

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 18-0688.01 Richard Sweetman x4333

HOUSE BILL 18-1081

HOUSE SPONSORSHIP

Benavidez and Lee,

SENATE SPONSORSHIP

Cooke,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIRING THE STATE COURT ADMINISTRATOR TO**
102 **ADMINISTER A DIVISION TO REMIND CRIMINAL DEFENDANTS TO**
103 **APPEAR IN COURT AS SCHEDULED, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN 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>.)

The bill requires the state court administrator to administer a division that is charged with reminding criminal defendants to appear at their scheduled hearings in the county courts and district courts of the

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.

HOUSE
Amended 2nd Reading
April 27, 2018

state. The objective of the division is to significantly reduce the number of defendants who are committed to the custody of a county jail solely as a result of their failure to appear in court.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-3-101, **amend** (1);
3 and **add** (10) as follows:

4 **13-3-101. State court administrator.** (1) There is created,
5 pursuant to section 5 (3) of article VI of the state constitution, the position
6 of state court administrator, who shall be appointed by the justices of the
7 supreme court at such compensation as shall be determined by them. The
8 state court administrator is responsible to the supreme court, and IN
9 ADDITION TO THE DUTIES DESCRIBED WITHIN THIS SECTION, HE OR SHE
10 shall perform ~~such~~ THE duties ~~as~~ assigned to him OR HER by the chief
11 justice and the supreme court.

12 (10) (a) ON AND AFTER JANUARY 1, 2019, IN ACCORDANCE WITH
13 SUBSECTION (2) OF THIS SECTION, THE STATE COURT ADMINISTRATOR
14 SHALL ADMINISTER A COURT REMINDER PROGRAM WITH THE OBJECTIVE TO
15 REMIND CRIMINAL DEFENDANTS IN COUNTY COURTS AND DISTRICT
16 COURTS, EXCEPT FOR THE DENVER COUNTY COURT, TO APPEAR AT EACH
17 OF THEIR SCHEDULED COURT APPEARANCES. THE OBJECTIVE OF SUCH
18 REMINDERS IS TO SIGNIFICANTLY REDUCE THE NUMBER OF CRIMINAL
19 DEFENDANTS WHO ARE COMMITTED TO THE CUSTODY OF A COUNTY JAIL
20 SOLELY AS A RESULT OF THEIR FAILURE TO APPEAR IN COURT.

21 (b) IN ADMINISTERING THE PROGRAM, THE STATE COURT
22 ADMINISTRATOR SHALL PRIORITIZE THE USE OF TEXT MESSAGES TO
23 REMIND CRIMINAL DEFENDANTS WITH THE CAPACITY TO RECEIVE TEXT
24 MESSAGES, UNLESS AND UNTIL A MORE EFFECTIVE TECHNOLOGICAL MEANS

1 OF REMINDING DEFENDANTS BECOMES AVAILABLE. IN ADDITION, OR WHEN
2 A DEFENDANT IS UNABLE TO RECEIVE TEXT MESSAGES, THE STATE COURT
3 ADMINISTRATOR, AT HIS OR HER DISCRETION, MAY ALSO USE TELEPHONIC
4 COMMUNICATIONS, E-MAIL, OR OTHER INTERNET-BASED TECHNOLOGY TO
5 REMIND DEFENDANTS OF COURT DATES.

6 (c) ON AND AFTER SEPTEMBER 1, 2018, THE STATE COURT
7 ADMINISTRATOR SHALL TRACK DATA IN EACH COUNTY COURT AND
8 DISTRICT COURT, EXCEPT FOR THE DENVER COUNTY COURT, CONCERNING
9 THE FAILURE OF CRIMINAL DEFENDANTS TO APPEAR FOR THEIR SCHEDULED
10 COURT APPEARANCES.

11 (d) THE PROGRAM SHALL:

12 (I) PROVIDE TEXT MESSAGE REMINDERS FOR ALL COURT
13 APPEARANCES FOR STATE AND COUNTY CRIMINAL DEFENDANTS WITH THE
14 CAPACITY TO RECEIVE TEXT MESSAGES AND FOR WHOM THE STATE COURT
15 ADMINISTRATOR HAS A WORKING PHONE NUMBER;

16 (II) IDENTIFY EACH INSTANCE IN WHICH A CRIMINAL DEFENDANT
17 RECEIVED A TEXT MESSAGE REMINDER;

18 (III) IDENTIFY CRIMINAL DEFENDANTS WITH UPCOMING COURT
19 APPEARANCES WHO CANNOT BE REACHED BECAUSE THEY LACK THE
20 CAPACITY TO RECEIVE TEXT MESSAGES;

21 (IV) COLLECT DATA CONCERNING THE NUMBER OF CRIMINAL
22 DEFENDANTS WHO FAIL TO APPEAR AT THEIR SCHEDULED COURT
23 APPEARANCES DESPITE HAVING RECEIVED ONE OR MORE REMINDERS;

24 (V) HAVE THE CAPACITY, AT THE DISCRETION OF THE STATE
25 COURT ADMINISTRATOR, TO PROVIDE ADDITIONAL INFORMATION TO
26 CRIMINAL DEFENDANTS CONCERNING THEIR SCHEDULED COURT DATES,
27 WHICH MAY INCLUDE BUT NEED NOT BE LIMITED TO THE LOCATION OF A

1 COURT APPEARANCE; TRANSPORTATION OPTIONS, IF AVAILABLE; CHILD
2 CARE, IF AVAILABLE; AND WHAT A DEFENDANT MAY DO IF THE DEFENDANT
3 IS UNABLE TO ATTEND THE COURT APPEARANCE;

4 (VI) HAVE THE CAPACITY TO SUPPORT PARTNERSHIPS BETWEEN
5 THE STATE COURT ADMINISTRATOR AND LOCAL LAW ENFORCEMENT
6 AGENCIES, LOCAL GOVERNMENTS, AND THE STATE PUBLIC DEFENDER, FOR
7 THE PURPOSES DESCRIBED IN SUBSECTIONS (10)(e), (10)(f), (10)(g), AND
8 (10)(h) OF THIS SECTION; AND

9 (VII) UTILIZE ONE OR MORE PUBLICLY AVAILABLE WEBSITES AT
10 WHICH CRIMINAL DEFENDANTS MAY REQUEST TEXT REMINDERS.

11 (e) THE STATE COURT ADMINISTRATOR MAY PARTNER WITH LOCAL
12 LAW ENFORCEMENT AGENCIES, AT THE STATE COURT ADMINISTRATOR'S
13 AND THE AGENCIES' DISCRETION, TO ALLOW INDIVIDUALS WHO ARE CITED
14 AND RELEASED BY LAW ENFORCEMENT OFFICERS TO RECEIVE TEXT
15 MESSAGE REMINDERS.

16 (f) THE STATE COURT ADMINISTRATOR MAY, AT THE STATE COURT
17 ADMINISTRATOR'S AND EACH LOCAL GOVERNMENT'S DISCRETION, PARTNER
18 WITH LOCAL GOVERNMENTS TO ALLOW CRIMINAL DEFENDANTS IN
19 MUNICIPAL COURTS TO RECEIVE REMINDERS PURSUANT TO THIS
20 SUBSECTION (10). ANY LOCAL GOVERNMENT THAT PARTNERS WITH THE
21 STATE COURT ADMINISTRATOR PURSUANT TO THIS SUBSECTION (10) SHALL
22 PAY ALL COSTS OF SENDING REMINDERS TO CRIMINAL DEFENDANTS,
23 INCLUDING THE COST OF LINKING THE MUNICIPAL COURT DATABASE WITH
24 THE STATE COURT ADMINISTRATOR DATABASE.

25 (g) THE STATE COURT ADMINISTRATOR MAY PARTNER WITH THE
26 STATE PUBLIC DEFENDER, AT THE STATE COURT ADMINISTRATOR'S AND
27 THE STATE PUBLIC DEFENDER'S DISCRETION, TO PROVIDE REMINDERS AND

1 OTHER INFORMATION TO CRIMINAL DEFENDANTS WHOM THE STATE PUBLIC
2 DEFENDER REPRESENTS.

3 (h) THE STATE COURT ADMINISTRATOR, AT HIS OR HER
4 DISCRETION, MAY EXPAND THE PROGRAM TO PROVIDE TEXT MESSAGE
5 REMINDERS TO PROBATIONERS TO REMIND THEM OF TIME-SENSITIVE
6 REQUIREMENTS OF THEIR PROBATION.

7 (i) EACH COUNTY COURT AND DISTRICT COURT, EXCEPT FOR THE
8 DENVER COUNTY COURT, SHALL UTILIZE THE REMINDER SERVICES OF THE
9 STATE COURT ADMINISTRATOR DESCRIBED IN THIS SUBSECTION (10)
10 UNLESS THE COURT HAS ITS OWN PROCEDURE FOR USING TEXT MESSAGING
11 TO REMIND CRIMINAL DEFENDANTS TO APPEAR AT THEIR SCHEDULED
12 COURT APPEARANCES.

13 (j) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION
14 (10), THE DENVER COUNTY COURT IS NOT REQUIRED TO UTILIZE THE
15 PROGRAM.

16 (k) IN ITS ANNUAL REPORT TO THE COMMITTEES OF REFERENCE
17 PURSUANT TO SECTION 2-7-203, THE JUDICIAL DEPARTMENT SHALL
18 INCLUDE INFORMATION CONCERNING THE ACTIVITIES OF THE STATE COURT
19 ADMINISTRATOR PURSUANT TO THIS SUBSECTION (10). TO THE EXTENT
20 PRACTICABLE, THE REPORT MUST INCLUDE:

21 (I) THE NUMBER OF REMINDERS RECEIVED BY CRIMINAL
22 DEFENDANTS IN EACH COUNTY AND EACH JUDICIAL DISTRICT;

23 (II) THE NUMBER OF CRIMINAL DEFENDANTS IN EACH COUNTY AND
24 EACH JUDICIAL DISTRICT WHO FAILED TO APPEAR FOR A COURT HEARING;

25 (III) THE NUMBER OF CRIMINAL DEFENDANTS IN EACH COUNTY
26 AND EACH JUDICIAL DISTRICT WHO RECEIVED A REMINDER FROM THE
27 PROGRAM BUT WHO NONETHELESS FAILED TO APPEAR FOR A COURT

1 HEARING;
2 (IV) ANY OTHER DATA COLLECTED BY THE STATE COURT
3 ADMINISTRATOR THAT THE STATE COURT ADMINISTRATOR DETERMINES TO
4 BE USEFUL TO THE GENERAL ASSEMBLY IN ASSESSING THE EFFECTIVENESS
5 OF THE PROGRAM AT REDUCING THE NUMBER OF CRIMINAL DEFENDANTS
6 WHO FAIL TO APPEAR FOR THEIR COURT APPEARANCES AND REDUCING THE
7 NUMBER OF CRIMINAL DEFENDANTS WHO ARE JAILED FOR FAILURE TO
8 APPEAR AT A COURT APPEARANCE;

9 (V) TO THE EXTENT PRACTICABLE, ANY SAVINGS OR EXPENSES
10 THAT THIS SUBSECTION (10) HAS GENERATED FOR THE STATE; AND

11 (VI) ANY RECOMMENDATION THAT THE STATE COURT
12 ADMINISTRATOR MAY HAVE CONCERNING THE IMPLEMENTATION OF THIS
13 SUBSECTION (10).

14 (l) NOTHING IN THIS SUBSECTION (10) CREATES A RIGHT FOR ANY
15 CRIMINAL DEFENDANT TO RECEIVE A REMINDER FROM THE PROGRAM.

16 (m) IN ADMINISTERING THE PROGRAM, THE STATE COURT
17 ADMINISTRATOR SHALL COMPLY WITH ANY FEDERAL OR STATE LAW THAT
18 REQUIRES THE STATE COURT ADMINISTRATOR TO OBTAIN A PERSON'S
19 CONSENT BEFORE SENDING TEXT MESSAGE REMINDERS TO THE PERSON.

20
21 **SECTION 2. Appropriation.** (1) For the 2018-19 state fiscal
22 year, \$40,000 is appropriated to the judicial department. This
23 appropriation is from the general fund and is based on an assumption that
24 the department will require an additional 0.4 FTE. To implement this act,
25 the department may use this appropriation for general courts
26 administration.

27 (2) For the 2018-19 state fiscal year, \$194,208 is appropriated to

1 the judicial department. This appropriation is from the judicial department
2 information technology cash fund created in section 13-32-114 (1),
3 C.R.S. To implement this act, the department may use this appropriation
4 for information technology infrastructure.

5 **SECTION 3. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2018 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.