

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0966.02 Jacob Baus x2173

HOUSE BILL 21-1309

HOUSE SPONSORSHIP

Roberts and Carver,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES RELATED TO PERMITTING CONTINUING A**
102 **CRIMINAL TRIAL BECAUSE OF THE COVID-19 PANDEMIC.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under existing law, a criminal defendant must be brought to trial within 6 months after the date of the entry of a plea of not guilty. However, there are circumstances that exclude a period of time when computing the time within which a defendant must be brought to trial. These exclusions extend the length of time within which the defendant must be brought to trial.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The bill permits the court to exclude a period of delay caused by the COVID-19 pandemic, not to exceed 6 months, if the case includes a charge of a certain crime and other considerations are satisfied. The court may grant not more than 2 continuances due to a period of delay caused by the COVID-19 pandemic.

The bill requires the court that orders an exclusion of a period of delay caused by the COVID-19 pandemic to conduct a hearing for reconsideration of bond for an eligible defendant in custody awaiting trial.

A court shall not grant a continuance based on a delay caused by the COVID-19 pandemic on or after 5:01 p.m. on April 29, 2022.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-1-405, **amend** (6)
3 introductory portion and (6)(i); and **add** (6)(j) as follows:

4 **18-1-405. Speedy trial - definition - repeal.** (6) In computing
5 the time within which a defendant ~~shall be~~ is brought to trial as provided
6 in subsection (1) of this section, the following periods of time ~~shall be~~
7 ARE excluded:

8 (i) The period of delay between the filing of a motion pursuant to
9 section 18-1-202 (11) and any decision by the court regarding such
10 motion, and if such decision by the court transfers the case to another
11 county, the period of delay until the first appearance of all the parties in
12 a court of appropriate jurisdiction in the county to which the case has
13 been transferred, and in such event ~~the provisions of~~ subsection (7) of this
14 section ~~shall apply~~. APPLIES; AND

15 (j) (I) A PERIOD OF DELAY FOR ANY CONTINUANCE GRANTED AT
16 THE REQUEST OF THE PROSECUTING ATTORNEY DUE TO THE BACKLOG OF
17 JURY TRIALS CAUSED BY THE COVID-19 PANDEMIC, NOT TO EXCEED SIX
18 MONTHS FOR EACH CONTINUANCE. THE COURT MAY GRANT NOT MORE
19 THAN TWO CONTINUANCES PURSUANT TO THIS SUBSECTION (6)(j) IF IT

1 MAKES THE FOLLOWING SPECIFIC FINDINGS:

2 (A) THE CASE PENDING FOR A JURY TRIAL INCLUDES A CHARGE OF
3 A CRIME LISTED IN SECTION 24-4.1-302 (1) OR AN OFFENSE DESCRIBED IN
4 SECTION 42-4-1301;

5 (B) NEITHER THE COURT NOR A TRANSFER COURTROOM IN THE
6 COUNTY WHERE THE CASE IS SET FOR A JURY TRIAL IS AVAILABLE TO TRY
7 THE CASE DUE TO THE BACKLOG OF JURY TRIALS CAUSED BY THE
8 COVID-19 PANDEMIC;

9 (C) THE COURT HAS NOT PREVIOUSLY GRANTED MORE THAN ONE
10 CONTINUANCE PURSUANT TO THIS SUBSECTION (6)(j); AND

11 (D) GRANTING THE CONTINUANCE SERVES THE INTEREST OF
12 JUSTICE. WHEN DETERMINING WHETHER THE CONTINUANCE SERVES THE
13 INTEREST OF JUSTICE, THE COURT SHALL MAKE SPECIFIC FINDINGS
14 REGARDING THE IMPACT OF A CONTINUANCE ON THE PROSECUTION AND
15 THE DEFENDANT.

16 (II) IF A COURT GRANTS A CONTINUANCE PURSUANT TO THIS
17 SUBSECTION (6)(j) AND THE DEFENDANT'S CASE IS SET FOR A JURY TRIAL
18 AND THE DEFENDANT IS IN CUSTODY BECAUSE THE DEFENDANT IS UNABLE
19 TO SATISFY THE CONDITIONS OF BOND FOR RELEASE DESPITE ELIGIBILITY
20 FOR BAIL, THE COURT SHALL RECONSIDER BOND PURSUANT TO SECTION
21 16-4-107.5.

22 (III) A COURT SHALL NOT GRANT A CONTINUANCE PURSUANT TO
23 THIS SUBSECTION (6)(j) ON OR AFTER 5:01 P.M. ON APRIL 29, 2022.

24 (IV) THIS SUBSECTION (6)(j) IS REPEALED, EFFECTIVE JULY 1,
25 2023.

26 **SECTION 2.** In Colorado Revised Statutes, **add** 16-4-107.5 as
27 follows:

1 **16-4-107.5. Hearing after excluding time for speedy trial for**
2 **public health emergency - repeal.** (1) IF A COURT GRANTS A
3 CONTINUANCE PURSUANT TO SECTION 18-1-405 (6)(j) AND THE
4 DEFENDANT'S CASE IS SET FOR A JURY TRIAL AND THE DEFENDANT IS IN
5 CUSTODY BECAUSE THE DEFENDANT IS UNABLE TO SATISFY THE
6 CONDITIONS OF BOND FOR RELEASE DESPITE ELIGIBILITY FOR BAIL, THE
7 COURT SHALL CONDUCT A HEARING AS SOON AS PRACTICABLE, BUT NOT
8 LONGER THAN SEVEN DAYS AFTER THE COURT GRANTED THE
9 CONTINUANCE PURSUANT TO SECTION 18-1-405 (6)(j), FOR
10 RECONSIDERATION OF THE DEFENDANT'S BOND AND CONDITIONS OF
11 RELEASE. THE COURT SHALL CHANGE THE BOND AND CONDITIONS OF
12 RELEASE TO ALLOW THE DEFENDANT TO BE RELEASED, UNLESS THE COURT
13 CONCLUDES THAT THE DEFENDANT POSES A SIGNIFICANT RISK TO ANY
14 PERSON OR THE COMMUNITY AND THAT NO BOND AND CONDITIONS OF
15 RELEASE ARE SUFFICIENT TO REASONABLY PROTECT AGAINST SUCH RISK.
16 FAILURE TO COMPLY WITH THIS SUBSECTION (1) REQUIRES THE COURT TO
17 ORDER THE IMMEDIATE RELEASE OF THE DEFENDANT FROM CUSTODY UPON
18 A PERSONAL RECOGNIZANCE BOND WITH APPROPRIATE CONDITIONS OF
19 RELEASE.

20 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

21 **SECTION 3. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.