

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB26-112 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **amend** 16-4-113 as
4 follows:

5 **16-4-113. Type of bond in certain nonfelony cases.**

6 (1) (a) ~~In exercising the discretion mentioned in section 16-4-104,~~
7 ~~the~~ EXCEPT IN THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (1)(b) OF
8 THIS SECTION, IF AN ACCUSED PERSON IS CHARGED WITH COMMITTING AN
9 OFFENSE FOR WHICH THE MAXIMUM PENALTY DOES NOT EXCEED SIX
10 MONTHS' IMPRISONMENT, A JUDGE shall release the accused person upon
11 personal recognizance ~~if the charge is any offense for a violation of which~~
12 ~~the maximum penalty does not exceed six months' imprisonment, and the~~
13 AND, EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, SHALL
14 NOT REQUIRE THE accused person ~~shall not be required~~ to supply a surety
15 bond, or give security of any kind for their appearance for trial other than
16 their personal recognizance. ~~unless one or more of the following facts are~~
17 ~~found to be present:~~

18 (b) A JUDGE MAY REQUIRE AN ACCUSED PERSON TO SUPPLY A
19 SURETY BOND OR GIVE SECURITY FOR THE ACCUSED PERSON'S
20 APPEARANCE FOR TRIAL OTHER THAN THEIR PERSONAL RECOGNIZANCE IF:

21 (a) (I) The ~~arrested~~ person fails to sufficiently identify ~~himself or~~
22 ~~herself~~ THEMSELF; or

23 (b) (II) The ~~arrested~~ person refuses to sign a personal
24 recognizance; or

25 (c) (III) The continued detention or posting of a surety bond is
26 necessary to prevent imminent bodily harm to the accused PERSON or to
27 another; or

28 (d) (IV) The ~~arrested~~ person has no ties to the jurisdiction of the
29 court reasonably sufficient to assure ~~his or her~~ THEIR appearance, and
30 there is substantial likelihood that ~~he or she~~ THE PERSON will fail to
31 appear for trial if released upon ~~his or her~~ THEIR personal recognizance;
32 or

33 (e) (V) The ~~arrested~~ person has previously failed to appear for trial
34 for an offense concerning which ~~he or she~~ THE PERSON had given ~~his~~
35 THEIR written promise to appear; or

36 (f) (VI) There is outstanding a warrant for ~~his or her~~ THE PERSON'S
37 arrest on any other charge, or there are pending proceedings against ~~him~~
38 ~~or her~~ THEM for suspension or revocation of parole or probation; OR

39 (VII) SUBJECT TO SUBSECTION (3) OF THIS SECTION, THE PERSON
40 HAS PREVIOUSLY FAILED TO APPEAR FOR A COURT PROCEEDING AS

1 REQUIRED BY A COURT THREE OR MORE TIMES IN THE PRESENT CASE.

2 (c) THIS SUBSECTION (1) APPLIES IN STATE AND MUNICIPAL
3 COURTS.

4 (2) (a) A COURT SHALL NOT IMPOSE A MONETARY CONDITION OF
5 RELEASE for a defendant charged with:

6 (I) A traffic offense, a petty offense, or a comparable municipal
7 offense, ~~a court shall not impose a monetary condition of release. If the~~
8 INCLUDING A comparable municipal offense THAT is a property crime and
9 the factual basis reflects a value of property loss or damage that would be
10 a petty offense property crime if charged under state law; ~~this subsection~~
11 ~~(2)(a) applies.~~ AND

12 (II) A MUNICIPAL OFFENSE FOR WHICH THERE IS NO COMPARABLE
13 STATE MISDEMEANOR OFFENSE.

14 ~~(b) For a defendant charged with a municipal offense for which~~
15 ~~there is no comparable state misdemeanor offense, the court shall not~~
16 ~~impose a monetary condition of release.~~

17 ~~(c)~~ (b) THIS SUBSECTION (2) DOES NOT PROHIBIT:

18 (I) THE RELEASE OF A DEFENDANT, PURSUANT TO LOCAL PRETRIAL
19 RELEASE POLICIES, after arrest but prior to an individual consideration of
20 bond by a judge, bonding commissioner, judicial officer, or judicial
21 designee with the power to set conditions of release, ~~this subsection (2)~~
22 ~~does not prohibit the release of a defendant pursuant to local pretrial~~
23 ~~release policies;~~ including those LOCAL PRETRIAL RELEASE POLICIES that
24 require payment of a monetary condition of release, if the defendant is
25 first informed that the defendant is entitled to release on a personal
26 recognizance bond; OR

27 ~~(d)~~ (II) ~~Nothing in this subsection (2) prohibits the issuance of A~~
28 COURT FROM ISSUING a warrant with monetary conditions of bond for a
29 defendant who fails to appear in court as required or who violates a
30 condition of release. If a defendant is unable to post the monetary
31 condition of bond prior to the next individualized consideration of bond,
32 the judge, bonding commissioner, judicial officer, or judicial designee
33 with the power to set conditions of release shall release the person on
34 personal recognizance.

35 ~~(e)~~ (c) ~~The provisions of This subsection (2) do~~ DOES not apply to:

36 (I) A traffic offense involving death or bodily injury or a
37 municipal offense with substantially similar elements;

38 (II) Eluding or attempting to elude a police officer as described in
39 section 42-4-1413 or a municipal offense with substantially similar
40 elements;

41 (III) Operating a vehicle after circumventing an interlock device
42 as described in section 42-2-132.5 (10) or a municipal offense with
43 substantially similar elements; ~~and~~

1 (IV) A municipal offense that has substantially similar elements
2 to a state misdemeanor offense;

3 (V) SUBJECT TO SUBSECTION (3) OF THIS SECTION, A PETTY
4 OFFENSE FOR THEFT, CRIMINAL MISCHIEF, OR ARSON, OR A COMPARABLE
5 MUNICIPAL OFFENSE, IF THE DEFENDANT HAS PREVIOUSLY FAILED TO
6 APPEAR FOR A COURT PROCEEDING AS REQUIRED BY A COURT THREE OR
7 MORE TIMES IN THE PRESENT CASE; AND

8 (VI) SUBJECT TO SUBSECTION (3) OF THIS SECTION, A PETTY
9 OFFENSE, TRAFFIC OFFENSE, OR A COMPARABLE MUNICIPAL OFFENSE OR A
10 MUNICIPAL OFFENSE FOR WHICH THERE IS NO COMPARABLE STATE
11 OFFENSE, THAT IS NOT LISTED IN SUBSECTION (2)(c)(V) OF THIS SECTION
12 IF THE DEFENDANT HAS PREVIOUSLY FAILED TO APPEAR FOR A COURT
13 PROCEEDING AS REQUIRED BY A COURT THREE OR MORE TIMES IN THE
14 PRESENT CASE AND HAS ANOTHER PENDING CASE FOR THE SAME OFFENSE
15 IN THE SAME JURISDICTION.

16 (3) A FAILURE TO APPEAR THAT OCCURRED ON OR AFTER THE
17 EFFECTIVE DATE OF THIS SUBSECTION (3) QUALIFIES AS A PREVIOUS
18 FAILURE TO APPEAR FOR THE PURPOSES OF SUBSECTIONS (1)(b)(VII),
19 (2)(c)(V), AND (2)(c)(VI) OF THIS SECTION ONLY IF THE COURT:

20 (a) PRIOR TO ISSUING A WARRANT FOR THE ARREST OF THE
21 DEFENDANT FOR THE PREVIOUS FAILURE TO APPEAR, CONDUCTED AN
22 ELECTRONIC SEARCH OF AVAILABLE COURT DATABASES OR ONLINE
23 RESOURCES TO DETERMINE WHETHER THE DEFENDANT WAS BEING HELD
24 IN A CORRECTIONAL FACILITY, AS DEFINED IN SECTION 17-1-102, OR IN THE
25 COUNTY JAIL FOR THE COUNTY IN WHICH THE COURT IS LOCATED; AND

26 (b) AT THE TIME OF THE DEFENDANT'S PREVIOUS FAILURE TO
27 APPEAR:

28 (I) HAD A PROCESS THAT ALLOWS A DEFENDANT TO INFORMALLY
29 CONTACT THE COURT BY REMOTE MEANS, INCLUDING, BUT NOT LIMITED
30 TO, BY PHONE OR EMAIL, ON OR BEFORE THE DAY OF THE COURT
31 APPEARANCE TO REQUEST A CONTINUANCE, AND THAT AFTER THE
32 DEFENDANT ENGAGES THE PROCESS, ALLOWS THE COURT TO REQUIRE THE
33 DEFENDANT TO MAKE THE REQUEST IN WRITING AND SEND THE REQUEST
34 TO THE COURT BY ANY MEANS, INCLUDING EMAIL;

35 (II) HAD A PROCESS TO QUASH A WARRANT FOR A FAILURE TO
36 APPEAR THAT ALLOWS THE DEFENDANT TO CONTACT THE COURT FOR THE
37 PURPOSE OF RESETTING THE DEFENDANT'S APPEARANCE AFTER THE
38 DEFENDANT'S FAILURE TO APPEAR BUT PRIOR TO THE DEFENDANT'S NEXT
39 COURT PROCEEDING, AND THAT AFTER THE DEFENDANT ENGAGES THE
40 PROCESS, ALLOWS THE COURT TO REQUIRE THE DEFENDANT TO MAKE THE
41 REQUEST IN WRITING AND SEND THE REQUEST TO THE COURT BY ANY
42 MEANS, INCLUDING EMAIL, AND A PROCESS TO EXCUSE A FAILURE TO
43 APPEAR IF THE DEFENDANT APPEARS AT THE NEXT COURT PROCEEDING;

1 (III) HAD A PROCESS FOR THE COURT TO EXCUSE A DEFENDANT'S
2 FAILURE TO APPEAR FOR A COURT PROCEEDING IF THE DEFENDANT
3 PRODUCES EVIDENCE SHOWING THAT THEIR FAILURE TO APPEAR WAS NOT
4 WILLFUL OR WAS CAUSED BY EXCUSABLE NEGLIGENCE; AND

5 (IV) POSTED THE PROCESSES DESCRIBED IN THIS SUBSECTION (3)
6 ONLINE AND AT THE COURTHOUSE, IN BOTH ENGLISH AND SPANISH.

7 **SECTION 2. Act subject to petition - effective date -**
8 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
9 the expiration of the ninety-day period after final adjournment of the
10 general assembly (August 12, 2026, if adjournment sine die is on May 13,
11 2026); except that, if a referendum petition is filed pursuant to section 1
12 (3) of article V of the state constitution against this act or an item, section,
13 or part of this act within such period, then the act, item, section, or part
14 will not take effect unless approved by the people at the general election
15 to be held in November 2026 and, in such case, will take effect on the
16 date of the official declaration of the vote thereon by the governor.

17 (2) This act applies to offenses committed on or after the
18 applicable effective date of this act.".

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