

Municipal Court Fairness and Transparency

Prime Sponsors: Reps. Mabrey, Velasco; Sens. Amabile, Weissman.



Municipal courts that incarcerate people for lowest level offenses must be held to the same basic legal standards as state courts.

ISSUE:

Municipal court practices are too often out of step with Colorado legal standards:

- Lengthy jail sentences for poverty offenses that far exceed state legal limits.
- No indigent defense counsel for in-custody defendants.
- Courtrooms closed to public observation.
- Minimal transparency, oversight or accountability.

Arbitrary and unpredictable sentences are unfair and do nothing to protect public safety.

**30x
LONGER
SENTENCE**

Coloradans face a possible 30X longer sentence for the same conduct in the same location when charged in municipal rather than state court.



THE DENVER POST Sep 24, 2024

How Colorado's municipal courts became the state's most punitive forum for minor crimes.



THE DENVER POST Oct 17, 2024

They're in custody and facing jail. Why isn't Grand Junction's municipal court providing them attorneys?

SOLUTION:

HB25-1147 brings municipal court in closer alignment with basic legal standards in state court:

1 Sentencing Parity - eliminate extreme sentencing disparities between municipal and state court.

- ✓ Cap municipal sentences at maximum state court sentences for same offense.
- ✓ Apply sentencing grid of SB21-271, a bipartisan CCJJ bill, to municipal courts.

2 Access to Counsel Parity - align city provision of indigent defense counsel with state practice.

- ✓ Reinforce existing law (HB16-1309) requiring automatic representation for jailed defendants.
- ✓ Prohibit flat fee contracts and require a reasonable hourly rate for municipal defenders.

3 Transparency Parity - require similar public access to court proceedings as state court.

- ✓ Affirm constitutional mandate that all municipal court proceedings are open to the public.
- ✓ Require court appearances of jailed municipal defendants be available for virtual observation.



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