CONSIDERED BY THE COURT, HE OR SHE IS ENTITLED TO A PERSONAL RECOGNIZANCE BOND OR AN UNSECURED BOND WITH CONDITIONS OF RELEASE OR A CHANGE IN THE MONETARY CONDITIONS OF BOND. THE COURT SHALL PROMPTLY CONDUCT A HEARING ON THIS MOTION FOR RECONSIDERATION, BUT THE HEARING MUST BE HELD WITHIN FOURTEEN DAYS AFTER THE FILING OF THE MOTION. HOWEVER, THE COURT MAY SUMMARILY DENY THE MOTION IF THE COURT FINDS THAT THERE IS NO ADDITIONAL EVIDENCE NOT FULLY CONSIDERED BY THE COURT PRESENTED IN THE WRITTEN MOTION. IN CONSIDERING THE MOTION, THE COURT SHALL CONSIDER THE RESULTS OF ANY EMPIRICALLY DEVELOPED RISK ASSESSMENT INSTRUMENT.

**16-4-108. When original bond continued.** ONCE A BOND HAS BEEN EXECUTED AND THE PERSON RELEASED FROM CUSTODY THEREON, WHETHER A CHARGE IS THEN PENDING OR IS THEREAFTER FILED OR TRANSFERRED TO A COURT OF COMPETENT JURISDICTION, THE ORIGINAL BOND SHALL CONTINUE IN EFFECT UNTIL FINAL DISPOSITION OF THE CASE IN THE TRIAL COURT. IF A CHARGE FILED IN THE COUNTY COURT IS DISMISSED AND THE DISTRICT ATTORNEY STATES ON THE RECORD THAT THE CHARGE WILL BE REFILED IN THE DISTRICT COURT OR THAT THE DISMISSAL BY THE COUNTY COURT WILL BE APPEALED TO THE DISTRICT COURT, THE COUNTY COURT BEFORE ENTERING THE DISMISSAL SHALL FIX A RETURN DATE, NOT LATER THAN SIXTY-THREE DAYS THEREAFTER, UPON WHICH THE DEFENDANT MUST APPEAR IN THE DISTRICT COURT AND CONTINUE THE BOND. ANY BOND CONTINUED PURSUANT TO THIS SECTION IS SUBJECT TO THE PROVISIONS OF SECTION 16-4-109.

**16-4-109. Reduction or increase of monetary conditions of bond - change in type of bond or conditions of bond - definitions.** (1) UPON APPLICATION BY THE DISTRICT ATTORNEY OR THE DEFENDANT, THE COURT BEFORE WHICH THE

PROCEEDING IS PENDING MAY INCREASE OR DECREASE THE FINANCIAL CONDITIONS OF BOND, MAY REQUIRE ADDITIONAL SECURITY FOR A BOND, MAY DISPENSE WITH SECURITY THERETOFORE PROVIDED, OR MAY ALTER ANY OTHER CONDITION OF THE BOND.

(2) REASONABLE NOTICE OF AN APPLICATION FOR MODIFICATION OF A BOND BY THE DEFENDANT SHALL BE GIVEN TO THE DISTRICT ATTORNEY.

(3) REASONABLE NOTICE OF APPLICATION FOR MODIFICATION OF A BOND BY THE DISTRICT ATTORNEY SHALL BE GIVEN TO THE DEFENDANT, EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION.

(4) (a) UPON VERIFIED APPLICATION BY THE DISTRICT ATTORNEY OR A BONDING COMMISSIONER STATING FACTS OR CIRCUMSTANCES CONSTITUTING A BREACH OR A THREATENED BREACH OF ANY OF THE CONDITIONS OF THE BOND, THE COURT MAY ISSUE A WARRANT COMMANDING ANY PEACE OFFICER TO BRING THE DEFENDANT WITHOUT UNNECESSARY DELAY BEFORE THE COURT FOR A HEARING ON THE MATTERS SET FORTH IN THE APPLICATION. UPON ISSUANCE OF THE WARRANT, THE BONDING COMMISSIONER SHALL NOTIFY THE BAIL BOND AGENT OF RECORD BY ELECTRONIC MAIL TO THE AGENT IF AVAILABLE WITHIN TWENTY-FOUR HOURS OR BY CERTIFIED MAIL NOT MORE THAN FOURTEEN DAYS AFTER THE WARRANT IS ISSUED. AT THE CONCLUSION OF THE HEARING, THE COURT MAY ENTER AN ORDER AUTHORIZED BY SUBSECTION (1) OF THIS SECTION. IF A BONDING COMMISSIONER FILES AN APPLICATION FOR A HEARING PURSUANT TO THIS SUBSECTION (4), THE BONDING COMMISSIONER SHALL NOTIFY THE DISTRICT ATTORNEY, FOR THE JURISDICTION IN WHICH THE APPLICATION IS MADE, OF THE APPLICATION WITHIN TWENTY-FOUR HOURS FOLLOWING THE FILING OF THE APPLICATION.

(b) AS USED IN THIS SUBSECTION (4), "BONDING COMMISSIONER" MEANS A PERSON EMPLOYED BY A PRETRIAL SERVICES PROGRAM AS DESCRIBED IN SECTION 16-4-106 (3), AND SO DESIGNATED AS A BONDING COMMISSIONER BY THE CHIEF OR PRESIDING JUDGE OF THE JUDICIAL DISTRICT.

(5) THE DISTRICT ATTORNEY HAS THE RIGHT TO APPEAR AT ALL HEARINGS SEEKING MODIFICATION OF THE TERMS AND CONDITIONS OF BOND AND MAY ADVISE THE COURT ON ALL PERTINENT MATTERS DURING THE HEARING.

**16-4-110. Exoneration from bond liability.** (1) ANY PERSON EXECUTING A BAIL BOND AS PRINCIPAL OR AS SURETY SHALL BE EXONERATED AS FOLLOWS:

(a) WHEN THE CONDITION OF THE BOND HAS BEEN SATISFIED; OR

(b) WHEN THE AMOUNT OF THE FORFEITURE HAS BEEN PAID; OR

(c) (I) WHEN THE SURETY APPEARS AND PROVIDES SATISFACTORY EVIDENCE TO THE COURT THAT THE DEFENDANT IS UNABLE TO APPEAR BEFORE THE COURT DUE TO SUCH DEFENDANT'S DEATH OR THE DETENTION OR INCARCERATION OF SUCH DEFENDANT IN A FOREIGN JURISDICTION IF THE DEFENDANT IS INCARCERATED FOR A PERIOD IN EXCESS OF NINETY-ONE DAYS AND THE STATE OF COLORADO HAS REFUSED TO EXTRADITE SUCH DEFENDANT; EXCEPT THAT, IF THE STATE EXTRADITES SUCH DEFENDANT, ALL COSTS ASSOCIATED WITH SUCH EXTRADITION SHALL BE

BORNE BY THE SURETY UP TO THE AMOUNT OF THE BOND.

(II) FOR THE PURPOSES OF THIS PARAGRAPH (c), "COSTS ASSOCIATED WITH EXTRADITION" SHALL BE CALCULATED AS AND LIMITED TO THE ROUND-TRIP MILEAGE BETWEEN THE COLORADO COURT OF JURISDICTION AND THE LOCATION OF THE DEFENDANT'S INCARCERATION AT THE RATE ALLOWED FOR REIMBURSEMENT PURSUANT TO SECTION 24-9-104, C.R.S., UP TO THE AMOUNT OF THE BOND.

(d) UPON SURRENDER OF THE DEFENDANT INTO CUSTODY AT ANY TIME BEFORE A JUDGMENT HAS BEEN ENTERED AGAINST THE SURETIES FOR FORFEITURE OF THE BOND, UPON PAYMENT OF ALL COSTS OCCASIONED THEREBY. A SURETY MAY SEIZE AND SURRENDER THE DEFENDANT TO THE SHERIFF OF THE COUNTY WHEREIN THE BOND IS TAKEN, AND IT IS THE DUTY OF THE SHERIFF, ON SUCH SURRENDER AND DELIVERY TO HIM OR HER OF A CERTIFIED COPY OF THE BOND BY WHICH THE SURETY IS BOUND, TO TAKE THE PERSON INTO CUSTODY AND, BY WRITING, ACKNOWLEDGE THE SURRENDER. IF A COMPENSATED SURETY IS EXONERATED BY SURRENDERING A DEFENDANT PRIOR TO THE INITIAL APPEARANCE DATE FIXED IN THE BOND, THE COURT, AFTER A HEARING, MAY REQUIRE THE SURETY TO REFUND PART OR ALL OF THE BOND PREMIUM PAID BY THE DEFENDANT IF NECESSARY TO PREVENT UNJUST ENRICHMENT.

(e) AFTER THREE YEARS HAVE ELAPSED FROM THE POSTING OF THE BOND, UNLESS A JUDGMENT HAS BEEN ENTERED AGAINST THE SURETY OR THE PRINCIPAL FOR THE FORFEITURE OF THE BOND, OR UNLESS THE COURT GRANTS AN EXTENSION OF THE THREE-YEAR TIME PERIOD FOR GOOD CAUSE SHOWN, UPON MOTION BY THE PROSECUTING ATTORNEY AND NOTICE TO SURETY OF RECORD.

(2) IF, WITHIN FOURTEEN DAYS AFTER THE POSTING OF A BOND BY A DEFENDANT, THE TERMS AND CONDITIONS OF SAID BOND ARE CHANGED OR ALTERED EITHER BY ORDER OF COURT OR UPON THE MOTION OF THE DISTRICT ATTORNEY OR THE DEFENDANT, THE COURT, AFTER A HEARING, MAY ORDER A COMPENSATED SURETY TO REFUND A PORTION OF THE PREMIUM PAID BY THE DEFENDANT, IF NECESSARY, TO PREVENT UNJUST ENRICHMENT. IF MORE THAN FOURTEEN DAYS HAVE ELAPSED AFTER POSTING OF A BOND BY A DEFENDANT, THE COURT SHALL NOT ORDER THE REFUND OF ANY PREMIUM.

(3) UPON ENTRY OF AN ORDER FOR DEFERRED PROSECUTION OR DEFERRED JUDGMENT AS AUTHORIZED IN SECTIONS 18-1.3-101 AND 18-1.3-102, C.R.S., SURETIES UPON ANY BOND GIVEN FOR THE APPEARANCE OF THE DEFENDANT SHALL BE RELEASED FROM LIABILITY ON SUCH BOND.

**16-4-111. Disposition of security deposits upon forfeiture or termination of bond.** (1) (a) IF A DEFENDANT IS RELEASED UPON DEPOSIT OF CASH IN ANY AMOUNT OR UPON DEPOSIT OF ANY STOCKS OR BONDS AND THE DEFENDANT IS LATER DISCHARGED FROM ALL LIABILITY UNDER THE TERMS OF THE BOND, THE CLERK OF THE COURT SHALL RETURN THE DEPOSIT TO THE PERSON WHO MADE THE DEPOSIT.

(b) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), IF THE DEPOSITOR OF THE CASH BOND IS THE DEFENDANT AND THE DEFENDANT OWES COURT COSTS, FEES, FINES, RESTITUTION, OR SURCHARGES AT THE TIME THE DEFENDANT IS DISCHARGED FROM ALL LIABILITY UNDER THE TERMS OF THE

BOND, THE COURT MAY APPLY THE DEPOSIT TOWARD ANY AMOUNT OWED BY THE DEFENDANT IN COURT COSTS, FEES, FINES, RESTITUTION, OR SURCHARGES. IF ANY AMOUNT OF THE DEPOSIT REMAINS AFTER PAYING THE DEFENDANT'S OUTSTANDING COURT COSTS, FEES, FINES, RESTITUTION, OR SURCHARGES, THE COURT SHALL RETURN THE REMAINDER OF THE DEPOSIT TO THE DEFENDANT.

(II) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), IF THE DEPOSITOR OF THE CASH BOND IS NOT THE DEFENDANT, BUT THE DEFENDANT OWES COURT COSTS, FEES, FINES, RESTITUTION, OR SURCHARGES AT THE TIME THE DEFENDANT IS DISCHARGED FROM ALL LIABILITY UNDER THE TERMS OF THE BOND, THE COURT MAY APPLY THE DEPOSIT TOWARD THE AMOUNT OWED BY THE DEFENDANT IN COURT COSTS, FEES, FINES, RESTITUTION, OR SURCHARGES IF THE DEPOSITOR AGREES IN WRITING TO THE USE OF THE DEPOSIT FOR SUCH PURPOSE. IF ANY AMOUNT OF THE DEPOSIT REMAINS AFTER PAYING THE DEFENDANT'S OUTSTANDING COURT COSTS, FEES, FINES, RESTITUTION, OR SURCHARGES, THE COURT SHALL RETURN THE REMAINDER OF THE DEPOSIT TO THE DEPOSITOR.

(2) (a) UPON SATISFACTION OF THE TERMS OF THE BOND, THE CLERK OF THE COURT SHALL EXECUTE, WITHIN FOURTEEN DAYS AFTER SUCH SATISFACTION, A RELEASE OF ANY DEED OF TRUST GIVEN TO SECURE THE BOND AND AN AFFIDAVIT THAT STATES THAT THE OBLIGATION FOR WHICH THE DEED OF TRUST HAD BEEN RECORDED HAS BEEN SATISFIED, EITHER FULLY OR PARTIALLY, AND THAT THE RELEASE OF SUCH DEED OF TRUST MAY BE RECORDED AT THE EXPENSE OF THE RECORD OWNER OF THE PROPERTY DESCRIBED IN SUCH DEED OF TRUST.

(b) IF THERE IS A FORFEITURE OF THE BOND PURSUANT TO THIS SECTION, AND IF THE FORFEITURE IS NOT SET ASIDE PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE DEED OF TRUST MAY BE FORECLOSED AS PROVIDED BY LAW.

(c) IF THERE IS A FORFEITURE OF THE BOND PURSUANT TO THIS SECTION, BUT THE FORFEITURE IS SET ASIDE PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE CLERK OF THE COURT SHALL EXECUTE A RELEASE OF ANY DEED OF TRUST GIVEN TO SECURE THE BOND AND AN AFFIDAVIT THAT STATES THAT THE OBLIGATION FOR WHICH THE DEED OF TRUST HAD BEEN RECORDED HAS BEEN SATISFIED, EITHER FULLY OR PARTIALLY, AND THAT THE RELEASE OF SUCH DEED OF TRUST MAY BE RECORDED AT THE EXPENSE OF THE RECORD OWNER OF THE REAL ESTATE DESCRIBED IN SUCH DEED OF TRUST.

(3) WHERE THE DEFENDANT HAS BEEN RELEASED UPON DEPOSIT OF CASH, STOCKS, BONDS, OR PROPERTY OR UPON A SURETY BOND SECURED BY PROPERTY, IF THE DEFENDANT FAILS TO APPEAR IN ACCORDANCE WITH THE PRIMARY CONDITION OF THE BOND, THE COURT SHALL DECLARE A FORFEITURE. NOTICE OF THE ORDER OF FORFEITURE SHALL BE MAILED BY THE COURT TO THE DEFENDANT, ALL SURETIES, AND ALL DEPOSITORS OR ASSIGNEES OF ANY DEPOSITS OF CASH OR PROPERTY IF SUCH SURETIES, DEPOSITORS, OR ASSIGNEES HAVE DIRECT CONTACT WITH THE COURT, AT THEIR LAST-KNOWN ADDRESSES. SUCH NOTICE SHALL BE SENT WITHIN FOURTEEN DAYS AFTER THE ENTRY OF THE ORDER OF FORFEITURE. IF THE DEFENDANT DOES NOT APPEAR AND SURRENDER TO THE COURT HAVING JURISDICTION WITHIN THIRTY-FIVE DAYS FROM THE DATE OF THE FORFEITURE OR WITHIN THAT PERIOD SATISFY THE COURT THAT APPEARANCE AND SURRENDER BY THE DEFENDANT IS IMPOSSIBLE AND WITHOUT FAULT BY SUCH DEFENDANT, THE COURT MAY ENTER JUDGMENT FOR THE

STATE AGAINST THE DEFENDANT FOR THE AMOUNT OF THE BOND AND COSTS OF THE COURT PROCEEDINGS. ANY CASH DEPOSITS MADE WITH THE CLERK OF THE COURT SHALL BE APPLIED TO THE PAYMENT OF COSTS. IF ANY AMOUNT OF SUCH CASH DEPOSIT REMAINS AFTER THE PAYMENT OF COSTS, IT SHALL BE APPLIED TO PAYMENT OF THE JUDGMENT.

(4) THE COURT MAY ORDER THAT A FORFEITURE BE SET ASIDE, UPON SUCH CONDITIONS AS THE COURT MAY IMPOSE, IF IT APPEARS THAT JUSTICE SO REQUIRES.

(5) IF, WITHIN ONE YEAR AFTER JUDGMENT, THE PERSON WHO EXECUTED THE FORFEITED BOND AS PRINCIPAL OR AS SURETY EFFECTS THE APPREHENSION OR SURRENDER OF THE DEFENDANT TO THE SHERIFF OF THE COUNTY FROM WHICH THE BOND WAS TAKEN OR TO THE COURT WHICH GRANTED THE BOND, THE COURT MAY VACATE THE JUDGMENT AND ORDER A REMISSION LESS NECESSARY AND ACTUAL COSTS OF THE COURT.

(6) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO APPEARANCE BONDS WRITTEN BY COMPENSATED SURETIES, AS DEFINED IN SECTION 16-4-114 (2) (c), WHICH BONDS SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 16-4-114.

(7) ON AND AFTER JULY 1, 2008, ALL MONEYS COLLECTED FROM PAYMENT TOWARD A JUDGMENT ENTERED FOR THE STATE PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (6), C.R.S.

**16-4-112. Enforcement when forfeiture not set aside.** BY ENTERING INTO A BOND, EACH OBLIGOR, WHETHER HE OR SHE IS THE PRINCIPAL OR A SURETY, SUBMITS TO THE JURISDICTION OF THE COURT. HIS OR HER LIABILITY UNDER THE BOND MAY BE ENFORCED, WITHOUT THE NECESSITY OF AN INDEPENDENT ACTION, AS FOLLOWS: THE COURT SHALL ORDER THE ISSUANCE OF A CITATION DIRECTED TO THE OBLIGOR TO SHOW CAUSE, IF ANY THERE BE, WHY JUDGMENT SHOULD NOT BE ENTERED AGAINST HIM OR HER FORTHWITH AND EXECUTION ISSUE THEREON. SAID CITATION MAY BE SERVED PERSONALLY OR BY CERTIFIED MAIL UPON THE OBLIGOR DIRECTED TO THE ADDRESS GIVEN IN THE BOND. HEARING ON THE CITATION SHALL BE HELD NOT LESS THAN TWENTY-ONE DAYS AFTER SERVICE. THE DEFENDANT'S ATTORNEY AND THE PROSECUTING ATTORNEY SHALL BE GIVEN NOTICE OF THE HEARING. AT THE CONCLUSION OF THE HEARING, THE COURT MAY ENTER A JUDGMENT FOR THE STATE AND AGAINST THE OBLIGOR, AND EXECUTION SHALL ISSUE THEREON AS ON OTHER JUDGMENTS. THE DISTRICT ATTORNEY SHALL HAVE EXECUTION ISSUED FORTHWITH UPON THE JUDGMENT AND DELIVER IT TO THE SHERIFF TO BE EXECUTED BY LEVY UPON THE STOCKS, BOND, OR REAL ESTATE WHICH HAS BEEN ACCEPTED AS SECURITY FOR THE BOND.

**16-4-113. Type of bond in certain misdemeanor cases.** (1) IN EXERCISING THE DISCRETION MENTIONED IN SECTION 16-4-104, THE JUDGE SHALL RELEASE THE ACCUSED PERSON UPON PERSONAL RECOGNIZANCE IF THE CHARGE IS A CLASS 3 MISDEMEANOR OR A PETTY OFFENSE, OR ANY UNCLASSIFIED OFFENSE FOR A VIOLATION OF WHICH THE MAXIMUM PENALTY DOES NOT EXCEED SIX MONTHS' IMPRISONMENT, AND HE OR SHE SHALL NOT BE REQUIRED TO SUPPLY A SURETY BOND, OR GIVE SECURITY OF ANY KIND FOR HIS OR HER APPEARANCE FOR TRIAL

OTHER THAN HIS OR HER PERSONAL RECOGNIZANCE, UNLESS ONE OR MORE OF THE FOLLOWING FACTS ARE FOUND TO BE PRESENT:

(a) THE ARRESTED PERSON FAILS TO SUFFICIENTLY IDENTIFY HIMSELF OR HERSELF;  
OR

(b) THE ARRESTED PERSON REFUSES TO SIGN A PERSONAL RECOGNIZANCE; OR

(c) THE CONTINUED DETENTION OR POSTING OF A SURETY BOND IS NECESSARY TO PREVENT IMMINENT BODILY HARM TO THE ACCUSED OR TO ANOTHER; OR

(d) THE ARRESTED PERSON HAS NO TIES TO THE JURISDICTION OF THE COURT REASONABLY SUFFICIENT TO ASSURE HIS OR HER APPEARANCE, AND THERE IS SUBSTANTIAL LIKELIHOOD THAT HE OR SHE WILL FAIL TO APPEAR FOR TRIAL IF RELEASED UPON HIS OR HER PERSONAL RECOGNIZANCE; OR

(e) THE ARRESTED PERSON HAS PREVIOUSLY FAILED TO APPEAR FOR TRIAL FOR AN OFFENSE CONCERNING WHICH HE OR SHE HAD GIVEN HIS WRITTEN PROMISE TO APPEAR; OR

(f) THERE IS OUTSTANDING A WARRANT FOR HIS OR HER ARREST ON ANY OTHER CHARGE OR THERE ARE PENDING PROCEEDINGS AGAINST HIM OR HER FOR SUSPENSION OR REVOCATION OF PAROLE OR PROBATION.

**16-4-114. Enforcement procedures for compensated sureties - definitions.**

(1) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT THE SIMPLICITY, EFFECTIVENESS, AND UNIFORMITY OF BAIL FORFEITURE PROCEDURES APPLICABLE TO COMPENSATED SURETIES WHO ARE SUBJECT TO THE REGULATORY AUTHORITY OF THE COLORADO DIVISION OF INSURANCE ARE MATTERS OF STATEWIDE CONCERN.

(b) IT IS THE INTENT OF THE GENERAL ASSEMBLY IN ADOPTING THIS SECTION TO:

(I) ADOPT A BOARD SYSTEM THAT WILL SIMPLIFY AND EXPEDITE BAIL FORFEITURE PROCEDURES BY AUTHORIZING COURTS TO BAR COMPENSATED SURETIES WHO FAIL TO PAY FORFEITURE JUDGMENTS FROM WRITING FURTHER BONDS;

(II) MINIMIZE THE NEED FOR DAY-TO-DAY INVOLVEMENT OF THE DIVISION OF INSURANCE IN ROUTINE FORFEITURE ENFORCEMENT; AND

(III) REDUCE COURT ADMINISTRATIVE WORKLOAD.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BAIL INSURANCE COMPANY" MEANS AN INSURER AS DEFINED IN SECTION 10-1-102 (13), C.R.S., ENGAGED IN THE BUSINESS OF WRITING APPEARANCE BONDS THROUGH BONDING AGENTS, WHICH COMPANY IS SUBJECT TO REGULATION BY THE DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES.

(b) "BOARD SYSTEM" MEANS ANY REASONABLE METHOD ESTABLISHED BY A COURT TO PUBLICLY POST OR DISSEMINATE THE NAME OF ANY COMPENSATED

SURETY WHO IS PROHIBITED FROM POSTING BAIL BONDS.

(c) "COMPENSATED SURETY" MEANS ANY PERSON WHO IS IN THE BUSINESS OF WRITING APPEARANCE BONDS AND WHO IS SUBJECT TO REGULATION BY THE DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES, INCLUDING BONDING AGENTS AND BAIL INSURANCE COMPANIES. NOTHING IN THIS PARAGRAPH (c) AUTHORIZES BAIL INSURANCE COMPANIES TO WRITE APPEARANCE BONDS EXCEPT THROUGH BAIL BONDING AGENTS.

(d) "ON THE BOARD" MEANS THAT THE NAME OF A COMPENSATED SURETY HAS BEEN PUBLICLY POSTED OR DISSEMINATED BY A COURT AS BEING INELIGIBLE TO WRITE BAIL BONDS PURSUANT TO PARAGRAPH (e) OR (f) OF SUBSECTION (5) OF THIS SECTION.

(3) EACH COURT OF RECORD IN THIS STATE SHALL IMPLEMENT A BOARD SYSTEM FOR THE RECORDING AND DISSEMINATION OF THE NAMES OF THOSE COMPENSATED SURETIES WHO ARE PROHIBITED FROM POSTING BAIL BONDS IN THE STATE DUE TO AN UNPAID JUDGMENT AS SET FORTH IN THIS SECTION.

(4) BY ENTERING INTO A BOND, EACH OBLIGOR, INCLUDING THE BOND PRINCIPAL AND COMPENSATED SURETY, SUBMITS TO THE JURISDICTION OF THE COURT AND ACKNOWLEDGES THE APPLICABILITY OF THE FORFEITURE PROCEDURES SET FORTH IN THIS SECTION.

(5) LIABILITY OF BOND OBLIGORS ON BONDS ISSUED BY COMPENSATED SURETIES MAY BE ENFORCED, WITHOUT THE NECESSITY OF AN INDEPENDENT ACTION, AS FOLLOWS:

(a) IN THE EVENT A DEFENDANT DOES NOT APPEAR BEFORE THE COURT AND IS IN VIOLATION OF THE PRIMARY CONDITION OF AN APPEARANCE BOND, THE COURT MAY DECLARE THE BOND FORFEITED.

(b) (I) IF A BOND IS DECLARED FORFEITED BY THE COURT, NOTICE OF THE BAIL FORFEITURE ORDER SHALL BE SERVED ON THE BONDING AGENT BY CERTIFIED MAIL AND ON THE BAIL INSURANCE COMPANY BY REGULAR MAIL WITHIN FOURTEEN DAYS AFTER THE ENTRY OF SAID FORFEITURE. IF THE COMPENSATED SURETY ON THE BOND IS A CASH BONDING AGENT, ONLY THE CASH BONDING AGENT SHALL BE NOTIFIED OF THE FORFEITURE. SERVICE OF NOTICE OF THE BAIL FORFEITURE ON THE DEFENDANT IS NOT REQUIRED.

(II) THE NOTICE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(A) A STATEMENT INTENDED TO INFORM THE COMPENSATED SURETY OF THE ENTRY OF FORFEITURE;

(B) AN ADVISEMENT THAT THE COMPENSATED SURETY HAS THE RIGHT TO REQUEST A SHOW CAUSE HEARING PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (b) WITHIN FOURTEEN DAYS AFTER RECEIPT OF NOTICE OF FORFEITURE, BY PROCEDURES SET BY THE COURT; AND

(C) AN ADVISEMENT THAT IF THE COMPENSATED SURETY DOES NOT REQUEST A SHOW CAUSE HEARING PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (b), JUDGMENT SHALL BE ENTERED UPON EXPIRATION OF THIRTY-FIVE DAYS FOLLOWING THE ENTRY OF FORFEITURE.

(III) A COMPENSATED SURETY, UPON WHOM NOTICE OF A BAIL FORFEITURE ORDER HAS BEEN SERVED, SHALL HAVE FOURTEEN DAYS AFTER RECEIPT OF NOTICE OF SUCH FORFEITURE TO REQUEST A HEARING TO SHOW CAUSE WHY JUDGMENT ON THE FORFEITURE SHOULD NOT BE ENTERED FOR THE STATE AGAINST THE COMPENSATED SURETY. SUCH REQUEST SHALL BE GRANTED BY THE COURT AND A HEARING SHALL BE SET WITHIN THIRTY-FIVE DAYS AFTER ENTRY OF FORFEITURE OR AT THE COURT'S EARLIEST CONVENIENCE. AT THE CONCLUSION OF THE HEARING REQUESTED BY THE COMPENSATED SURETY, IF ANY, THE COURT MAY ENTER JUDGMENT FOR THE STATE AGAINST THE COMPENSATED SURETY, OR THE COURT MAY IN ITS DISCRETION ORDER FURTHER HEARINGS. UPON EXPIRATION OF THIRTY-FIVE DAYS AFTER THE ENTRY OF FORFEITURE, THE COURT SHALL ENTER JUDGMENT FOR THE STATE AGAINST THE COMPENSATED SURETY IF THE COMPENSATED SURETY DID NOT REQUEST WITHIN FOURTEEN DAYS AFTER RECEIPT OF NOTICE OF SUCH FORFEITURE A HEARING TO SHOW CAUSE.

(IV) IF SUCH A SHOW CAUSE HEARING WAS TIMELY SET BUT THE HEARING DID NOT OCCUR WITHIN THIRTY-FIVE DAYS AFTER THE ENTRY OF FORFEITURE, ANY ENTRY OF JUDGMENT AT THE CONCLUSION OF THE HEARING AGAINST THE COMPENSATED SURETY SHALL NOT BE VACATED ON THE GROUNDS THAT THE MATTER WAS NOT TIMELY HEARD. IF JUDGMENT IS ENTERED AGAINST A COMPENSATED SURETY UPON THE CONCLUSION OF A REQUESTED SHOW CAUSE HEARING, AND SUCH HEARING DID NOT OCCUR WITHIN THIRTY-FIVE DAYS AFTER THE ENTRY OF FORFEITURE, EXECUTION UPON SAID JUDGMENT SHALL BE AUTOMATICALLY STAYED FOR NO MORE THAN ONE HUNDRED TWENTY-SIX DAYS AFTER ENTRY OF FORFEITURE.

(V) (A) IF AT ANY TIME PRIOR TO THE ENTRY OF JUDGMENT, THE DEFENDANT APPEARS IN COURT, EITHER VOLUNTARILY OR IN CUSTODY AFTER SURRENDER OR ARREST, THE COURT SHALL ON ITS OWN MOTION DIRECT THAT THE BAIL FORFEITURE BE SET ASIDE AND THE BOND EXONERATED AT THE TIME THE DEFENDANT FIRST APPEARS IN COURT; EXCEPT THAT, IF THE STATE EXTRADITES SUCH DEFENDANT, ALL NECESSARY AND ACTUAL COSTS ASSOCIATED WITH SUCH EXTRADITION SHALL BE BORNE BY THE SURETY UP TO THE AMOUNT OF THE BOND.

(B) IF, AT A TIME PRIOR TO THE ENTRY OF JUDGMENT, THE SURETY PROVIDES PROOF TO THE COURT THAT THE DEFENDANT IS IN CUSTODY IN ANY OTHER JURISDICTION WITHIN THE STATE, THE COURT SHALL ON ITS OWN MOTION DIRECT THAT THE BAIL FORFEITURE BE SET ASIDE AND THE BOND EXONERATED; EXCEPT THAT, IF THE COURT EXTRADITES THE DEFENDANT, ALL NECESSARY AND ACTUAL COSTS ASSOCIATED WITH THE EXTRADITION SHALL BE BORNE BY THE SURETY UP TO THE AMOUNT OF THE BOND. IF THE COURT ELECTS TO EXTRADITE THE DEFENDANT, ANY FORFEITURE WILL BE STAYED UNTIL SUCH TIME THE DEFENDANT APPEARS IN THE COURT WHERE THE BOND RETURNS.

(C) A COMPENSATED SURETY SHALL BE EXONERATED FROM LIABILITY UPON THE BOND BY SATISFACTION OF THE BAIL FORFEITURE JUDGMENT, SURRENDER OF THE DEFENDANT, OR ORDER OF THE COURT. IF THE SURETY PROVIDES PROOF TO THE

COURT THAT THE DEFENDANT IS IN CUSTODY IN ANY OTHER JURISDICTION WITHIN THE STATE, WITHIN NINETY-ONE DAYS AFTER THE ENTRY OF JUDGMENT, THE COURT SHALL ON ITS OWN MOTION DIRECT THAT THE BAIL FORFEITURE JUDGMENT BE VACATED AND THE BOND EXONERATED; EXCEPT THAT, IF THE COURT EXTRADITES THE DEFENDANT, ALL NECESSARY AND ACTUAL COSTS ASSOCIATED WITH THE EXTRADITION SHALL BE BORNE BY THE SURETY UP TO THE AMOUNT OF THE BOND. IF THE COURT ELECTS TO EXTRADITE THE DEFENDANT, ANY JUDGMENT WILL BE STAYED UNTIL THE TIME THE DEFENDANT APPEARS IN THE COURT WHERE THE BOND RETURNS.

(c) EXECUTION UPON SAID BAIL FORFEITURE JUDGMENT SHALL BE AUTOMATICALLY STAYED FOR NINETY-ONE DAYS FROM THE DATE OF ENTRY OF JUDGMENT; EXCEPT THAT, IF JUDGMENT IS ENTERED AGAINST A COMPENSATED SURETY UPON THE CONCLUSION OF A REQUESTED SHOW CAUSE HEARING, AND SUCH HEARING DID NOT OCCUR WITHIN THIRTY-FIVE DAYS AFTER THE ENTRY OF FORFEITURE, THE JUDGMENT SHALL BE AUTOMATICALLY STAYED AS SET FORTH IN SUBPARAGRAPH (IV) OF PARAGRAPH (b) OF THIS SUBSECTION (5).

(d) UPON THE EXPIRATION OF THE STAY OF EXECUTION DESCRIBED IN PARAGRAPH (c) OF THIS SUBSECTION (5), THE BAIL FORFEITURE JUDGMENT SHALL BE PAID FORTHWITH BY THE COMPENSATED SURETY, IF NOT PREVIOUSLY PAID, UNLESS THE DEFENDANT APPEARS IN COURT, EITHER VOLUNTARILY OR IN CUSTODY AFTER SURRENDER OR ARREST, OR THE COURT ENTERS AN ORDER GRANTING AN ADDITIONAL STAY OF EXECUTION OR OTHERWISE VACATES THE JUDGMENT.

(e) IF A BAIL FORFEITURE JUDGMENT IS NOT PAID ON OR BEFORE THE EXPIRATION DATE OF THE STAY OF EXECUTION DESCRIBED IN PARAGRAPH (c) OF THIS SUBSECTION (5), THE NAME OF THE BONDING AGENT SHALL BE PLACED ON THE BOARD OF THE COURT THAT ENTERED THE JUDGMENT. THE BONDING AGENT SHALL BE PROHIBITED FROM EXECUTING ANY FURTHER BAIL BONDS IN THIS STATE UNTIL THE JUDGMENT GIVING RISE TO PLACEMENT ON THE BOARD IS SATISFIED, VACATED, OR OTHERWISE DISCHARGED BY ORDER OF THE COURT.

(f) IF A BAIL FORFEITURE JUDGMENT REMAINS UNPAID FOR THIRTY-FIVE DAYS AFTER THE NAME OF THE BONDING AGENT IS PLACED ON THE BOARD, THE COURT SHALL SEND NOTICE BY CERTIFIED MAIL TO THE BAIL INSURANCE COMPANY FOR WHOM THE BONDING AGENT HAS EXECUTED THE BOND THAT IF SAID JUDGMENT IS NOT PAID WITHIN FOURTEEN DAYS AFTER THE DATE OF MAILING OF SAID NOTICE, THE NAME OF THE BAIL INSURANCE COMPANY SHALL BE PLACED ON THE BOARD AND SUCH COMPANY SHALL BE PROHIBITED FROM EXECUTING ANY FURTHER BAIL BONDS IN THIS STATE UNTIL THE JUDGMENT GIVING RISE TO PLACEMENT ON THE BOARD IS SATISFIED, VACATED, OR OTHERWISE DISCHARGED BY ORDER OF THE COURT.

(g) A COMPENSATED SURETY SHALL BE REMOVED FORTHWITH FROM THE BOARD ONLY AFTER EVERY JUDGMENT FOR WHICH THE COMPENSATED SURETY WAS PLACED ON THE BOARD IS SATISFIED, VACATED, OR DISCHARGED OR STAYED BY ENTRY OF AN ADDITIONAL STAY OF EXECUTION. NO COMPENSATED SURETY SHALL BE PLACED ON THE BOARD IN THE ABSENCE OF THE NOTICE REQUIRED BY PARAGRAPH (b) OR (f) OF THIS SUBSECTION (5).

(h) THE COURT MAY ORDER THAT A BAIL FORFEITURE JUDGMENT BE VACATED AND SET ASIDE OR THAT EXECUTION THEREON BE STAYED UPON SUCH CONDITIONS

AS THE COURT MAY IMPOSE, IF IT APPEARS THAT JUSTICE SO REQUIRES.

(i) A COMPENSATED SURETY SHALL BE EXONERATED FROM LIABILITY UPON THE BOND BY SATISFACTION OF THE BAIL FORFEITURE JUDGMENT, SURRENDER OF THE DEFENDANT, OR BY ORDER OF THE COURT. IF THE DEFENDANT APPEARS IN COURT, EITHER VOLUNTARILY OR IN CUSTODY AFTER SURRENDER OR ARREST, WITHIN NINETY-ONE DAYS AFTER THE ENTRY OF JUDGMENT, THE COURT, AT THE TIME THE DEFENDANT FIRST APPEARS IN COURT, SHALL ON ITS OWN MOTION DIRECT THAT THE BAIL FORFEITURE JUDGMENT BE VACATED AND THE BOND EXONERATED; EXCEPT THAT, IF THE STATE EXTRADITES SUCH DEFENDANT, ALL NECESSARY AND ACTUAL COSTS ASSOCIATED WITH SUCH EXTRADITION SHALL BE BORNE BY THE SURETY UP TO THE AMOUNT OF THE BOND.

(j) IF, WITHIN ONE YEAR AFTER PAYMENT OF THE BAIL FORFEITURE JUDGMENT, THE COMPENSATED SURETY EFFECTS THE APPREHENSION OR SURRENDER OF THE DEFENDANT AND PROVIDES REASONABLE NOTICE TO THE COURT TO WHICH THE BOND RETURNS THAT THE DEFENDANT IS AVAILABLE FOR EXTRADITION, THE COURT SHALL VACATE THE JUDGMENT AND ORDER A REMISSION OF THE AMOUNT PAID ON THE BOND LESS ANY NECESSARY AND ACTUAL COSTS INCURRED BY THE STATE AND THE SHERIFF WHO HAS ACTUALLY EXTRADITED THE DEFENDANT.

(k) BAIL BONDS SHALL BE DEEMED VALID NOTWITHSTANDING THE FACT THAT A BOND MAY HAVE BEEN WRITTEN BY A COMPENSATED SURETY WHO HAS BEEN PLACED ON THE BOARD PURSUANT TO PARAGRAPH (e) OR (f) OF THIS SUBSECTION (5) AND IS OTHERWISE PROHIBITED FROM WRITING BAIL BONDS. THE INELIGIBILITY OF A COMPENSATED SURETY TO WRITE BONDS BECAUSE THE NAME OF THE COMPENSATED SURETY HAS BEEN PLACED ON THE BOARD PURSUANT TO PARAGRAPH (e) OR (f) OF THIS SUBSECTION (5) SHALL NOT BE A DEFENSE TO LIABILITY ON ANY APPEARANCE BOND ACCEPTED BY A COURT.

(l) THE AUTOMATIC STAY OF EXECUTION UPON A BAIL FORFEITURE JUDGMENT AS DESCRIBED IN PARAGRAPH (c) OF THIS SUBSECTION (5) SHALL EXPIRE PURSUANT TO ITS TERMS UNLESS THE DEFENDANT APPEARS AND SURRENDERS TO THE COURT HAVING JURISDICTION OR SATISFIES THE COURT THAT APPEARANCE AND SURRENDER BY THE DEFENDANT WAS IMPOSSIBLE AND WITHOUT FAULT BY SUCH DEFENDANT. THE COURT MAY ORDER THAT A FORFEITURE BE SET ASIDE AND JUDGMENT VACATED AS SET FORTH IN PARAGRAPH (h) OF THIS SUBSECTION (5).

(6) A BAIL INSURANCE COMPANY SHALL NOT WRITE BAIL BONDS UNLESS THROUGH A LICENSED BAIL BONDING AGENT.

**16-4-115. Severability.** IF ANY PROVISION OF THIS PART 1 OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS PART 1 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS PART 1 ARE DECLARED TO BE SEVERABLE.

**SECTION 3.** In Colorado Revised Statutes, 16-4-201, **amend** (1) (a) as follows:

**16-4-201. Bail after conviction.** (1) (a) After conviction, either before or after sentencing, the defendant may orally, or in writing, move for release on bail pending

determination of a motion for a new trial or motion in arrest of judgment or during any stay of execution or pending review by an appellate court, and, except in cases where the defendant has been convicted of a capital offense, the trial court, in its discretion, may continue the bond given for pretrial release, or may release the defendant on ~~increased bail~~ BOND WITH ADDITIONAL CONDITIONS INCLUDING MONETARY CONDITIONS, or require bond under one or more of the alternatives set forth in section 16-4-104.

**SECTION 4.** In Colorado Revised Statutes, 16-4-202, **amend** (1) introductory portion as follows:

**16-4-202. Appeal bond hearing - factors to be considered.** (1) The court shall consider the following factors in deciding whether or not an appeal bond should be granted and determining ~~the amount of bail and~~ the type of bond ~~to be~~ AND CONDITIONS OF RELEASE required:

**SECTION 5.** In Colorado Revised Statutes, 10-1-211, **amend** (6) as follows:

**10-1-211. Protocols for market conduct actions.** (6) Subject to section ~~16-4-108~~ 16-4-110 (1) (c) and (2), C.R.S., a bail premium is earned in its entirety by a compensated surety upon the defendant's release from custody.

**SECTION 6.** In Colorado Revised Statutes, 10-2-705, **add** (3.5) as follows:

**10-2-705. Bail bond documents - requirements - rules.** (3.5) (a) IF THE BOND IS TO BE SECURED BY REAL ESTATE, THE BAIL BONDING AGENT SHALL PROVIDE THE PROPERTY OWNER WITH A WRITTEN DISCLOSURE STATEMENT IN THE FOLLOWING FORM AT THE TIME AN INITIAL APPLICATION IS FILED:

#### **DISCLOSURE OF LIEN AGAINST REAL PROPERTY**

**DO NOT SIGN THIS DOCUMENT UNTIL YOU READ AND UNDERSTAND IT! THIS BAIL BOND WILL BE SECURED BY REAL PROPERTY YOU OWN OR IN WHICH YOU HAVE AN INTEREST. FAILURE TO PAY THE BAIL BOND PREMIUMS WHEN DUE OR THE DEFENDANT'S FAILURE TO COMPLY WITH THE CONDITIONS OF BAIL COULD RESULT IN THE LOSS OF YOUR PROPERTY!**

(b) THE DISCLOSURE REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (3.5) SHALL BE PRINTED IN FOURTEEN-POINT, BOLD-FACED TYPE EITHER:

(I) ON A SEPARATE AND SPECIFIC DOCUMENT ATTACHED TO OR ACCOMPANYING THE APPLICATION; OR

(II) IN A CLEAR AND CONSPICUOUS STATEMENT ON THE FACE OF THE APPLICATION.

(c) BEFORE A PROPERTY OWNER EXECUTES ANY INSTRUMENT CREATING A LIEN AGAINST REAL PROPERTY, THE BAIL BONDING AGENT SHALL PROVIDE THE PROPERTY OWNER WITH A COMPLETED COPY OF THE INSTRUMENT CREATING THE LIEN AGAINST REAL PROPERTY AND THE DISCLOSURE STATEMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3.5). IF A BAIL BONDING AGENT FAILS TO COMPLY FULLY WITH THE REQUIREMENTS OF PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (3.5) AND THIS

PARAGRAPH (c), ANY INSTRUMENT CREATING A LIEN AGAINST REAL PROPERTY SHALL BE VOIDABLE.

(d) THE BONDING AGENT SHALL DELIVER TO THE PROPERTY OWNER A FULLY EXECUTED AND NOTARIZED RECONVEYANCE OF TITLE, A CERTIFICATE OF DISCHARGE, OR A FULL RELEASE OF ANY LIEN AGAINST REAL PROPERTY THAT SECURES PERFORMANCE OF THE CONDITIONS OF A BAIL BOND WITHIN THIRTY-FIVE DAYS AFTER RECEIVING NOTICE THAT THE TIME FOR APPEALING AN ORDER THAT EXONERATED THE BAIL BOND HAS EXPIRED. THE BONDING AGENT SHALL ALSO DELIVER TO THE PROPERTY OWNER THE ORIGINAL CANCELLED NOTE AS EVIDENCE THAT THE INDEBTEDNESS SECURED BY ANY LIEN INSTRUMENT HAS BEEN PAID OR THAT THE PURPOSES OF SAID INSTRUMENT HAVE BEEN FULLY SATISFIED AND THE ORIGINAL DEED OF TRUST, SECURITY AGREEMENT, OR OTHER INSTRUMENT THAT SECURED THE BAIL BOND OBLIGATION. IF A TIMELY NOTICE OF APPEAL IS FILED, THE THIRTY-FIVE-DAY PERIOD SHALL BEGIN ON THE DAY THE APPELLATE COURT'S AFFIRMATION OF THE ORDER BECOMES FINAL. IF THE BONDING AGENT FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS PARAGRAPH (d), THE PROPERTY OWNER MAY PETITION THE DISTRICT COURT TO ISSUE AN ORDER DIRECTING THE CLERK OF SUCH COURT TO EXECUTE A FULL RECONVEYANCE OF TITLE, A CERTIFICATE OF DISCHARGE, OR A FULL RELEASE OF ANY LIEN AGAINST REAL PROPERTY CREATED TO SECURE PERFORMANCE OF THE CONDITIONS OF THE BAIL BOND. THE PETITION SHALL BE VERIFIED AND SHALL ALLEGE FACTS SHOWING THAT THE BONDING AGENT HAS FAILED TO COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH (d).

(e) ANY BAIL BONDING AGENT WHO VIOLATES THIS SUBSECTION (3.5) IS LIABLE TO THE PROPERTY OWNER FOR ALL DAMAGES THAT MAY BE SUSTAINED BY REASON OF THE VIOLATION, PLUS STATUTORY DAMAGES IN THE SUM OF THREE HUNDRED DOLLARS. THE PROPERTY OWNER SHALL BE ENTITLED TO RECOVER COURT COSTS AND REASONABLE ATTORNEY FEES, AS DETERMINED BY THE COURT, UPON PREVAILING IN ANY ACTION BROUGHT TO ENFORCE THE PROVISIONS OF THIS SUBSECTION (3.5).

**SECTION 7.** In Colorado Revised Statutes, 10-23-101, **amend** (2) as follows:

**10-23-101. Definitions.** As used in this article, unless the context otherwise requires:

(2) "On the board" means that the name of the person has been publicly posted or disseminated by a court as being ineligible to write bail bonds under section ~~16-4-112~~ 16-4-114 (5) (e) or (5) (f), C.R.S.

**SECTION 8.** In Colorado Revised Statutes, 10-23-105, **amend** (1) and (2) as follows:

**10-23-105. Qualification bond - forfeiture.** (1) Each cash-bonding agent shall post a cash qualification bond of fifty thousand dollars with the division. The bond must be to the people of the state of Colorado in favor of any court in this state, whether municipal, county, district, or other court, and to the division for the purposes of this section. In the event of a forfeiture of a cash-bonding agent's qualification bond, the division has priority over all other claimants. To comply with this subsection (1), the bond must be conditioned upon full and prompt payment into

the court ordering the bond forfeited. Cash-bonding agents shall not issue bonds except in accordance with section ~~16-4-104(1)(b)(III)~~ 16-4-104(1)(c)(III), C.R.S. In the event of a qualification bond forfeiture, a cash-bonding agent shall not write new bail bonds until the qualification bond is restored to fifty thousand dollars.

(2) Each professional cash-bail agent shall post a cash qualification bond of no less than fifty thousand dollars with the division. The bond shall be to the people of the state of Colorado in favor of any court in this state, whether municipal, county, district, or other court, and to the division for the purposes of this section. A professional cash-bail agent shall not furnish a single bail greater than twice the amount of the bond posted with the division. In the event of a forfeiture of a professional cash-bail agent's qualification bond, the division has priority over all other claimants to the bond. To comply with this subsection (2), the bond must be conditioned upon full and prompt payment into the court ordering the bond forfeited. Professional cash-bail agents shall not issue bonds except in accordance with section ~~16-4-104(1)(b)(III)~~ 16-4-104(1)(c)(III), C.R.S. In the event of a qualification bond forfeiture, a professional cash-bail agent shall not write new bail bonds until the qualification bond is restored to at least fifty thousand dollars.

**SECTION 9.** In Colorado Revised Statutes, 10-23-108, **add** (3.5) as follows:

**10-23-108. Bail bond documents - requirements - rules.** (3.5) (a) IF THE BOND IS TO BE SECURED BY REAL ESTATE, THE BAIL BONDING AGENT SHALL PROVIDE THE PROPERTY OWNER WITH A WRITTEN DISCLOSURE STATEMENT IN THE FOLLOWING FORM AT THE TIME AN INITIAL APPLICATION IS FILED:

**DISCLOSURE OF LIEN AGAINST REAL PROPERTY**

**DO NOT SIGN THIS DOCUMENT UNTIL YOU READ AND UNDERSTAND IT! THIS BAIL BOND WILL BE SECURED BY REAL PROPERTY YOU OWN OR IN WHICH YOU HAVE AN INTEREST. FAILURE TO PAY THE BAIL BOND PREMIUMS WHEN DUE OR THE DEFENDANT'S FAILURE TO COMPLY WITH THE CONDITIONS OF BAIL COULD RESULT IN THE LOSS OF YOUR PROPERTY!**

(b) THE DISCLOSURE REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (3.5) SHALL BE PRINTED IN FOURTEEN-POINT, BOLD-FACED TYPE EITHER:

(I) ON A SEPARATE AND SPECIFIC DOCUMENT ATTACHED TO OR ACCOMPANYING THE APPLICATION; OR

(II) IN A CLEAR AND CONSPICUOUS STATEMENT ON THE FACE OF THE APPLICATION.

(c) BEFORE A PROPERTY OWNER EXECUTES ANY INSTRUMENT CREATING A LIEN AGAINST REAL PROPERTY, THE BAIL BONDING AGENT SHALL PROVIDE THE PROPERTY OWNER WITH A COMPLETED COPY OF THE INSTRUMENT CREATING THE LIEN AGAINST REAL PROPERTY AND THE DISCLOSURE STATEMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3.5). IF A BAIL BONDING AGENT FAILS TO COMPLY FULLY WITH THE REQUIREMENTS OF PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (3.5) AND THIS PARAGRAPH (c), ANY INSTRUMENT CREATING A LIEN AGAINST REAL PROPERTY SHALL BE VOIDABLE.

(d) THE BONDING AGENT SHALL DELIVER TO THE PROPERTY OWNER A FULLY EXECUTED AND NOTARIZED RECONVEYANCE OF TITLE, A CERTIFICATE OF DISCHARGE, OR A FULL RELEASE OF ANY LIEN AGAINST REAL PROPERTY THAT SECURES PERFORMANCE OF THE CONDITIONS OF A BAIL BOND WITHIN THIRTY-FIVE DAYS AFTER RECEIVING NOTICE THAT THE TIME FOR APPEALING AN ORDER THAT EXONERATED THE BAIL BOND HAS EXPIRED. THE BONDING AGENT SHALL ALSO DELIVER TO THE PROPERTY OWNER THE ORIGINAL CANCELLED NOTE AS EVIDENCE THAT THE INDEBTEDNESS SECURED BY ANY LIEN INSTRUMENT HAS BEEN PAID OR THAT THE PURPOSES OF SAID INSTRUMENT HAVE BEEN FULLY SATISFIED AND THE ORIGINAL DEED OF TRUST, SECURITY AGREEMENT, OR OTHER INSTRUMENT THAT SECURED THE BAIL BOND OBLIGATION. IF A TIMELY NOTICE OF APPEAL IS FILED, THE THIRTY-FIVE-DAY PERIOD SHALL BEGIN ON THE DAY THE APPELLATE COURT'S AFFIRMATION OF THE ORDER BECOMES FINAL. IF THE BONDING AGENT FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS PARAGRAPH (d), THE PROPERTY OWNER MAY PETITION THE DISTRICT COURT TO ISSUE AN ORDER DIRECTING THE CLERK OF SUCH COURT TO EXECUTE A FULL RECONVEYANCE OF TITLE, A CERTIFICATE OF DISCHARGE, OR A FULL RELEASE OF ANY LIEN AGAINST REAL PROPERTY CREATED TO SECURE PERFORMANCE OF THE CONDITIONS OF THE BAIL BOND. THE PETITION SHALL BE VERIFIED AND SHALL ALLEGE FACTS SHOWING THAT THE BONDING AGENT HAS FAILED TO COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH (d).

(e) ANY BAIL BONDING AGENT WHO VIOLATES THIS SUBSECTION (3.5) SHALL BE LIABLE TO THE PROPERTY OWNER FOR ALL DAMAGES THAT MAY BE SUSTAINED BY REASON OF THE VIOLATION, PLUS STATUTORY DAMAGES IN THE SUM OF THREE HUNDRED DOLLARS. THE PROPERTY OWNER SHALL BE ENTITLED TO RECOVER COURT COSTS AND REASONABLE ATTORNEY FEES, AS DETERMINED BY THE COURT, UPON PREVAILING IN ANY ACTION BROUGHT TO ENFORCE THE PROVISIONS OF THIS SUBSECTION (3.5).

**SECTION 10.** In Colorado Revised Statutes, 18-13-130, **amend** (1) (g) as follows:

**18-13-130. Bail bond - prohibited activities - penalties.** (1) It is unlawful for any person who engages in the business of writing bail bonds to engage in any of the following activities related to a bail bond transaction:

(g) Post a bail bond in any court of record in this state while the name of the person is on the board under section ~~16-4-112~~ 16-4-114 (5) (e), C.R.S., or under any circumstance where the person has failed to pay a bail forfeiture judgment after all applicable stays of execution have expired and the bond has not been exonerated or discharged;

**SECTION 11.** In Colorado Revised Statutes, 19-2-509, **amend** (4) (a) as follows:

**19-2-509. Bail.** (4) (a) In determining ~~the amount of bail and~~ the type of bond ~~to be furnished by~~ AND CONDITIONS OF RELEASE FOR the juvenile, the judge or magistrate fixing the same shall consider the criteria set forth in section ~~16-4-105~~ ~~(+)~~ 16-4-103, C.R.S.

**SECTION 12. 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 11, 2013