

House Judiciary

04/08/2025 01:30 PM

HB25-1276 Ct Actions Related to Failure to Appear in Ct

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Mark Kaiser For themselves	<p>There is not anything more frustrating than to see a shoplifter be arrested, taken to jail, the 2 hours later, see them in the same store repeating the offense. And then he is arrested again, no bail, and never shows for court. Also, the person who broke into 4 houses in my neighborhood, and never been held accountable for damage or th offense. He still walks among us.</p> <p>It is my fear that without laws that are strictly enforced and accountability for criminals, this state will descend into vigilante justice. Criminals cannot be given free roam to offend over and over again.</p>
Aaron Mercer For themselves	<p>As a lifelong resident of Colorado, and former Law Enforcement Officer, we need to start holding the criminals accountable. Penalties need to be more harsh and we need to stop the revolving door. Make criminals accountable for their actions. I support this bill.</p>

2023.04.02 – HB 25-1276 Testimony

Good afternoon, all. I hope everyone who reads this is doing well today.

My name is Scott C. Hammersley, I work in the municipal courts primarily here in Denver County. I am testifying against HB 25-1276, the bill attempting to deal with failures to appear in Court.

HB 25-1276 does not solve the problem and fails to do so for many reasons. I, however, will focus on two reasons from my experiences in our court system. Those reasons are: (1) that the bill does not address any concerns with those persons in-custody and, (2) that most cases do resolve.

The first reason is it would unduly impact those who are experiencing homelessness and keeps them in-custody, a place where they continue to be set back. Setting a bond in these cases, especially for these sort of low level charges, can put someone at a grave disadvantage. They are then kept in-custody for potentially months. City Attorneys can make them poor offers – for time that is longer than they have been in-custody. Or, in one particular case that comes to mind, my clients have not been able to reap the benefits of programs and/or mental health structures because they are stuck in-custody on a bond they cannot post. They instead face a harsh environment where they may continue to pick up cases because of the harsh conditions of being in-custody. Moreover, this bill seeks to unduly impact those persons who lack the most stability in life within a system where we provide them no stability.

Second is that the overwhelming majority of cases resolve. Cases are not left to remain unresolved in perpetuity. Instead, even when persons are released from custody, they come to a resolution either via client's asserting their right to trial or a negotiation. The conviction on their

record is already punishment enough and is, at times, a continuous stain of the situation they are in. Keeping them in-custody does not speed up any resolution but instead provides a brutal way to continue to punish those who are experiencing homelessness, mental health issues, or other difficult life experiences. What these people need the most is help in their lives not a conviction, nor to be forced to sit in-custody.

Thank you for taking the time to read this.

Have a good day.

/s/Scott C. Hammersley



Dear Chair and Members of the Committee,

My name is Tamara Matheson-Holmgren and I am a Legal Fellow at Elephant Circle. I am submitting this written testimony in opposition to HB-1276.

Elephant Circle is an organization that advocates for reproductive justice. We envision a world where people have a circle of support throughout their entire perinatal journey. Reproductive justice includes the right to have and raise families in communities that are safe and supportive. In contrast, mass incarceration undeniably impacts our communities' ability to live full and supported lives. For this reason, it is inextricably linked with reproductive justice.

Our work makes us particularly concerned about legislation that further marginalizes communities rather than meeting their needs. HB 25-1276 would criminalize poverty and our unhoused community members by allowing them to be jailed pretrial for minor offenses and low level cash bonds. This bill will not increase appearances in court and will only work to punish poverty without making meaningful change.

This bill is a punitive and expensive response to poverty that does not increase the safety of Coloradans. Rather than meeting failures to appear with criminalization, we could meet people with support - allowing virtual appearance, text reminders, offering transportation - all suggestions that would serve the goal of increasing appearances and resolving open matters more quickly, and without further marginalizing poverty.

HB 1276 is expensive, unnecessary legislation that would harm members of our community rather than meeting their needs and would not increase community safety. It continues a pattern of extreme criminalization of poverty that is inconsistent with Colorado's values and existing legislation. We ask that you vote "No" on HB 25-1276.

William Tedrow

Mayor Pro-Tem
360 Main Street
Delta, Colorado 81416
williamt@cityofdelta.net
(720) 537-7012
3/28/2025

The Honorable Members of the Colorado House Judiciary Committee
Colorado State Capitol
200 E. Colfax Avenue
Denver, CO 80203

Dear Representative Bird and Members of the House Judiciary Committee,

I am writing to express my strong support for House Bill 25-1276, *Court Actions Related to Failure to Appear in Court*. This bill provides a carefully balanced and much-needed tool for our courts to address a persistent challenge: individuals who repeatedly fail to appear for their scheduled court dates.

HB25-1276 takes a thoughtful and targeted approach by granting courts limited discretion to require a cash or surety bond only for the most egregious and repeat offenders. Importantly, it does so while preserving ample opportunities for defendants to reschedule missed court appearances without undue hardship. The bill specifically applies to offenders who have demonstrated a clear pattern of failing to appear, ensuring that this discretion is not used broadly but only in the most appropriate cases.

By allowing courts to address chronic FTAs more effectively, this legislation enhances the integrity of the judicial process while still safeguarding the rights of defendants. It also helps local governments and communities address the administrative and financial burdens caused by repeated failures to appear.

I urge you to support HB25-1276 and provide our courts with this essential tool to improve court appearance rates while upholding fairness and flexibility for defendants.

Thank you for your time and thoughtful consideration.

Sincerely,
William Tedrow
Mayor Pro-Tem City of Delta



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The Honorable Members of the Colorado House Judiciary Committee
Colorado State Capitol
200 E. Colfax Avenue
Denver, CO 80203

Dear Senator Frizell and Members of the House Judiciary Committee,

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(720) 537-7012
3/28/2025

The Honorable Members of the Colorado House Judiciary Committee
Colorado State Capitol
200 E. Colfax Avenue
Denver, CO 80203

Dear Senator Roberts and Members of the House Judiciary Committee,

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3/28/2025

The Honorable Members of the Colorado House Judiciary Committee
Colorado State Capitol
200 E. Colfax Avenue
Denver, CO 80203

Dear Representative Soper and Members of the House Judiciary Committee,

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Sincerely,
William Tedrow
Mayor Pro-Tem City of Delta



From the Desk of the Mayor

Written Testimony in Support of HB25-1276 **Submitted for the House Judiciary Committee Hearing on March 26**

My name is Tyler Gibson, and I am the Mayor of Springfield, Colorado. I am submitting this written testimony to express my strong support for House Bill 25-1276, scheduled for consideration by the House Judiciary Committee on March 26. This bill addresses a critical issue faced by communities like ours: defendants who repeatedly fail to appear in court for low-level offenses. As a small-town mayor, I see firsthand how these failures disrupt our judicial system, strain our resources, and impact community safety and local businesses. HB25-1276 offers a practical, balanced solution, and I urge the committee to pass it.

The Problem in Springfield

In Springfield, we frequently encounter individuals who fail to appear in court multiple times for minor offenses. These repeated failures delay justice and overburden our limited judicial and law enforcement resources. Each time a defendant fails to appear, our police officers must locate, arrest, and transport them to court—often just for a scheduling hearing—only to see the cycle repeat when they fail to show up again or commit additional offenses. This inefficiency pulls officers away from patrolling our neighborhoods and addressing more serious public safety concerns, leaving our community frustrated and vulnerable.

For example, we've had cases where individuals charged with petty offenses like shoplifting have failed to appear multiple times. Each incident requires our police to divert time and effort from other duties, undermining our ability to maintain safety and order. These delays also leave victims waiting for resolution and allow minor crimes to persist unchecked, affecting the sense of security that our residents and businesses rely on.

How HB25-1276 Helps

HB25-1276 provides a sensible tool to address this problem by giving courts the discretion to require a cash or surety bond instead of a personal recognizance bond for defendants who repeatedly fail to appear. The bill is narrowly tailored to target only the most egregious offenders, applying to:

- Offenses with a maximum penalty of six months' jail, if the defendant has failed to appear two or more times in the current case.

- Petty offenses like theft, criminal mischief, arson, or similar municipal offenses, if the defendant has failed to appear two or more times in the current case.
- Other petty offenses, traffic offenses, or municipal offenses, if the defendant has failed to appear three or more times in the current case and has another pending charge for the same offense in the same jurisdiction.

This discretion ensures that courts can demand accountability from those who consistently disregard their obligations, while preserving the broad use of personal recognizance bonds for most defendants. Moreover, the bill includes important safeguards: defendants can easily request new court dates or have an inadvertent failure to appear excused before a cash or surety bond is imposed. This balance ensures fairness while addressing willful non-compliance.

Benefits to Our Community

By empowering our courts with this tool, HB25-1276 will help reduce the backlog of cases caused by repeat failures to appear. Faster case resolutions benefit victims awaiting justice, defendants seeking closure, and our community as a whole. It will also free up law enforcement resources, allowing our officers to focus on preventing and responding to more serious crimes rather than chasing down the same offenders for scheduling hearings. This shift will enhance public safety in Springfield, making our streets safer for residents and visitors alike.

The bill also has an economic upside. Local businesses in Springfield suffer when petty crimes like theft and criminal mischief linger unresolved due to court delays. These offenses, though minor, erode the confidence of our business owners and deter economic growth. By ensuring timely resolution of such cases, HB25-1276 will help protect our local economy and create a more stable environment for commerce.

A Statewide Concern

As a member of the Colorado Municipal League (CML), I know that Springfield is not alone in facing these challenges. CML supports HB25-1276 because repeat failures to appear on low-level crimes have severe negative impacts on community safety and businesses across the state. This bill gives courts a reasonable way to ensure that the most persistent offenders appear, reducing wasted judicial and law enforcement resources. Springfield's experience mirrors that of many other Colorado municipalities, and HB25-1276 offers a statewide solution that strengthens our collective judicial system.

Conclusion

As an elected official who has seen first-hand how repeat failures to appear in court strain local and state resources, I support HB25-1276 as a targeted, effective measure to tackle this problem. It equips our courts with the discretion needed to manage these cases efficiently, while protecting defendants' rights through thoughtful safeguards. Passing this bill will improve the timeliness and effectiveness of justice in Springfield and beyond, benefiting our residents, businesses, and law enforcement. I respectfully urge the House Judiciary Committee to approve HB25-1276 and help us address this pressing issue.

Thank you for your time and consideration.



Sincerely,
Tyler Gibson
Mayor of Springfield, Colorado