

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0206.01 Michael Dohr x4347

HOUSE BILL 22-1067

HOUSE SPONSORSHIP

Woodrow and Gonzales-Gutierrez, Bacon, Benavidez, Bennett, Boesenecker, Duran, Exum, Herod, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Michaelson Jenet, Sirota, Tipper, Titone, Valdez A., Weissman

SENATE SPONSORSHIP

Lee and Rodriguez,

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING CLARIFYING CHANGES TO MEASURES THAT ENSURE**
102 **DEFENDANTS HAVE A PROMPT BOND HEARING, AND, IN**
103 **CONNECTION THEREWITH, MAKING AND REDUCING AN**
104 **APPROPRIATION.**

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 current law, when a defendant is detained in jail on a municipal hold, the defendant must receive a hearing before the municipal court within 2 calendar days, excluding Sundays and federal

HOUSE
3rd Reading Unamended
April 11, 2022

HOUSE
Amended 2nd Reading
April 8, 2022

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.

holidays. The bill requires the hearing to be held within 48 hours after the defendant arrives at the jail.

The bill makes clarifying changes to the district attorney assistance for bond hearings grant program and repeals the district attorney assistance for bond hearings cash fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-10-111.5, amend
3 (2) as follows:

4 **13-10-111.5. Notice to municipal courts of municipal holds.**

5 (2) Once a municipal court receives notice that the defendant is being
6 held solely on the basis of a municipal hold, the municipal court shall
7 hold a hearing within ~~two calendar days, excluding Sundays and federal~~
8 holidays; ~~except that, if the defendant has failed to appear in that case at~~
9 least twice and the defendant is incarcerated in a county different from the
10 county where the demanding municipal court is located, the demanding
11 municipal court shall hold a hearing within four calendar days, excluding

12 ~~Sundays and federal holidays~~ **FORTY-EIGHT HOURS AFTER THE RECEIPT OF**

13 ~~SUCH A NOTICE. THE COUNTY SHERIFF SHALL MAKE THE IN-CUSTODY~~

14 ~~DEFENDANT AVAILABLE TO APPEAR IN A TIMELY MANNER BEFORE A~~

15 ~~MUNICIPAL JUDGE FOR A HEARING REQUIRED BY THIS SUBSECTION (2) AT~~

16 ~~THE DATE AND TIME MUTUALLY AGREED TO BY THE COUNTY SHERIFF AND~~

17 ~~MUNICIPAL COURT. THIS SUBSECTION (2) MUST NOT BE CONSTRUED TO~~

18 ~~REQUIRE THE COUNTY SHERIFF TO TRANSPORT THE IN-CUSTODY~~

19 ~~DEFENDANT TO THE MUNICIPAL COURT. IT IS NOT A VIOLATION OF THIS~~

20 ~~SECTION IF A BOND HEARING IS NOT HELD WITHIN FORTY-EIGHT HOURS~~

21 ~~WHEN THE DELAY IS CAUSED BY CIRCUMSTANCES IN WHICH THE~~

22 ~~DEFENDANT REFUSES TO ATTEND COURT, IS UNABLE TO ATTEND COURT~~

23 ~~DUE TO A DEBILITATING PHYSICAL AILMENT, OR IS UNABLE TO PROCEED~~

1 DUE TO DRUG OR ALCOHOL USE OR MENTAL ILLNESS, OR WHEN THE DELAY
2 IS CAUSED BY AN EMERGENCY THAT REQUIRES THE COURT TO CLOSE. USE
3 OF AUDIOVISUAL CONFERENCING TECHNOLOGY IS PERMISSIBLE TO
4 EXPEDITE THE HEARING. WHEN HIGH-SPEED INTERNET ACCESS IS
5 UNAVAILABLE, MAKING AUDIOVISUAL CONFERENCING IMPOSSIBLE, THE
6 COURT MAY CONDUCT THE HEARING TELEPHONICALLY.

7 **SECTION 2.** In Colorado Revised Statutes, 16-4-117, **amend** (4)
8 and (8); and **repeal** (9) as follows:

9 **16-4-117. District attorney assistance for bond hearings grant**
10 **program - created - rules.** (4) The Colorado district attorneys' council
11 shall administer the grant program and ~~subject to available appropriations~~,
12 shall award grants, subject to available appropriations. ~~grants shall be~~
13 ~~paid out of the district attorney assistance for bond hearings cash fund~~
14 ~~created in subsection (9) of this section.~~

15 (8) Subject to available appropriations, on or before ~~October 1~~
16 APRIL 1 each year of the grant program, the Colorado district attorneys'
17 council shall award grants.

18 (9) (a) ~~The district attorney assistance for bond hearings cash~~
19 ~~fund, referred to in this subsection (9) as the "fund", is hereby created in~~
20 ~~the state treasury. The fund consists of money that the general assembly~~
21 ~~may appropriate or transfer to the fund. The department of law shall~~
22 ~~administer the fund.~~

23 (b) ~~The state treasurer shall credit all interest and income derived~~
24 ~~from the deposit and investment of money in the fund to the fund.~~

25 (c) ~~Any unexpended and unencumbered money remaining in the~~
26 ~~fund at the end of a fiscal year must remain in the fund and may be spent~~
27 ~~in future fiscal years.~~

1 **SECTION 3. Appropriation - adjustments to 2022 long bill.**

2 (1) To implement this act, appropriations made in the annual general
3 appropriation act for the 2022-23 state fiscal year to the department of
4 law are adjusted as follows:

5 (a) The general fund appropriation for appropriation to district
6 attorney assistance for bond hearings cash fund is decreased by \$600,000;
7 and

8 (b) The reappropriated funds appropriation from the district
9 attorney assistance for bond hearings cash fund created in section 16-4-
10 117 (9), C.R.S., for district attorney assistance for bond hearings grants
11 is decreased by \$600,000.

12 (2) For the 2022-23 state fiscal year, \$600,000 is appropriated to
13 the department of law. This appropriation is from the general fund. The
14 department may use this appropriation for district attorney assistance for
15 bond hearings grants.

16 **SECTION 4. Appropriation to the department of law for the**
17 **fiscal year beginning July 1, 2021. In Session Laws of Colorado 2021,**
18 **repeal** section 6 (4), (5), of chapter 457, (HB 21-1280), as follows:

19 Section 6. Appropriation. (4) For the 2021-22 state fiscal year,
20 \$150,000 is appropriated to the district attorney assistance for bond
21 hearings cash fund created in section 16-4-117 (9)(a), C.R.S. This
22 appropriation is from the general fund. The department of law is
23 responsible for the accounting related to this appropriation.

24 (5) For the 2021-22 state fiscal year, \$150,000 is appropriated to
25 the department of law. This appropriation is from reappropriated funds in
26 the district attorney assistance for bond hearings cash fund under
27 subsection (4) of this section. To implement this act, the department may

1 use the appropriation for the district attorney assistance for bond hearings
2 grant program.

3 **SECTION 5. Appropriation.** For the 2021-22 state fiscal year,
4 \$150,000 is appropriated to the department of law. This appropriation is
5 from the general fund. The department may use this appropriation for
6 district attorney assistance for bond hearings grants.

7 **SECTION 6. Effective date.** Section 1 of this act takes effect
8 January 1, 2023, and the remainder of this act takes effect upon passage.

9 **SECTION 7. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety.