

HB1081\_L.001

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB18-1081 be amended as follows:

- 1 Amend printed bill, page 2, strike lines 12 through 25 and substitute:  
2       "(10) (a) ON AND AFTER JANUARY 1, 2019, IN ACCORDANCE WITH  
3 SUBSECTION (2) OF THIS SECTION, THE STATE COURT ADMINISTRATOR  
4 SHALL ADMINISTER A COURT REMINDER PROGRAM WITH THE OBJECTIVE TO  
5 REMIND CRIMINAL DEFENDANTS IN COUNTY COURTS AND DISTRICT COURTS  
6 TO APPEAR AT EACH OF THEIR SCHEDULED COURT APPEARANCES. THE  
7 OBJECTIVE OF SUCH REMINDERS IS TO SIGNIFICANTLY REDUCE THE  
8 NUMBER OF CRIMINAL DEFENDANTS WHO ARE COMMITTED TO THE  
9 CUSTODY OF A COUNTY JAIL SOLELY AS A RESULT OF THEIR FAILURE TO  
10 APPEAR IN COURT.
- 11       (b) IN ADMINISTERING THE PROGRAM, THE STATE COURT  
12 ADMINISTRATOR SHALL PRIORITIZE THE USE OF TEXT MESSAGES TO  
13 REMIND CRIMINAL DEFENDANTS WITH THE CAPACITY TO RECEIVE TEXT  
14 MESSAGES, UNLESS AND UNTIL A MORE EFFECTIVE TECHNOLOGICAL MEANS  
15 OF REMINDING DEFENDANTS BECOMES AVAILABLE. IN ADDITION, OR WHEN  
16 A DEFENDANT IS UNABLE TO RECEIVE TEXT MESSAGES, THE STATE COURT  
17 ADMINISTRATOR, AT HIS OR HER DISCRETION, MAY ALSO USE TELEPHONIC  
18 COMMUNICATIONS, TRADITIONAL MAIL, E-MAIL, OR OTHER  
19 INTERNET-BASED TECHNOLOGY TO REMIND DEFENDANTS OF COURT DATES.
- 20       (c) ON AND AFTER SEPTEMBER 1, 2018, THE STATE COURT  
21 ADMINISTRATOR SHALL TRACK DATA IN EACH COUNTY COURT AND  
22 DISTRICT COURT OF THE STATE CONCERNING THE FAILURE OF CRIMINAL  
23 DEFENDANTS TO APPEAR FOR THEIR SCHEDULED COURT APPEARANCES.
- 24       (d) THE PROGRAM SHALL:
- 25       (I) PROVIDE TEXT MESSAGE REMINDERS FOR ALL COURT  
26 APPEARANCES FOR STATE AND COUNTY CRIMINAL DEFENDANTS WITH THE  
27 CAPACITY TO RECEIVE TEXT MESSAGES AND FOR WHOM THE STATE COURT  
28 ADMINISTRATOR HAS A WORKING PHONE NUMBER;
- 29       (II) IDENTIFY EACH INSTANCE IN WHICH A CRIMINAL DEFENDANT  
30 RECEIVED A TEXT MESSAGE REMINDER;
- 31       (III) IDENTIFY CRIMINAL DEFENDANTS WITH UPCOMING COURT  
32 APPEARANCES WHO CANNOT BE REACHED BECAUSE THEY LACK THE  
33 CAPACITY TO RECEIVE TEXT MESSAGES;
- 34       (IV) COLLECT DATA CONCERNING THE NUMBER OF CRIMINAL  
35 DEFENDANTS WHO FAIL TO APPEAR AT THEIR SCHEDULED COURT  
36 APPEARANCES DESPITE HAVING RECEIVED ONE OR MORE REMINDERS;
- 37       (V) HAVE THE CAPACITY, AT THE DISCRETION OF THE STATE  
38 COURT ADMINISTRATOR, TO PROVIDE ADDITIONAL INFORMATION TO  
39 CRIMINAL DEFENDANTS CONCERNING THEIR SCHEDULED COURT DATES,  
40 WHICH MAY INCLUDE BUT NEED NOT BE LIMITED TO THE LOCATION OF A  
41 COURT APPEARANCE; TRANSPORTATION OPTIONS, IF AVAILABLE; CHILD

1 CARE, IF AVAILABLE; AND WHAT A DEFENDANT MAY DO IF THE DEFENDANT  
2 IS UNABLE TO ATTEND THE COURT APPEARANCE; AND

3 (VI) HAVE THE CAPACITY TO SUPPORT PARTNERSHIPS BETWEEN  
4 THE STATE COURT ADMINISTRATOR AND LOCAL LAW ENFORCEMENT  
5 AGENCIES, LOCAL GOVERNMENTS, AND THE STATE PUBLIC DEFENDER, FOR  
6 THE PURPOSES DESCRIBED IN SUBSECTIONS (10)(e), (10)(f), (10)(g), AND  
7 (10)(h) OF THIS SECTION.

8 (e) THE STATE COURT ADMINISTRATOR MAY PARTNER WITH LOCAL  
9 LAW ENFORCEMENT AGENCIES, AT THE STATE COURT ADMINISTRATOR'S  
10 AND THE AGENCIES' DISCRETION, TO ALLOW INDIVIDUALS WHO ARE CITED  
11 AND RELEASED BY LAW ENFORCEMENT OFFICERS TO RECEIVE TEXT  
12 MESSAGE REMINDERS.

13 (f) THE STATE COURT ADMINISTRATOR MAY, AT THE STATE COURT  
14 ADMINISTRATOR'S AND EACH LOCAL GOVERNMENT'S DISCRETION, PARTNER  
15 WITH LOCAL GOVERNMENTS TO ALLOW CRIMINAL DEFENDANTS IN  
16 MUNICIPAL COURTS TO RECEIVE REMINDERS PURSUANT TO THIS  
17 SUBSECTION (10). ANY LOCAL GOVERNMENT THAT PARTNERS WITH THE  
18 STATE COURT ADMINISTRATOR PURSUANT TO THIS SUBSECTION (10) SHALL  
19 PAY ALL COSTS OF SENDING REMINDERS TO CRIMINAL DEFENDANTS,  
20 INCLUDING THE COST OF LINKING THE MUNICIPAL COURT DATABASE WITH  
21 THE STATE COURT ADMINISTRATOR DATABASE.

22 (g) THE STATE COURT ADMINISTRATOR MAY PARTNER WITH THE  
23 STATE PUBLIC DEFENDER, AT THE STATE COURT ADMINISTRATOR'S AND  
24 THE STATE PUBLIC DEFENDER'S DISCRETION, TO PROVIDE REMINDERS AND  
25 OTHER INFORMATION TO CRIMINAL DEFENDANTS WHOM THE STATE PUBLIC  
26 DEFENDER REPRESENTS.

27 (h) THE STATE COURT ADMINISTRATOR, AT HIS OR HER  
28 DISCRETION, MAY EXPAND THE PROGRAM TO PROVIDE TEXT MESSAGE  
29 REMINDERS TO PROBATIONERS TO REMIND THEM OF TIME-SENSITIVE  
30 REQUIREMENTS OF THEIR PROBATION.

31 (i) EACH COUNTY COURT AND DISTRICT COURT SHALL UTILIZE THE  
32 REMINDER SERVICES OF THE STATE COURT ADMINISTRATOR DESCRIBED IN  
33 THIS SUBSECTION (10) UNLESS THE COURT HAS ITS OWN PROCEDURE FOR  
34 USING TEXT MESSAGING TO REMIND CRIMINAL DEFENDANTS TO APPEAR AT  
35 THEIR SCHEDULED COURT APPEARANCES.

36 (j) IN ITS ANNUAL REPORT TO THE COMMITTEES OF REFERENCE  
37 PURSUANT TO SECTION 2-7-203, THE JUDICIAL DEPARTMENT SHALL  
38 INCLUDE INFORMATION CONCERNING THE ACTIVITIES OF THE STATE COURT  
39 ADMINISTRATOR PURSUANT TO THIS SUBSECTION (10). TO THE EXTENT  
40 PRACTICABLE, THE REPORT MUST INCLUDE:

41 (I) THE NUMBER OF REMINDERS RECEIVED BY DEFENDANTS IN  
42 EACH COUNTY AND EACH JUDICIAL DISTRICT;

43 (II) THE NUMBER OF DEFENDANTS IN EACH COUNTY AND EACH

1 JUDICIAL DISTRICT WHO FAILED TO APPEAR FOR A COURT HEARING;  
2 (III) THE NUMBER OF DEFENDANTS IN EACH COUNTY AND EACH  
3 JUDICIAL DISTRICT WHO RECEIVED A REMINDER FROM THE PROGRAM BUT  
4 WHO NONETHELESS FAILED TO APPEAR FOR A COURT HEARING;  
5 (IV) ANY OTHER DATA COLLECTED BY THE STATE COURT  
6 ADMINISTRATOR THAT THE STATE COURT ADMINISTRATOR DETERMINES TO  
7 BE USEFUL TO THE GENERAL ASSEMBLY IN ASSESSING THE EFFECTIVENESS  
8 OF THE PROGRAM AT REDUCING THE NUMBER OF CRIMINAL DEFENDANTS  
9 WHO FAIL TO APPEAR FOR THEIR COURT APPEARANCES AND REDUCING THE  
10 NUMBER OF CRIMINAL DEFENDANTS WHO ARE JAILED FOR FAILURE TO  
11 APPEAR AT A COURT APPEARANCE;  
12 (V) TO THE EXTENT PRACTICABLE, ANY SAVINGS OR EXPENSES  
13 THAT THIS SUBSECTION (10) HAS GENERATED FOR THE STATE; AND  
14 (VI) ANY RECOMMENDATION THAT THE STATE COURT  
15 ADMINISTRATOR MAY HAVE CONCERNING THE IMPLEMENTATION OF THIS  
16 SUBSECTION (10)."

17 Page 3, strike lines 1 through 6.

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