

HB1081\_L.003

## 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  
6 COURTS, EXCEPT FOR THE DENVER COUNTY COURT, TO APPEAR AT EACH  
7 OF THEIR SCHEDULED COURT APPEARANCES. THE OBJECTIVE OF SUCH  
8 REMINDERS IS TO SIGNIFICANTLY REDUCE THE NUMBER OF CRIMINAL  
9 DEFENDANTS WHO ARE COMMITTED TO THE CUSTODY OF A COUNTY JAIL  
10 SOLELY AS A RESULT OF THEIR FAILURE TO 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, E-MAIL, OR OTHER INTERNET-BASED TECHNOLOGY TO  
19 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, EXCEPT FOR THE DENVER COUNTY COURT, CONCERNING  
23 THE FAILURE OF CRIMINAL DEFENDANTS TO APPEAR FOR THEIR SCHEDULED  
24 COURT APPEARANCES.
- 25 (d) THE PROGRAM SHALL:
- 26 (I) PROVIDE TEXT MESSAGE REMINDERS FOR ALL COURT  
27 APPEARANCES FOR STATE AND COUNTY CRIMINAL DEFENDANTS WITH THE  
28 CAPACITY TO RECEIVE TEXT MESSAGES AND FOR WHOM THE STATE COURT  
29 ADMINISTRATOR HAS A WORKING PHONE NUMBER;
- 30 (II) IDENTIFY EACH INSTANCE IN WHICH A CRIMINAL DEFENDANT  
31 RECEIVED A TEXT MESSAGE REMINDER;
- 32 (III) IDENTIFY CRIMINAL DEFENDANTS WITH UPCOMING COURT  
33 APPEARANCES WHO CANNOT BE REACHED BECAUSE THEY LACK THE  
34 CAPACITY TO RECEIVE TEXT MESSAGES;
- 35 (IV) COLLECT DATA CONCERNING THE NUMBER OF CRIMINAL  
36 DEFENDANTS WHO FAIL TO APPEAR AT THEIR SCHEDULED COURT  
37 APPEARANCES DESPITE HAVING RECEIVED ONE OR MORE REMINDERS;
- 38 (V) HAVE THE CAPACITY, AT THE DISCRETION OF THE STATE  
39 COURT ADMINISTRATOR, TO PROVIDE ADDITIONAL INFORMATION TO  
40 CRIMINAL DEFENDANTS CONCERNING THEIR SCHEDULED COURT DATES,  
41 WHICH MAY INCLUDE BUT NEED NOT BE LIMITED TO THE LOCATION OF A

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

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

9 (VII) UTILIZE ONE OR MORE PUBLICLY AVAILABLE WEBSITES AT  
10 WHICH CRIMINAL DEFENDANTS MAY REQUEST TEXT REMINDERS.

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

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

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

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

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

40 (j) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION  
41 (10), THE DENVER COUNTY COURT IS NOT REQUIRED TO UTILIZE THE  
42 PROGRAM.

43 (k) IN ITS ANNUAL REPORT TO THE COMMITTEES OF REFERENCE  
44 PURSUANT TO SECTION 2-7-203, THE JUDICIAL DEPARTMENT SHALL  
45 INCLUDE INFORMATION CONCERNING THE ACTIVITIES OF THE STATE COURT

1 ADMINISTRATOR PURSUANT TO THIS SUBSECTION (10). TO THE EXTENT  
2 PRACTICABLE, THE REPORT MUST INCLUDE:  
3 (I) THE NUMBER OF REMINDERS RECEIVED BY CRIMINAL  
4 DEFENDANTS IN EACH COUNTY AND EACH JUDICIAL DISTRICT;  
5 (II) THE NUMBER OF CRIMINAL DEFENDANTS IN EACH COUNTY AND  
6 EACH JUDICIAL DISTRICT WHO FAILED TO APPEAR FOR A COURT HEARING;  
7 (III) THE NUMBER OF CRIMINAL DEFENDANTS IN EACH COUNTY  
8 AND EACH JUDICIAL DISTRICT WHO RECEIVED A REMINDER FROM THE  
9 PROGRAM BUT WHO NONETHELESS FAILED TO APPEAR FOR A COURT  
10 HEARING;  
11 (IV) ANY OTHER DATA COLLECTED BY THE STATE COURT  
12 ADMINISTRATOR THAT THE STATE COURT ADMINISTRATOR DETERMINES TO  
13 BE USEFUL TO THE GENERAL ASSEMBLY IN ASSESSING THE EFFECTIVENESS  
14 OF THE PROGRAM AT REDUCING THE NUMBER OF CRIMINAL DEFENDANTS  
15 WHO FAIL TO APPEAR FOR THEIR COURT APPEARANCES AND REDUCING THE  
16 NUMBER OF CRIMINAL DEFENDANTS WHO ARE JAILED FOR FAILURE TO  
17 APPEAR AT A COURT APPEARANCE;  
18 (V) TO THE EXTENT PRACTICABLE, ANY SAVINGS OR EXPENSES  
19 THAT THIS SUBSECTION (10) HAS GENERATED FOR THE STATE; AND  
20 (VI) ANY RECOMMENDATION THAT THE STATE COURT  
21 ADMINISTRATOR MAY HAVE CONCERNING THE IMPLEMENTATION OF THIS  
22 SUBSECTION (10).  
23 (I) NOTHING IN THIS SUBSECTION (10) CREATES A RIGHT FOR ANY  
24 CRIMINAL DEFENDANT TO RECEIVE A REMINDER FROM THE PROGRAM.  
25 (m) IN ADMINISTERING THE PROGRAM, THE STATE COURT  
26 ADMINISTRATOR SHALL COMPLY WITH ANY FEDERAL OR STATE LAW THAT  
27 REQUIRES THE STATE COURT ADMINISTRATOR TO OBTAIN A PERSON'S  
28 CONSENT BEFORE SENDING TEXT MESSAGE REMINDERS TO THE PERSON."

29 Page 3, strike lines 1 through 6.

\*\* \*\* \*\* \*\* \*\*