

1 SAFETY OF ANY PERSON OR THE COMMUNITY; OR

2 (II) THERE IS A SUBSTANTIAL RISK THAT THE PERSON WILL

3 ATTEMPT TO FLEE PROSECUTION; OR

4 (III) THERE IS A SUBSTANTIAL RISK THAT THE PERSON WILL

5 ATTEMPT TO OBSTRUCT OR OTHERWISE WILLFULLY AVOID THE CRIMINAL

6 PROCESS; AND

7 (b) THERE ARE NO REASONABLE NONMONETARY CONDITIONS OF

8 RELEASE THAT REASONABLY ENSURE:

9 (I) THE SAFETY OF ANY PERSON OR THE COMMUNITY;

10 (II) THAT THE PERSON WILL ATTEMPT TO FLEE PROSECUTION; OR

11 (III) THAT THE PERSON WILL NOT ATTEMPT TO OBSTRUCT OR

12 OTHERWISE WILLFULLY AVOID THE CRIMINAL JUSTICE PROCESS.

13 (2) IN MAKING THE DETERMINATION ABOUT THE TYPE OF BOND

14 AND CONDITIONS OF RELEASE, THE COURT SHALL CONSIDER: ■ ■

15 (a) THE INDIVIDUAL CIRCUMSTANCES OF THE DEFENDANT,

16 INCLUDING HIS OR HER FINANCIAL CIRCUMSTANCES;

17 (b) THE NATURE AND SEVERITY OF THE ALLEGED OFFENSE;

18 (c) VICTIM INPUT, IF RECEIVED;

19 (d) ALL METHODS OF RELEASE TO AVOID UNNECESSARY PRETRIAL

20 INCARCERATION AND TO AVOID UNNECESSARY LEVELS OF SUPERVISION AS

21 CONDITIONS OF PRETRIAL RELEASE;

22 (e) THE WRITTEN CRITERIA FOR PRETRIAL RELEASE DEVELOPED BY

23 THE JUDICIAL DISTRICT PURSUANT TO SECTION 16-4-103 (1)(b);

24 (f) THE EMPLOYMENT STATUS AND HISTORY OF THE PERSON IN

25 CUSTODY;

26 (g) THE NATURE AND EXTENT OF FAMILY RELATIONSHIPS OF THE

27 PERSON IN CUSTODY;

- 1 (h) PAST AND PRESENT RESIDENCES OF THE PERSON IN CUSTODY;
- 2 (i) THE CHARACTER AND REPUTATION OF THE PERSON IN CUSTODY;
- 3 (j) IDENTITY OF PERSONS WHO AGREE TO ASSIST THE PERSON IN
- 4 CUSTODY IN ATTENDING COURT AT THE PROPER TIME;
- 5 (k) THE LIKELY SENTENCE, CONSIDERING THE NATURE AND
- 6 OFFENSE PRESENTLY CHARGED, ESPECIALLY IF THE DEFENDANT IS NOT
- 7 LIKELY TO BE SENTENCED TO INCARCERATION;
- 8 (l) THE PRIOR CRIMINAL RECORD, IF ANY, OF THE PERSON IN
- 9 CUSTODY;
- 10 (m) PRIOR FAILURES TO APPEAR THAT INDICATE THE PERSON IN
- 11 CUSTODY'S INTENT TO FLEE OR AVOID PROSECUTION;
- 12 (n) ANY FACTS INDICATING THAT THE DEFENDANT IS LIKELY TO
- 13 INTIMIDATE OR HARASS POSSIBLE WITNESSES;
- 14 (o) ANY OTHER FACTS TENDING TO INDICATE THAT THE
- 15 DEFENDANT HAS STRONG TIES TO THE COMMUNITY AND IS NOT LIKELY TO
- 16 FLEE THE JURISDICTION; AND
- 17 (p) THE RESULTS OF AN EMPIRICALLY DEVELOPED AND VALIDATED
- 18 RISK ASSESSMENT INSTRUMENT DESIGNED TO IMPROVE PRETRIAL RELEASE
- 19 DECISIONS BY PROVIDING THE COURT INFORMATION THAT CLASSIFIES A
- 20 PERSON IN CUSTODY BASED UPON THE PREDICTED LEVEL OF RISK OF
- 21 PRETRIAL FAILURE. ANY RESULTS OF A RISK ASSESSMENT PROVIDED TO
- 22 THE COURT MUST INCLUDE THE RISK CATEGORY OF THE DEFENDANT
- 23 ALONG WITH THE PREDICTED SUCCESS RATES FOR EACH RISK CATEGORY.
- 24 HOWEVER, THE COURT SHALL NOT USE THE RESULTS OF THE INSTRUMENT
- 25 AS THE SOLE BASIS FOR SETTING THE TYPE OF BOND AND CONDITIONS OF
- 26 RELEASE.
- 27 (3) BECAUSE OF THE DANGER POSED TO ANY PERSON AND THE

1 COMMUNITY, A PERSON WHO IS ARRESTED FOR AN OFFENSE UNDER
2 SECTION 42-4-1301 (1) SHALL NOT ATTEND A BAIL HEARING UNTIL THE
3 PERSON IS NO LONGER INTOXICATED OR UNDER THE INFLUENCE OF DRUGS.
4 THE PERSON MUST BE HELD IN CUSTODY UNTIL THE PERSON MAY SAFELY
5 ATTEND THE HEARING.

6 (4) THE TYPES OF BOND THAT MAY BE SET BY THE COURT INCLUDE:

7 (a) AN UNSECURED PERSONAL RECOGNIZANCE BOND, WHICH MAY
8 INCLUDE AN AMOUNT SPECIFIED BY THE COURT. THE COURT MAY REQUIRE
9 ADDITIONAL OBLIGORS ON THE BOND AS A CONDITION OF THE BOND.

10 (b) AN UNSECURED PERSONAL RECOGNIZANCE BOND WITH
11 ADDITIONAL NONMONETARY CONDITIONS OF RELEASE DESIGNED
12 SPECIFICALLY TO REASONABLY ENSURE THE APPEARANCE OF THE PERSON
13 IN COURT AND THE SAFETY OF ANY PERSON OR PERSONS OR THE
14 COMMUNITY;

15 (c) A BOND WITH SECURED MONETARY CONDITIONS SUBJECT TO
16 THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION. UNLESS THE COURT
17 MAKES FACTUAL FINDINGS ON THE RECORD WITH RESPECT TO THE
18 DEFENDANT THAT A CERTAIN METHOD OF BOND, AS SELECTED BY THE
19 COURT, IS NECESSARY TO REASONABLY ENSURE THE APPEARANCE OF THE
20 PERSON IN COURT AND REASONABLY ENSURE THE SAFETY OF ANY PERSON
21 OR PERSONS IN THE COMMUNITY, THE PERSON SHALL BE RELEASED FROM
22 CUSTODY UPON EXECUTION OF BOND IN THE FULL AMOUNT OF MONEY TO
23 BE SECURED BY ANY ONE OF THE FOLLOWING METHODS, AS SELECTED BY
24 THE DEFENDANT:

25 (I) BY A DEPOSIT WITH THE CLERK OF THE COURT OF AN AMOUNT
26 OF CASH EQUAL TO THE MONETARY CONDITION OF THE BOND;

27 (II) BY REAL ESTATE SITUATED IN THIS STATE WITH

1 UNENCUMBERED EQUITY NOT EXEMPT FROM EXECUTION OWNED BY THE
2 ACCUSED OR ANY OTHER PERSON ACTING AS SURETY ON THE BOND, WHICH
3 UNENCUMBERED EQUITY SHALL BE AT LEAST ONE AND ONE-HALF OF THE
4 AMOUNT OF THE SECURITY SET IN THE BOND;

5 (III) BY SURETIES WORTH AT LEAST ONE AND ONE-HALF OF THE
6 SECURITY SET IN THE BOND; OR

7 (IV) BY A BAIL BONDING AGENT, AS DEFINED IN SECTION 16-1-104
8 (3.5).

9 (d) A BOND WITH SECURED REAL ESTATE CONDITIONS WHEN THE
10 COURT DETERMINES THAT RELEASE ON AN UNSECURED PERSONAL
11 RECOGNIZANCE BOND WITHOUT MONETARY CONDITIONS WILL NOT
12 REASONABLY ENSURE THE APPEARANCE OF THE PERSON IN COURT OR
13 REASONABLY ENSURE THE SAFETY OF ANY PERSON OR PERSONS OR THE
14 COMMUNITY. THE CLERK OF THE COURT SHALL NOT ACCEPT A BOND
15 SECURED BY REAL ESTATE UNLESS THE RECORD OWNER OF THE PROPERTY
16 PRESENTS TO THE CLERK OF THE COURT THE ORIGINAL DEED OF TRUST AS
17 DESCRIBED IN SUBSECTION (4)(d)(IV) OF THIS SECTION AND THE
18 APPLICABLE RECORDING FEE. UPON RECEIPT OF THE DEED OF TRUST AND
19 FEE, THE CLERK OF THE COURT SHALL RECORD THE DEED OF TRUST WITH
20 THE CLERK AND RECORDER FOR THE COUNTY IN WHICH THE PROPERTY IS
21 LOCATED. FOR A BOND SECURED BY REAL ESTATE, THE AMOUNT OF THE
22 OWNER'S UNENCUMBERED EQUITY SHALL BE DETERMINED BY DEDUCTING
23 THE AMOUNT OF ALL ENCUMBRANCES LISTED IN THE OWNER AND
24 ENCUMBRANCES CERTIFICATE FROM THE ACTUAL VALUE OF SUCH REAL
25 ESTATE AS SHOWN ON THE CURRENT NOTICE OF VALUATION. THE OWNER
26 OF THE REAL ESTATE SHALL FILE WITH THE BOND ALL OF THE FOLLOWING,
27 WHICH SHALL CONSTITUTE A MATERIAL PART OF THE BOND:

1 (I) THE CURRENT NOTICE OF VALUATION OF SUCH REAL ESTATE
2 PREPARED BY THE COUNTY ASSESSOR PURSUANT TO SECTION 39-5-121;

3 (II) EVIDENCE OF TITLE ISSUED BY A TITLE INSURANCE COMPANY
4 OR AGENT LICENSED PURSUANT TO ARTICLE 11 OF TITLE 10, WITHIN
5 THIRTY-FIVE DAYS AFTER THE DATE UPON WHICH THE BOND IS FILED;

6 (III) A SWORN STATEMENT BY THE OWNER OF THE REAL ESTATE
7 THAT THE REAL ESTATE IS SECURITY FOR THE COMPLIANCE BY THE
8 DEFENDANT WITH THE PRIMARY CONDITION OF THE BOND; AND

9 (IV) A DEED OF TRUST TO THE PUBLIC TRUSTEE OF THE COUNTY OR
10 CITY AND COUNTY IN WHICH THE REAL ESTATE IS LOCATED THAT IS
11 EXECUTED AND ACKNOWLEDGED BY ALL RECORD OWNERS OF THE REAL
12 ESTATE. THE DEED OF TRUST MUST NAME THE CLERK OF THE COURT
13 APPROVING THE BOND AS BENEFICIARY. THE DEED OF TRUST MUST SECURE
14 AN AMOUNT EQUAL TO ONE AND ONE-HALF TIMES THE AMOUNT OF THE
15 BOND.

16 (5) AT THE INITIAL HEARING, THE PERSON HAS THE RIGHT TO BE
17 REPRESENTED BY AN ATTORNEY AND MUST BE ADVISED OF THE POSSIBLE
18 CHARGES, PENALTIES, AND HIS OR HER RIGHTS AS SPECIFIED IN RULE 5 OF
19 THE COLORADO RULES OF CRIMINAL PROCEDURE, UNLESS WAIVED BY THE
20 DEFENDANT. THE COURT SHALL NOTIFY THE PUBLIC DEFENDER OF EACH
21 PERSON IN CUSTODY BEFORE THE INITIAL HEARING, AND THE PERSON HAS
22 THE RIGHT TO BE REPRESENTED BY THE PUBLIC DEFENDER AT THAT
23 HEARING. ADDITIONALLY, THE COURT SHALL PROVIDE THE PUBLIC
24 DEFENDER SUFFICIENT TIME TO PREPARE FOR AND PRESENT AN
25 INDIVIDUALIZED ARGUMENT REGARDING THE RELEASE OF THE PERSON AND
26 ANY CONDITIONS OF RELEASE AT THE INITIAL HEARING, CONSISTENT WITH
27 THE COURT'S DOCKET AND SCHEDULING PRIORITIES.

1 (6) THE PROSECUTING ATTORNEY HAS THE RIGHT TO APPEAR AT
2 ALL HEARINGS TO PROVIDE HIS OR HER POSITION ON BAIL AND CONDITIONS
3 OF RELEASE AND ANY OTHER RELEVANT INFORMATION.

4 (7) PRIOR TO THE INITIAL HEARING, THE PERSON, PROGRAM, OR
5 AGENCY THAT HAS CONDUCTED THE PRETRIAL RELEASE SCREENING SHALL
6 PROVIDE ALL INFORMATION GATHERED REGARDING THE DEFENDANT,
7 INCLUDING, BUT NOT LIMITED TO, THE RESULTS FROM ANY EMPIRICALLY
8 DEVELOPED AND VALIDATED RISK ASSESSMENT INSTRUMENT AND THE
9 ARREST AFFIDAVIT OR OTHER PROBABLE CAUSE STATEMENT TO THE
10 PROSECUTION AND THE DEFENSE.

11 **SECTION 5.** In Colorado Revised Statutes, 16-4-105, **amend** (7)
12 as follows:

13 **16-4-105. Conditions of release on bond.** (7) A person may be
14 released on a bond with monetary condition of bond, when appropriate,
15 as described in ~~section 16-4-104 (1)(c)~~ SECTION 16-4-104 (4).

16 **SECTION 6.** In Colorado Revised Statutes, **repeal and reenact,**
17 **with amendments,** 16-4-106 as follows:

18 **16-4-106. Pretrial services programs - report.** (1) TO REDUCE
19 BARRIERS TO THE PRETRIAL RELEASE OF PERSONS IN CUSTODY WHOSE
20 RELEASE ON BOND WITH APPROPRIATE CONDITIONS REASONABLY ENSURES
21 COURT APPEARANCE AND PUBLIC SAFETY, ALL COUNTIES AND CITIES AND
22 COUNTIES SHALL DEVELOP BY JULY 1, 2020, A PRETRIAL SERVICES
23 PROGRAM IN CONSULTATION WITH THE CHIEF JUDGE OF THE JUDICIAL
24 DISTRICT THAT MAY BE UTILIZED BY THE COURTS OF THE JUDICIAL
25 DISTRICT. IN ORDER TO ESTABLISH THE PRETRIAL SERVICES PROGRAM, THE
26 CHIEF JUDGE OF EACH JUDICIAL DISTRICT SHALL ESTABLISH A COMMUNITY
27 ADVISORY BOARD TO FORMULATE A PLAN FOR A PRETRIAL SERVICES

1 PROGRAM. MEMBERSHIP ON SUCH COMMUNITY ADVISORY BOARD MUST
2 INCLUDE, AT A MINIMUM, A REPRESENTATIVE OF A LOCAL LAW
3 ENFORCEMENT AGENCY, A REPRESENTATIVE OF THE DISTRICT ATTORNEY,
4 A REPRESENTATIVE OF THE PUBLIC DEFENDER, A VICTIM REPRESENTATIVE,
5 AND AN INDIVIDUAL WHO HAS BEEN INCARCERATED IN THE JUDICIAL
6 DISTRICT OR A FAMILY MEMBER OF AN INDIVIDUAL WHO HAS BEEN
7 INCARCERATED IN THE JUDICIAL DISTRICT. THE CHIEF JUDGE IS
8 ENCOURAGED TO APPOINT TO THE COMMUNITY ADVISORY BOARD AT
9 LEAST ONE COUNTY COMMISSIONER FROM A COUNTY WITHIN THE JUDICIAL
10 DISTRICT. THE CHIEF JUDGE OF THE JUDICIAL DISTRICT SHALL APPROVE
11 THE PLAN FORMULATED BY THE COMMUNITY ADVISORY BOARD PRIOR TO
12 THE ESTABLISHMENT AND UTILIZATION OF THE PRETRIAL SERVICES
13 PROGRAM. THE OPTION CONTAINED IN THIS SECTION THAT A PRETRIAL
14 SERVICES PROGRAM BE ESTABLISHED PURSUANT TO A PLAN FORMULATED
15 BY THE COMMUNITY ADVISORY BOARD DOES NOT APPLY TO ANY PRETRIAL
16 SERVICES PROGRAM THAT EXISTED BEFORE MAY 31, 1991.

17 (2) A GOVERNMENTAL ENTITY MAY DIRECTLY OPERATE A
18 PRETRIAL SERVICES PROGRAM APPROVED PURSUANT TO SUBSECTION (1)
19 OF THIS SECTION OR ENTER INTO A CONTRACT WITH A PRIVATE NONPROFIT
20 ENTITY OR AN AGREEMENT WITH ANOTHER LOCAL GOVERNMENTAL ENTITY
21 TO PROVIDE PRETRIAL SERVICES IN THE COUNTY. A GOVERNMENTAL
22 ENTITY SHALL NOT ENTER INTO A CONTRACT WITH A FOR-PROFIT ENTITY
23 TO PROVIDE PRETRIAL SERVICES. PRIOR TO ENTERING INTO A CONTRACT
24 WITH A PRIVATE NONPROFIT ENTITY, A GOVERNMENTAL ENTITY SHALL
25 ENSURE THE PRIVATE NONPROFIT ENTITY SHALL OPERATE WITHOUT AN
26 IDENTIFIABLE CONFLICT. ADDITIONALLY, EACH JUDGE REQUIRING
27 PRETRIAL SERVICES SUPERVISION SHALL ENSURE THAT ANY SUPERVISION

1 OR OTHER CONDITIONS OF RELEASE FOR A DEFENDANT UNDER PRETRIAL
2 SUPERVISION ARE THE LEAST RESTRICTIVE CONDITIONS OF RELEASE AND
3 ARE NOT REQUIRED FOR THE PURPOSES OF FINANCIAL BENEFIT OR GAIN BY
4 AN ENTITY.

5

6 (3) A PRETRIAL SERVICES PROGRAM CREATED PURSUANT TO THIS
7 SECTION MUST MEET THE MINIMUM STANDARDS DEVELOPED PURSUANT TO
8 SUBSECTION (2) OF THIS SECTION AND THE FOLLOWING CRITERIA:

9 (a) THE PRETRIAL SERVICES PROGRAM MUST ESTABLISH A
10 PROCEDURE FOR THE SCREENING OF PERSONS WHO ARE DETAINED DUE TO
11 AN ARREST FOR THE ALLEGED COMMISSION OF A CRIME SO THAT SUCH
12 INFORMATION MAY BE PROVIDED TO THE JUDGE OR OTHER DESIGNATED
13 PERSON OR AGENCY WHO IS SETTING THE BOND AND CONDITIONS OF
14 RELEASE. THE PRETRIAL SERVICES PROGRAM MUST PROVIDE INFORMATION
15 THAT PROVIDES THE COURT WITH THE ABILITY TO MAKE AN APPROPRIATE
16 INITIAL BOND DECISION THAT IS BASED UPON FACTS RELATING TO THE RISK
17 THAT THE PERSON WILL FLEE PROSECUTION AND THE RISK OF DANGER TO
18 ANY PERSON OR THE COMMUNITY.

19 (b) THE PRETRIAL SERVICES PROGRAM MUST MAKE ALL
20 REASONABLE ATTEMPTS TO PROVIDE THE COURT OR OTHER DESIGNATED
21 PERSON OR AGENCY WITH SUCH INFORMATION DELINEATED IN THIS
22 SECTION AS IS APPROPRIATE TO EACH PERSON SEEKING RELEASE FROM
23 CUSTODY FOR PURPOSES OF SETTING BOND AND CONDITIONS OF RELEASE;

24 (c) THE PRETRIAL SERVICES PROGRAM MUST USE AN EMPIRICALLY
25 DEVELOPED PRETRIAL RISK ASSESSMENT TOOL THAT HAS BEEN APPROVED
26 FOR USE BY THE STATE COURT ADMINISTRATOR PURSUANT TO SECTION
27 13-3-101 (11)(b), TO ASSESS A PERSON'S PREDICTIVE LEVEL OF PRETRIAL

1 RISK ALONG WITH A STRUCTURED DECISION-MAKING DESIGN BASED UPON
2 THE PERSON'S CHARGE AND THE RISK ASSESSMENT SCORE; AND

3 (d) THE PRETRIAL SERVICES PROGRAM MUST WORK WITH ALL
4 APPROPRIATE AGENCIES AND ASSIST WITH ALL EFFORTS TO COMPLY WITH
5 SECTIONS 24-4.1-302.5 AND 24-4.1-303.

6 (4) ANY PRETRIAL SERVICES PROGRAM MAY ALSO INCLUDE
7 DIFFERENT METHODS AND LEVELS OF COMMUNITY-BASED SUPERVISION AS
8 A CONDITION OF RELEASE, AND THE PRETRIAL SERVICES PROGRAM MUST
9 USE ESTABLISHED METHODS FOR PERSONS WHO ARE RELEASED PRIOR TO
10 TRIAL IN ORDER TO DECREASE UNNECESSARY PRETRIAL DETENTION. THE
11 PRETRIAL SERVICES PROGRAM MAY INCLUDE, BUT IS NOT LIMITED TO,
12 COURT DATE REMINDERS AND THE LEAST RESTRICTIVE CONDITIONS OF
13 RELEASE AS OUTLINED IN SECTION 16-4-105 (8).

14 (5) (a) COMMENCING JULY 1, 2012, EACH PRETRIAL SERVICES
15 PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL PROVIDE AN
16 ANNUAL REPORT TO THE JUDICIAL DEPARTMENT NO LATER THAN
17 NOVEMBER 1 OF EACH YEAR, REGARDLESS OF WHETHER THE PROGRAM
18 EXISTED PRIOR TO MAY 31, 1991. NOTWITHSTANDING SECTION 24-1-136
19 (11)(a)(I), THE JUDICIAL DEPARTMENT SHALL PRESENT AN ANNUAL
20 COMBINED REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF
21 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.
22 THE REPORT TO THE JUDICIAL DEPARTMENT MUST INCLUDE, BUT IS NOT
23 LIMITED TO, THE FOLLOWING INFORMATION:

24 (I) THE TOTAL NUMBER OF PRETRIAL ASSESSMENTS PERFORMED BY
25 THE PRETRIAL SERVICES PROGRAM AND SUBMITTED TO THE COURT;

26 (II) THE TOTAL NUMBER OF CLOSED CASES BY THE PRETRIAL
27 SERVICES PROGRAM IN WHICH THE PERSON WAS RELEASED FROM CUSTODY

1 AND SUPERVISED BY THE PRETRIAL SERVICES PROGRAM;

2 (III) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
3 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL
4 SERVICES PROGRAM, AND, WHILE UNDER SUPERVISION, APPEARED FOR ALL
5 SCHEDULED COURT APPEARANCES ON THE CASE;

6 (IV) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
7 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL
8 SERVICES PROGRAM, AND WAS NOT CHARGED WITH A NEW CRIMINAL
9 OFFENSE THAT WAS ALLEGED TO HAVE OCCURRED WHILE UNDER
10 SUPERVISION AND THAT CARRIED THE POSSIBILITY OF A SENTENCE TO JAIL
11 OR IMPRISONMENT;

12 (V) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
13 WAS RELEASED FROM CUSTODY AND WAS SUPERVISED BY THE PRETRIAL
14 SERVICES PROGRAM, AND THE PERSON'S BOND WAS NOT REVOKED BY THE
15 COURT DUE TO A VIOLATION OF ANY OTHER TERMS AND CONDITIONS OF
16 SUPERVISION; AND

17 (VI) ANY ADDITIONAL INFORMATION THE JUDICIAL DEPARTMENT
18 MAY REQUEST.

19 (b) THE ANNUAL REPORT REQUIRED BY SUBSECTION (5)(a) OF THIS
20 SECTION BEGINNING IN 2020 AND EACH YEAR THEREAFTER MUST INCLUDE:

21 (I) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
22 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL
23 SERVICES PROGRAM, AND, WHILE UNDER SUPERVISION, DID NOT HAVE A
24 FAILURE TO APPEAR IN COURT THAT WAS NOT FOLLOWED UP BY A COURT
25 APPEARANCE IN THAT CASE:

26 (A) WITHIN 30 DAYS; AND

27 (B) WITHIN 90 DAYS.

1 (II) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON
2 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL
3 SERVICES PROGRAM, AND WAS NOT CHARGED WITH A NEW CRIMINAL
4 OFFENSE THAT CONSTITUTES A CRIME AS DEFINED IN SECTION 24-4.1-302
5 (1) THAT WAS ALLEGED TO HAVE OCCURRED WHILE UNDER SUPERVISION.

6 (6) FOR THE REPORTS REQUIRED IN SUBSECTION (5) OF THIS
7 SECTION, THE PRETRIAL SERVICES PROGRAM MUST INCLUDE INFORMATION
8 DETAILING THE NUMBER OF PERSONS RELEASED ON A COMMERCIAL
9 SURETY BOND IN ADDITION TO PRETRIAL SUPERVISION, THE NUMBER OF
10 PERSONS RELEASED ON A CASH, PRIVATE SURETY, OR PROPERTY BOND IN
11 ADDITION TO PRETRIAL SUPERVISION, AND THE NUMBER OF PERSONS
12 RELEASED ON ANY FORM OF A PERSONAL RECOGNIZANCE BOND IN
13 ADDITION TO PRETRIAL SUPERVISION.

14 **SECTION 7.** In Colorado Revised Statutes, **add** 16-4-106.5 as
15 follows:

16 **16-4-106.5. Pretrial services cash fund created.** (1) THERE IS
17 CREATED IN THE STATE TREASURY THE PRETRIAL SERVICES CASH FUND,
18 REFERRED TO IN THIS SECTION AS THE "FUND", THAT CONSISTS OF ANY
19 MONEY APPROPRIATED BY THE GENERAL ASSEMBLY TO THE FUND AND ANY
20 MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS. THE MONEY
21 IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
22 ASSEMBLY FOR THE IMPLEMENTATION OF THIS SECTION. THE STATE COURT
23 ADMINISTRATOR IS AUTHORIZED TO ACCEPT ON BEHALF OF THE STATE ANY
24 GIFTS, GRANTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR
25 THE PURPOSE OF THIS SECTION. ALL PRIVATE AND PUBLIC MONEY
26 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS MUST BE
27 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME

1 TO THE FUND.

2 (2) MONEY IN THE FUND MUST BE USED TO FUND INDIVIDUAL
3 COUNTIES OR COUNTIES WORKING IN COOPERATION WITH EACH OTHER
4 THAT REQUEST FUNDS TO OPERATE OR ASSIST IN THE OPERATION OF A
5 PRETRIAL SERVICES PROGRAM AS REQUIRED BY SECTION 16-4-106 (1).
6 MONEY MAY BE USED FOR THE ADMINISTRATIVE AND PERSONNEL COSTS
7 RELATED TO THE OPERATION OF PRETRIAL SERVICES PROGRAMS AND ANY
8 ADJUNCT SERVICES INCLUDING, BUT NOT LIMITED TO, PROGRAM
9 DEVELOPMENT, ASSESSMENT SERVICES, CONTRACT SERVICES,
10 MONITORING, AND SUPERVISION SERVICES. COUNTIES AND COUNTIES
11 WORKING IN COOPERATION WITH EACH OTHER ARE ENCOURAGED TO SEEK
12 FUNDING WHEN NECESSARY TO IMPLEMENT LOCALLY BASED PROGRAMS
13 DESIGNED TO ACHIEVE THE GOALS OF EFFECTIVE PRETRIAL ASSESSMENT
14 AND SUPERVISION. IF A COUNTY IS UNABLE TO OPERATE A PRETRIAL
15 SERVICES PROGRAM AS REQUIRED BY SECTION 16-4-106 (1), THE COUNTY
16 SHALL SUBMIT TO THE STATE COURT ADMINISTRATOR, ON OR BEFORE
17 DECEMBER 31, 2019, A STATEMENT OF INABILITY TO COMPLY, WHICH
18 MUST OUTLINE, IN DETAIL, THE REASONS WHY THE COUNTY IS UNABLE TO
19 PROVIDE A PRETRIAL SERVICES PROGRAM DESPITE A POTENTIAL
20 MONETARY ALLOCATION FROM THE PRETRIAL SERVICES CASH FUND. THE
21 STATEMENT OF INABILITY TO COMPLY MUST DESCRIBE WHAT NECESSARY
22 RESOURCES ARE UNAVAILABLE THAT PREVENT THE ESTABLISHMENT OF A
23 PRETRIAL SERVICES PROGRAM IN THAT COUNTY, WHICH MAY INCLUDE, BUT
24 ARE NOT LIMITED TO, THE NECESSARY AMOUNT OF FUNDING, THE LACK OF
25 NECESSARY INFRASTRUCTURE, OR THE LACK OF PERSONNEL OR PROGRAM
26 SERVICES WITHIN THAT COMMUNITY. THE STATEMENT MUST ALSO
27 INCLUDE A DESCRIPTION OF WHAT CHANGES IN LAW OR OPERATION OR IN

1 THE ALLOCATION OF RESOURCES WOULD ALLOW THE COUNTY TO
2 ESTABLISH A PRETRIAL SERVICES PROGRAM.

3

4 **SECTION 8.** In Colorado Revised Statutes, **repeal and reenact,**
5 **with amendments,** 16-4-107 as follows:

6 **16-4-107. Time frames for commencement of action.**

7 (1) AFTER THE INITIAL HEARING AS PROVIDED BY SECTION 16-4-104, THE
8 COURT SHALL ORDER THAT THE COMMENCEMENT OF THE CRIMINAL
9 PROSECUTION BY THE FILING OF A COMPLAINT OR INFORMATION,
10 PURSUANT TO THE PROVISIONS OF SECTION 16-5-101, MUST TAKE PLACE
11 WITHIN THREE DAYS AFTER THE INITIAL HEARING, EXCLUDING SATURDAY,
12 SUNDAY, AND LEGAL HOLIDAYS, UNLESS GOOD CAUSE IS SHOWN TO THE
13 COURT FOR ADDITIONAL TIME OR THE PARTIES AGREE TO ADDITIONAL
14 TIME.

15 (2) A DEFENDANT IN CUSTODY HAS SCHEDULING PRECEDENCE
16 OVER ALL OTHER MATTERS FOR PURPOSES OF LITIGATED HEARINGS AND
17 TRIALS, SUBJECT TO THE PROVISIONS OF SECTIONS 18-3-411 (4) AND
18 SECTION 18-1-405.

19 **SECTION 9.** In Colorado Revised Statutes, **repeal and reenact,**
20 **with amendments,** 16-4-109 as follows:

21 **16-4-109. Reduction or increase of monetary conditions of**
22 **bond - change in type of bond or conditions of bond - definition.**

23 (1) THE DEFENDANT, THE PROSECUTING ATTORNEY, OR THE BONDING AND
24 RELEASE COMMISSIONER MAY ASK FOR THE REVIEW AND MODIFICATION OF
25 ANY MONETARY OR NONMONETARY CONDITION OF BOND IF NEW
26 INFORMATION IS DISCOVERED THAT WAS NOT PRESENTED AT THE TIME OF
27 THE ORIGINAL SETTING OF BOND AND CONDITIONS OF RELEASE OR IF

1 CIRCUMSTANCES HAVE CHANGED SINCE THE COURT MADE THE BOND
2 DETERMINATION AND THIS NEW INFORMATION OR CHANGE IN
3 CIRCUMSTANCES HAS A BEARING ON WHETHER THE CONDITION OF BOND
4 IS REASONABLE AND NECESSARY PURSUANT TO THE PROVISIONS OF THIS
5 SECTION.

6 (2) REQUESTS FOR REVIEW OR MODIFICATION OF A MONETARY OR
7 NONMONETARY CONDITION OF BOND MAY BE MADE ORALLY OR IN WRITING
8 WITH REASONABLE NOTICE TO THE OPPOSING PARTY; EXCEPT THAT, IF THE
9 CASE ALLEGES A CRIME AS DEFINED IN SECTION 24-4.1-302, THE REQUEST
10 FOR REVIEW MUST BE IN WRITING.

11 (3) THE COURT SHALL HEAR THE REQUEST FOR REVIEW OF A
12 MONETARY CONDITION OF BOND ON AN EXPEDITED BASIS AND MAKE A
13 DETERMINATION ON THE RECORD IN ORDER THAT THE DEFENDANT MAY
14 EXERCISE HIS OR HER RIGHT TO APPEAL PURSUANT TO SECTION 16-4-204,
15 OR ANY OTHER AVAILABLE APPELLATE REMEDIES.

16 (4) (a) UPON VERIFIED APPLICATION BY THE DISTRICT ATTORNEY
17 OR A BONDING AND RELEASE COMMISSIONER STATING FACTS OR
18 CIRCUMSTANCES CONSTITUTING A BREACH OR A THREATENED BREACH OF
19 ANY OF THE CONDITIONS OF THE BOND, THE COURT MAY ISSUE A WARRANT
20 COMMANDING ANY PEACE OFFICER TO BRING THE DEFENDANT WITHOUT
21 UNNECESSARY DELAY BEFORE THE COURT FOR A HEARING ON THE
22 MATTERS SET FORTH IN THE APPLICATION. UPON ISSUANCE OF THE
23 WARRANT, THE BONDING AND RELEASE COMMISSIONER SHALL NOTIFY THE
24 BAIL BOND AGENT OF RECORD BY ELECTRONIC MAIL TO THE AGENT IF
25 AVAILABLE WITHIN TWENTY-FOUR HOURS OR BY CERTIFIED MAIL NOT
26 MORE THAN FOURTEEN DAYS AFTER THE WARRANT IS ISSUED. AT THE
27 CONCLUSION OF THE HEARING, THE COURT MAY ENTER AN ORDER

1 AUTHORIZED BY SUBSECTION (1) OF THIS SECTION. IF A BONDING AND
2 RELEASE COMMISSIONER FILES AN APPLICATION FOR A HEARING PURSUANT
3 TO THIS SUBSECTION (4), THE BONDING COMMISSIONER SHALL NOTIFY THE
4 DISTRICT ATTORNEY FOR THE JURISDICTION IN WHICH THE APPLICATION IS
5 MADE OF THE APPLICATION WITHIN TWENTY-FOUR HOURS FOLLOWING THE
6 FILING OF THE APPLICATION.

7 (b) AS USED IN THIS SUBSECTION (4), "BONDING AND RELEASE
8 COMMISSIONER" MEANS A PERSON EMPLOYED BY A PRETRIAL SERVICES
9 PROGRAM AS DESCRIBED IN SECTION 16-4-106, OR ANY OTHER PERSON
10 DESIGNATED AS A BONDING AND RELEASE COMMISSIONER BY THE CHIEF OR
11 PRESIDING JUDGE OF THE JUDICIAL DISTRICT TO CARRY OUT THE
12 PROVISIONS OF THIS ARTICLE 4.

13 (5) THE DISTRICT ATTORNEY AND THE DEFENDANT OR HIS OR HER
14 ATTORNEY HAS THE RIGHT TO APPEAR AT ALL HEARINGS SEEKING
15 MODIFICATION OF THE TERMS AND CONDITIONS OF BOND AND MAY ADVISE
16 THE COURT ON ALL PERTINENT MATTERS DURING THE HEARING.

17 **SECTION 10.** In Colorado Revised Statutes, 10-23-105, **amend**
18 (1) and (2) as follows:

19 **10-23-105. Qualification bond - forfeiture.** (1) Each
20 cash-bonding agent shall post a cash qualification bond of fifty thousand
21 dollars with the division. The bond must be to the people of the state of
22 Colorado in favor of any court in this state, whether municipal, county,
23 district, or other court, and to the division for the purposes of this section.
24 In the event of a forfeiture of a cash-bonding agent's qualification bond,
25 the division has priority over all other claimants. To comply with this
26 subsection (1), the bond must be conditioned upon full and prompt
27 payment into the court ordering the bond forfeited. Cash-bonding agents

1 shall not issue bonds except in accordance with ~~section 16-4-104~~
2 ~~(1)(c)(III), C.R.S.~~ SECTION 16-4-104 (4)(c)(III). In the event of a
3 qualification bond forfeiture, a cash-bonding agent shall not write new
4 bail bonds until the qualification bond is restored to fifty thousand dollars.

5 (2) Each professional cash-bail agent shall post a cash
6 qualification bond of no less than fifty thousand dollars with the division.
7 The bond shall be to the people of the state of Colorado in favor of any
8 court in this state, whether municipal, county, district, or other court, and
9 to the division for the purposes of this section. A professional cash-bail
10 agent shall not furnish a single bail greater than twice the amount of the
11 bond posted with the division. In the event of a forfeiture of a
12 professional cash-bail agent's qualification bond, the division has priority
13 over all other claimants to the bond. To comply with this subsection (2),
14 the bond must be conditioned upon full and prompt payment into the
15 court ordering the bond forfeited. Professional cash-bail agents shall not
16 issue bonds except in accordance with ~~section 16-4-104(1)(c)(III), C.R.S.~~
17 SECTION 16-4-104 (4)(c)(III). In the event of a qualification bond
18 forfeiture, a professional cash-bail agent shall not write new bail bonds
19 until the qualification bond is restored to at least fifty thousand dollars.

20 **SECTION 11.** In Colorado Revised Statutes, 13-3-101, **add** (11)
21 as follows:

22 **13-3-101. State court administrator - repeal.** (11) (a) ON OR
23 BEFORE JANUARY 1, 2020, THE STATE COURT ADMINISTRATOR SHALL, IN
24 CONSULTATION WITH PRETRIAL SERVICES PROGRAMS AND RELEVANT
25 PROFESSIONAL ASSOCIATIONS, INCLUDING BUT NOT LIMITED TO ANY
26 COLORADO ASSOCIATION OF PRETRIAL SERVICES, ESTABLISH AND
27 MAINTAIN MINIMUM STANDARDS FOR PRETRIAL SERVICES PROGRAMS

1 APPROVED PURSUANT TO SECTION 16-4-106 (1). THE STATE COURT
2 ADMINISTRATOR SHALL PROVIDE ADMINISTRATIVE OVERSIGHT OF
3 PRETRIAL SERVICES PROGRAMS AND THEIR OPERATIONS ACCORDING TO
4 UNIFORM STANDARDS AND PROTOCOLS ESTABLISHED BY THE STATE COURT
5 ADMINISTRATOR. THE STATE COURT ADMINISTRATOR SHALL REVIEW ANY
6 WAIVER REQUESTS SUBMITTED BY ANY COUNTY PURSUANT TO THE
7 PROVISIONS OF SECTION 16-4-106.5 TO DETERMINE IF ANY TECHNICAL
8 ASSISTANCE CAN BE PROVIDED TO THE COUNTY TO ALLOW FOR THE
9 DEVELOPMENT OF A PRETRIAL SERVICES PROGRAM. THE WAIVER REQUESTS
10 SUBMITTED TO THE STATE COURT ADMINISTRATOR SHALL BE INCLUDED IN
11 THE ANNUAL REPORT AS DESCRIBED IN SECTION 16-4-106 (5) AND (6)
12 ALONG WITH ANY RECOMMENDATIONS TO THE GENERAL ASSEMBLY
13 REGARDING METHODS OR FUNDING NEEDED TO ACHIEVE PRETRIAL
14 SERVICES IN EVERY COUNTY IN THE STATE.

15 (b) (I) THE STATE COURT ADMINISTRATOR SHALL REVIEW AND
16 APPROVE EMPIRICALLY DEVELOPED AND VALIDATED RISK ASSESSMENT
17 INSTRUMENTS TO BE USED BY PRETRIAL SERVICES PROGRAMS AND
18 JUDICIAL OFFICERS.

19 (II) (A) BEGINNING ON JULY 1, 2021, ANY RISK ASSESSMENT
20 INSTRUMENT APPROVED FOR USE MUST HAVE BEEN EVALUATED AND
21 VALIDATED IN COLORADO TO MAXIMIZE ACCURACY AND TO
22 STATISTICALLY MINIMIZE BIAS ON THE BASIS OF RACE, ETHNICITY, AND
23 GENDER. ADDITIONALLY, JUDICIAL RELIANCE ON THE ASSESSMENT IN
24 PRETRIAL DECISION-MAKING MUST BE EVALUATED FOR BIAS ON THE BASIS
25 OF RACE, ETHNICITY, AND GENDER. THE EVALUATIONS REQUIRED IN THIS
26 SECTION MUST BE COMPLETED BY THE DIVISION OF CRIMINAL JUSTICE IN
27 THE DEPARTMENT OF PUBLIC SAFETY OR A NONPROFIT RESEARCH

1 ORGANIZATION.

2 (B) ANY APPROVED RISK ASSESSMENT INSTRUMENT MUST BE
3 EVALUATED FOR ACCURACY AND FOR BIAS AS DESCRIBED IN SUBSECTION
4 (11)(b)(II)(A) OF THIS SECTION EVERY THREE YEARS.

5 (C) THE JUDICIAL DEPARTMENT AND THE DEPARTMENT OF PUBLIC
6 SAFETY, AS PART OF THEIR HEARINGS REQUIRED BY SECTION 2-7-203(2),
7 SHALL PRESENT THE FINDINGS OF ANY STUDY CONDUCTED TO EVALUATE
8 A RISK ASSESSMENT INSTRUMENT FOR BIAS AND EFFORTS TO REDUCE ANY
9 IDENTIFIED BIAS.

10 (D) THE JUDICIAL DEPARTMENT AND THE DEPARTMENT OF PUBLIC
11 SAFETY SHALL COOPERATE TO DEVELOP AND AGREE UPON STATISTICAL
12 AND REPORTING METHODOLOGIES TO BE USED FOR THE REPORTING
13 DESCRIBED IN THIS SUBSECTION (11)(b)(II) AND SHALL SUBMIT A PLAN FOR
14 IMPLEMENTATION OF THE STATISTICAL AND REPORTING METHODOLOGIES
15 TO THE GENERAL ASSEMBLY BY JANUARY 1, 2020.

16 (III) BEGINNING ON JANUARY 1, 2024, ANY RISK ASSESSMENT
17 INSTRUMENT APPROVED FOR USE MUST PROVIDE PRETRIAL
18 DECISION-MAKERS SEPARATE RISK CATEGORY INFORMATION FOR EACH OF
19 THE PRETRIAL RISKS IDENTIFIED IN SECTION 16-4-104 (1)(a)(I) AND
20 (1)(a)(II) IF STATISTICALLY POSSIBLE.

21 (IV) IN ORDER TO EVALUATE AN APPROVED RISK ASSESSMENT
22 INSTRUMENT FOR BIAS AND PROPER MEASUREMENT OF RISK FACTORS,
23 BEGINNING ON JANUARY 1, 2020, EACH JURISDICTION USING A RISK
24 ASSESSMENT INSTRUMENT SHALL COLLECT ALL RELEVANT DATA AS
25 REQUESTED BY THE STATE COURT ADMINISTRATOR IN CONJUNCTION WITH
26 THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC
27 SAFETY. THIS DATA MUST INCLUDE, AT A MINIMUM, THE FOLLOWING

1 INFORMATION FOR EACH PERSON ASSESSED;

2 (A) RACE, ETHNICITY, AND GENDER;

3 (B) THE PRETRIAL RISK CATEGORY;

4 (C) SCORES ASSIGNED TO EACH UNDERLYING VARIABLE USED BY

5 A RISK ASSESSMENT INSTRUMENT;

6 (D) THE TOTAL RISK ASSESSMENT INSTRUMENT SCORE;

7 (E) ANY RECOMMENDATION MADE BY A STRUCTURED

8 DECISION-MAKING DESIGN, IF AVAILABLE;

9 (F) WHETHER THE RECOMMENDATION OF A STRUCTURED

10 DECISION-MAKING DESIGN WAS FOLLOWED BY THE COURT, IF AVAILABLE;

11 (G) THE BOND TYPE SET BY THE COURT;

12 (H) THE CONDITIONS OF BOND SET BY THE COURT, WHICH MUST

13 INCLUDE, BUT IS NOT LIMITED TO, THE MONETARY CONDITIONS IMPOSED;

14 (I) WHETHER THE DEFENDANT WAS RELEASED;

15 (J) IF THE DEFENDANT FAILED TO APPEAR FOR COURT WHILE ON

16 SUPERVISION, WHETHER THE DEFENDANT SUBSEQUENTLY APPEARED IN

17 THAT CASE WITHIN THIRTY DAYS, NINETY DAYS, AND ONE HUNDRED

18 TWENTY DAYS;

19 (K) THE PRETRIAL SUPERVISION OUTCOME; AND

20 (L) THE RESULTS OF ANY ADDITIONAL ASSESSMENTS USED IN

21 ORDER TO PROVIDE ADDITIONAL INFORMATION TO THE COURT.

22 (V) UPON REQUEST BY THE DIVISION OF CRIMINAL JUSTICE IN THE

23 DEPARTMENT OF PUBLIC SAFETY, THE STATE COURT ADMINISTRATOR

24 SHALL PROVIDE ANY AVAILABLE INFORMATION NECESSARY TO EVALUATE

25 AN APPROVED RISK ASSESSMENT PURSUANT TO THIS SECTION.

26 (c) THE STATE COURT ADMINISTRATOR SHALL PROVIDE TECHNICAL

27 ASSISTANCE TO LOCAL PRETRIAL SERVICES PROGRAM STAKEHOLDERS TO

1 INCLUDE TRAINING, EDUCATION, INFORMATIONAL MATERIALS, AND TOOLS
2 TO TRACK OUTCOMES AND FIDELITY TO BEST PRACTICES. THE STATE
3 COURT ADMINISTRATOR SHALL COLLECT, ANALYZE, AND REPORT
4 CENTRALIZED DATA TO IDENTIFY PRETRIAL RELEASE SERVICES TRENDS
5 AND OUTCOMES THROUGHOUT THE STATE.

6 (d) THE STATE COURT ADMINISTRATOR SHALL ALLOCATE MONEY
7 FROM THE PRETRIAL SERVICES CASH FUND ESTABLISHED IN SECTION
8 16-4-106.5. THE STATE COURT ADMINISTRATOR SHALL DEVELOP AND
9 MAINTAIN AN ANNUAL FORMULA FUNDING MODEL TO EQUITABLY AND
10 OBJECTIVELY ALLOCATE AND DISTRIBUTE THE PRETRIAL SERVICES CASH
11 FUND AMONG COUNTIES THAT REQUEST MONEY FOR PRETRIAL SERVICES.
12 COUNTIES WITHOUT PRETRIAL SERVICES PROGRAMS AS OF JULY 1, 2019,
13 MUST BE THE HIGHEST PRIORITY FOR ALLOCATIONS FROM THE PRETRIAL
14 SERVICES CASH FUND.

15 (e) THE STATE COURT ADMINISTRATOR SHALL ESTABLISH
16 ADMINISTRATIVE REPORTING PROCEDURES TO BE USED BY PRETRIAL
17 SERVICES PROGRAMS. THE STATE COURT ADMINISTRATOR SHALL USE
18 PRETRIAL SERVICES PROGRAM REPORTS TO ENSURE:

19 (I) EACH PRETRIAL SERVICES PROGRAM'S USE OF MONEY IS
20 CONSISTENT WITH THE GENERAL ASSEMBLY'S INTENT AS SET FORTH IN
21 SECTION 16-4-106.5; AND

22 (II) THE JUDICIAL DEPARTMENT MEETS ITS REPORTING
23 REQUIREMENTS AS SET FORTH IN SECTION 16-4-106 (5) AND (6).

24

25 **SECTION 12.** In Colorado Revised Statutes, 16-4-111, **amend**
26 (3) as follows:

27 **16-4-111. Disposition of security deposits upon forfeiture or**

1 **termination of bond.** (3) When the defendant has been released upon
2 deposit of cash or property, upon an unsecured personal recognizance
3 bond with a monetary condition pursuant to section 16-4-104, ~~(1)(a)~~ or
4 ~~(1)(b)~~, or upon a surety bond secured by property, if the defendant fails
5 to appear in accordance with the primary condition of the bond, the court
6 shall declare a forfeiture. Notice of the order of forfeiture shall be mailed
7 by the court to the defendant, all sureties, and all depositors or assignees
8 of any deposits of cash or property if such sureties, depositors, or
9 assignees have direct contact with the court, at their last-known addresses.
10 Such notice shall be sent within fourteen days after the entry of the order
11 of forfeiture. If the defendant does not appear and surrender to the court
12 having jurisdiction within thirty-five days from the date of the forfeiture
13 or within that period satisfy the court that appearance and surrender by
14 the defendant is impossible and without fault by such defendant, the court
15 may enter judgment for the state against the defendant for the amount of
16 the bond and costs of the court proceedings. Any cash deposits made with
17 the clerk of the court shall be applied to the payment of costs. If any
18 amount of such cash deposit remains after the payment of costs, it shall
19 be applied to payment of the judgment.

20 **SECTION 13.** In Colorado Revised Statutes, 16-4-203, **amend**
21 (4) as follows:

22 **16-4-203. Appeal bond hearing - order.** (4) Upon written
23 motion of the state or the defendant, the sentencing court may increase or
24 reduce the amount of appeal bond, alter the security for or conditions of
25 the appeal bond, or revoke the appeal bond. Notice of hearing on the
26 motion shall be given in the manner provided in ~~section 16-4-107~~
27 SECTION 16-4-109.

1 **SECTION 14.** In Colorado Revised Statutes, 16-8.5-105, **amend**
2 (1)(c) as follows:

3 **16-8.5-105. Evaluations and report.** (1) (c) The court, when
4 setting bond pursuant to ~~section 16-4-103~~ SECTION 16-4-104, if the
5 defendant is eligible for bond, and after receiving any information
6 pursuant to section 16-4-106, shall not consider the need for the
7 defendant to receive an evaluation pursuant to this ~~article~~ ARTICLE 8.5.

8 **SECTION 15.** In Colorado Revised Statutes, 19-2-509, **amend**
9 (4)(a) as follows:

10 **19-2-509. Bail.** (4) (a) In determining the type of bond and
11 conditions of release for the juvenile, the judge or magistrate fixing the
12 same shall consider the criteria set forth in ~~section 16-4-103, C.R.S.~~
13 SECTION 16-4-104.

14 **SECTION 16. Appropriation.** (1) For the 2019-20 state fiscal
15 year, \$440,493 is appropriated to the judicial department. This
16 appropriation is from the general fund. To implement this act, this
17 appropriation may be used as follows:

18 (a) \$330,253 for general courts administration, which amount is
19 based on an assumption that the department will require an additional 3.7
20 FTE; and

21 (b) \$110,240 for information technology infrastructure.

22 (2) For the 2019-20 state fiscal year, \$39,813 is appropriated to the
23 department of public safety for use by the division of criminal justice.
24 This appropriation is from the general fund and is based on an assumption
25 that the division will require an addition 0.3 FTE. To implement this act,
26 the division may use this appropriation for DCJ administrative
27 services.

1 **SECTION 17. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.

HB1226_L.022

SENATE COMMITTEE OF REFERENCE AMENDMENT **PASSED**
Committee on **State, Veterans, & Military Affairs.**

HB19-1226 be amended as follows:

1 Amend reengrossed bill, page 24, lines 23 and 24, strike "JUDICIAL
2 RELIANCE ON THE ASSESSMENT IN PRETRIAL DECISION-MAKING" and
3 substitute "THE BOND RELEASE PROCESS, INCLUDING CONSIDERATION OF
4 THE FACTORS REQUIRED IN SECTION 16-4-104 (2), IF METHODOLOGICALLY
5 POSSIBLE, AND OUTCOMES INCLUDING THE TYPE OF BOND SET, THE
6 AMOUNT OF ANY SECURED MONETARY CONDITION OF BOND, AND ANY
7 OTHER CONDITIONS OF RELEASE ON BOND".

** ** ** ** **

HB1226_L.023

SENATE COMMITTEE OF REFERENCE AMENDMENT **PASSED**
Committee on **State, Veterans, & Military Affairs.**

HB19-1226 be amended as follows:

1 Amend reengrossed bill, page 18, line 16, strike "**created. (1)**" and
2 substitute "**created - repeal. (1) (a)**".

3 Page 18, line 20, after the period insert "IT IS THE INTENT OF THE GENERAL
4 ASSEMBLY TO APPROPRIATE MONEY TO THE FUND ON AN ANNUAL BASIS.".

5 Page 19, after line 1 insert:

6 "(b) (I) ON JULY 1, 2019, THE STATE TREASURER SHALL TRANSFER
7 ONE MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE OFFENDER
8 SERVICES FUND TO THE PRETRIAL SERVICES CASH FUND.

9 (II) ON JULY 1, 2019, THE STATE TREASURER SHALL TRANSFER ONE
10 MILLION DOLLARS FROM THE GENERAL FUND TO THE PRETRIAL SERVICES
11 CASH FUND, WHICH IS AN AMOUNT EQUAL TO THE AMOUNT BY WHICH THE
12 APPROPRIATION TO THE DEPARTMENT OF CORRECTIONS PAROLE
13 SUBPROGRAM WORK RELEASE PROGRAM IS REDUCED.

14 (III) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE JULY 1,
15 2020.".

16 Page 19, line 14, after the period insert "THE STATE COURT
17 ADMINISTRATOR SHALL PROVIDING FUNDING TO A COUNTY OR COUNTIES
18 WHO REQUEST MONEY TO IMPLEMENT EFFECTIVE PRETRIAL ASSESSMENT
19 AND SUPERVISION PROGRAMS BASED ON CRITERIA DEVELOPED BY THE
20 STATE COURT ADMINISTRATOR.".

HB1226_L.024

SENATE COMMITTEE OF REFERENCE AMENDMENT **LOST**

Committee on State, Veterans, & Military Affairs.

HB19-1226 be amended as follows:

1 Amend reengrossed bill, page 12, after line 15, insert:

2 "(5) UNLESS THE DISTRICT ATTORNEY CONSENTS OR UNLESS THE
3 COURT IMPOSES CERTAIN ADDITIONAL INDIVIDUALIZED CONDITIONS OF
4 RELEASE AS DESCRIBED IN THIS SECTION, A PERSON SHALL NOT BE
5 RELEASED ON AN UNSECURED PERSONAL RECOGNIZANCE BOND PURSUANT
6 TO SUBSECTION (4)(a) OF THIS SECTION IF ONE OF THE FOLLOWING
7 CIRCUMSTANCES EXIST:

8 (a) THE PERSON IS PRESENTLY FREE ON ANOTHER BOND OF ANY
9 KIND IN ANOTHER CRIMINAL ACTION INVOLVING A FELONY OR A CLASS 1
10 MISDEMEANOR;

11 (b) THE PERSON HAS A RECORD OF CONVICTION FOR A CLASS 1
12 MISDEMEANOR WITHIN TWO YEARS PRIOR TO THE BAIL HEARING OR A
13 CONVICTION FOR A FELONY WITHIN FIVE YEARS PRIOR TO THE BAIL
14 HEARING; OR

15 (c) THE PERSON HAS WILFULLY FAILED TO APPEAR ON BOND IN ANY
16 CASE INVOLVING A FELONY OR A CLASS 1 MISDEMEANOR CHARGE IN THE
17 PRECEDING FIVE YEARS.

18 (6) A PERSON MAY NOT BE RELEASED ON AN UNSPECIFIED
19 PERSONAL RECOGNIZANCE BOND IF, AT THE TIME OF SUCH APPLICATION,
20 THE PERSON IS PRESENTLY ON RELEASE UNDER A SURETY BOND FOR A
21 FELONY OR CLASS 1 MISDEMEANOR CHARGE UNLESS THE SURETY ON THE
22 BOND IS NOTIFIED AND AFFORDED AN OPPORTUNITY TO SURRENDER THE
23 PERSON INTO CUSTODY ON SUCH TERMS AS THE COURT DEEMS JUST
24 PURSUANT TO THE PROVISIONS OF THIS SECTION."

25 Renumber succeeding subsections accordingly.

** ** ** ** **

HB1226_L.025

SENATE COMMITTEE OF REFERENCE AMENDMENT **LOST**

Committee on State, Veterans, & Military Affairs.

HB19-1226 be amended as follows:

1 Amend reengrossed bill, page 25, after line 16, insert:

2 "(E) THE VALIDATION OF THE RISK ASSESSMENT INSTRUMENT
3 MUST BE REPORTED PUBLICLY ON STATE COURT ADMINISTRATOR'S
4 WEBSITE AND MUST BE OPEN TO PUBLIC INSPECTION. THE RISK
5 ASSESSMENT INSTRUMENT MUST BE TRANSPARENT, AND ALL DOCUMENTS,
6 RECORDS, ALGORITHMS, DATA, AND INFORMATION USED TO BUILD OR
7 VALIDATE THE RISK ASSESSMENT INSTRUMENT MUST BE OPEN TO THE
8 PUBLIC FOR INSPECTION, AUDITING, AND TESTING."

HB1226_L.026

SENATE COMMITTEE OF REFERENCE AMENDMENT **PASSED**

Committee on State, Veterans, & Military Affairs.
HB19-1226 be amended as follows:

- 1 Amend reengrossed bill, page 3, strike lines 2 through 13.
- 2 Page 4, strike lines 1 through 9.
- 3 Renumber succeeding sections accordingly.

** *** ** *** **

HB1226_L.027

SENATE COMMITTEE OF REFERENCE AMENDMENT **LOST**

Committee on State, Veterans, & Military Affairs.
HB19-1226 be amended as follows:

- 1 Amend reengrossed bill, page 5, line 6, strike "SHALL" and substitute
- 2 "MAY".
- 3 Page 5, line 13, after "PERSONS" insert "WHO ARE CHARGED WITH A
- 4 NON-VIOLENT MISDEMEANOR".
- 5 Page 7, line 23, strike "SHALL FURTHER PRESUME" and substitute "MAY"
- 6 and strike "OF".
- 7 Page 9, line 18, strike "INSTRUMENT" and substitute "INSTRUMENT, IF
- 8 AVAILABLE,".
- 9 Page 13, line 22, strike "SHALL" and substitute "MAY".
- 10 Page 15, line 24, strike "MUST" and substitute "MAY".

** *** ** *** **

HB1226_L.029

SENATE COMMITTEE OF REFERENCE AMENDMENT **PASSED**

Committee on Appropriations.

HB19-1226 be amended as follows:

- 1 Amend the State, Veterans & Military Affairs Committee Report, dated
- 2 April 29, 2019, page 2, line 4, strike "REDUCED." and substitute
- 3 "REDUCED BY SECTION 15 OF HOUSE BILL 19-1226".

- 4 Page 2, line 8, strike "PROVIDING FUNDING" and substitute "PROVIDE
- 5 FUNDING WITHIN AVAILABLE APPROPRIATIONS".

- 6 Page 2, line 11, strike "ADMINISTRATOR." and substitute
- 7 "ADMINISTRATOR, WHICH MUST INCLUDE PRIORITY FOR COUNTIES THAT DO
- 8 NOT HAVE OR ARE UNABLE TO FUND PRETRIAL ASSESSMENT AND
- 9 SUPERVISION PROGRAMS AND A CONSIDERATION OF THE NUMBER OF
- 10 PEOPLE WHO WOULD BE SERVED BY THE PRETRIAL ASSESSMENT AND
- 11 SUPERVISION PROGRAMS.".

** ** ** ** **

HB1226_J.002

SENATE COMMITTEE OF REFERENCE AMENDMENT **PASSED**

Committee on Appropriations.

HB19-1226 be amended as follows:

- 1 Amend reengrossed bill, page 29, after line 21 insert:

- 2 "(2) For the 2019-20 state fiscal year, \$2,500,000 is appropriated
- 3 to the judicial department. This appropriation is from the pretrial services
- 4 cash fund created in section 16-4-106.5 (1), C.R.S. To implement this act,
- 5 the department may use this appropriation for assistance to county pretrial
- 6 programs."

- 7 Page 29, line 22, strike "(2)" and substitute "(3)".

- 8 Page 29, after line 27 insert: