



FY2019 RECOMMENDATION/FY19-PR04 Create a Pretrial Services Alternative for Smaller Jurisdictions [Statutory]

Status: Cannot Implement

Actions/Updates

2020 UPDATE

This recommendation was withdrawn and replaced by a subsequent recommendation. See CCJJ Recommendation FY20-PR #03 (Implement Bail Bond Reform[Statutory]).

2019 UPDATE

This recommendation requires statutory change. This recommendation was included in House Bill 2019-1226 (Bond Reform; Sponsors: Reps. Herod / Sooper & Sen. Lee). The bill was introduced March 8, 2019 and, although it passed in the House and two Senate committees, the bill "died on the calendar" without further action by the Senate at the end of the FY 2019 Legislative Session.

Description

Modify §16-4-106, C.R.S., such that pretrial services shall exist in all counties in Colorado and amend §13-6-201 (1) to conform. A county identified as Class C or D pursuant to §13-6-201, C.R.S., may opt out of state formula funding for the provision of pretrial services and may instead, request that the state judicial department utilize formula funding to provide services on behalf of counties within a judicial district. The recommendation includes these additional elements:

- The judicial department may directly provide services, establish inter-governmental agreements, or contractual agreements necessary to provide services upon request by counties and only upon approval of the Chief Judge of a judicial district.
- In these instances, judicial districts are authorized to use state appropriations to provide pretrial functions upon formal written request by a local government and upon approval of the Chief Judge in each judicial district.
- State judicial shall assure that pretrial services conform to the standards of the State Court Administrators Office and adhere to the underlying purpose of pretrial justice.

Agencies Responsible

Office of the State Court Administrator, Judicial Districts and Courts

Discussion

[The Proposed Statutory Language and additional Recommendation details may be found in the related "Recommendation Text."]

Pretrial Supervision strategies to mitigate risk and increase pretrial success are not available in each county throughout the state. In jurisdictions that have a smaller volume of bails set, developing county-based pretrial programs may not be the most effective service delivery model. State judicial probation departments exist in all 22 Judicial Districts in Colorado and may provide an infrastructure to complete limited pretrial assessment and supervision of pretrial defendants in jurisdictions that do not provide for these services.

(Please see the table in the "Recommendation Text" that organizes counties by A, B, C, D designation for those with or without pretrial supervision services. Also included in the table is the 3-year average of bonds set for each county, based on an analysis prepared by the Division of Criminal Justice, Office of Research and Statistics.)