

HOUSE COMMITTEE OF REFERENCE REPORT

February 15, 2022

Chair of Committee

Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB22-1067 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, strike lines 12 and 13 and substitute "~~Sundays and federal holidays~~ FORTY-EIGHT HOURS AFTER THE RECEIPT OF SUCH A NOTICE. THE COUNTY SHERIFF SHALL MAKE THE IN-CUSTODY DEFENDANT AVAILABLE TO APPEAR IN A TIMELY MANNER BEFORE A MUNICIPAL JUDGE FOR A HEARING REQUIRED BY THIS SUBSECTION (2) AT THE DATE AND TIME MUTUALLY AGREED TO BY THE COUNTY SHERIFF AND MUNICIPAL COURT. IT IS NOT A VIOLATION OF THIS SECTION IF A BOND HEARING IS NOT HELD WITHIN FORTY-EIGHT HOURS WHEN THE DELAY IS CAUSED BY CIRCUMSTANCES IN WHICH THE DEFENDANT REFUSES TO ATTEND COURT, IS UNABLE TO ATTEND COURT DUE TO A DEBILITATING PHYSICAL AILMENT, OR IS UNABLE TO PROCEED DUE TO DRUG OR ALCOHOL USE OR MENTAL ILLNESS, OR WHEN THE DELAY IS CAUSED BY AN EMERGENCY THAT REQUIRES THE COURT TO CLOSE. USE OF AUDIOVISUAL CONFERENCING TECHNOLOGY IS PERMISSIBLE TO EXPEDITE THE HEARING. WHEN HIGH-SPEED INTERNET ACCESS IS UNAVAILABLE, MAKING AUDIOVISUAL CONFERENCING IMPOSSIBLE, THE COURT MAY CONDUCT THE HEARING TELEPHONICALLY.".

18 Page 3, strike lines 10 through 20 and substitute:

19 **"SECTION 3. Act subject to petition - effective date.** This act
20 takes effect January 1, 2023; except that, if a referendum petition is filed
21 pursuant to section 1 (3) of article V of the state constitution against this
22 act or an item, section, or part of this act within the ninety-day period
23 after final adjournment of the general assembly, then the act, item,
24 section, or part will not take effect unless approved by the people at the
25 general election to be held in November 2022 and, in such case, will take

1 effect January 1, 2023, or on the date of the official declaration of the
2 vote thereon by the governor, whichever is later.".

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