

Clarifications to 48-Hour Bond Hearing Requirement



Prime Sponsors: **Reps. Woodrow, Bockenfeld; Sens. Gardner, Rodriguez.**

Coloradans value consistency and fairness.

HB21-1280 mandated bond hearings within 48 hours of arrest.

- ✓ **HB23-1151** confirms the legislative intent of **HB21-1280**.
- ✓ **HB23-1151** clarifies the statutory requirements of **HB21-1280**.
- ✓ **HB23-1151** ensures **consistent statewide 48-hour bond hearings**.

ISSUE.

Many Colorado courts are complying with HB21-1280, but some are not.

- Some Judicial Districts (JDs) interpret **HB21-1280** far too narrowly and deny 48-hour bond hearings to certain arrestees, while other JDs follow the law's letter and spirit.

Prioritizing judicial administrative convenience over statutorily mandated 48-hour bond hearings causes unnecessary harm and costly incarceration.

- Even short periods of incarceration cause serious harm—housing insecurity, lost wages, forgone medical care, and destabilized families.

Inconsistent access to 48-hour bond hearings creates inequity in Colorado.

- **HB21-1280** advanced consistency and fairness in access to bond hearings, but Coloradans arrested in some JDs often still spend 3-15 additional days in jail waiting for a bond hearing, only because of where they were arrested.

SOLUTION. **HB23-1151:**

Clarifies what HB21-1280 mandates:

- All people arrested on bailable charges must receive a bond hearing within 48 hours of arriving at the jail.
 - ...even for out-of-county holds. ✓
 - ...even if money bond already set ex

Modernizes behavioral health emergency terms:

- **HB21-1280** permitted delaying a bond hearing when there was physical or behavioral health emergency, but outdated terms to craft the exception. Those terms are corrected in **HB23-1151**.

HB21-1280 safely increased public safety and freedom for many Coloradans.

In the first 6 months since **HB21-1280** was enacted over **3,000 Coloradans** were spared days/weeks in jail because they had bond hearings within 48 hours.

HB23-1151 ensures access to 48-hour bond hearings for ALL Coloradans.

FOR MORE INFORMATION, PLEASE CONTACT:

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CLARIFICATIONS TO 48-HOUR BOND HEARING REQUIREMENT

Prime Sponsors: Reps. Woodrow, Bockenfeld; Sens. Gardner, Rodriguez.

Close the loophole. Pass **HB23-1151**.

Michael Bailey and Michelle Reynolds are two of the Coloradans whose stories spurred legislators to mandate 48-hour bond hearings (HB21-1280). Many courts follow this law, but other courts refuse to comply. Colorado needs clarifying legislation to make sure stories like theirs never happen again.



MICHAEL BAILEY

Mr. Bailey was jailed for 52 days in Teller County without bond hearing, held on a Pueblo County warrant. When she finally transferred him to Pueblo, he was immediately released on a personal recognizance bond. All charges against him were quickly dismissed.

“For 52 days I waited in jail to see a judge. I felt powerless and worried about my future. I lost my home and my job during that jail stay. I’m putting my life back together now. It’s time to make sure this never happens again.”

A 4-year-old misdemeanor warrant cost Mr. Bailey 52 days in jail, two month’s wages, his job, and his home.

Even after the legislature mandated 48-hour bond hearings, Coloradans arrested on out-of-county warrants still wait weeks to see a judge for a bond hearing.

HB23-1151 WILL FIX



MICHELLE REYNOLDS

Ms. Reynolds was arrested in Mesa County and held in jail for 28 days without bond on a non-violent domestic violence warrant from Boulder County. When Ms. Reynolds was finally taken to Boulder for a bond hearing, she was immediately released on a personal recognizance bond.

“Before August 23, 2019, I had no first-hand experience with the criminal justice system. Every day, innocent people who have been falsely accused of a crime are forced to sit in jail for weeks before seeing a judge.”

Those two weeks cost Ms. Reynolds her job as a hospice care worker. Her family continues to face serious financial hardship, even though the case against her was entirely dismissed.

Unfortunately, many Coloradans continue to be held on out-of-county warrants for weeks on end, without ever seeing a judge for a bond hearing.

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