

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 22-0344.01 Conrad Imel x2313

SENATE BILL 22-041

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A BILL FOR AN ACT

101 **CONCERNING INCREASING PRETRIAL RELEASE REQUIREMENTS FOR**
102 **CERTAIN CRIMINAL DEFENDANTS.**

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>.)

Current law prohibits a court from releasing a person on an unsecured personal recognizance bond without consent of the district attorney or unless the court imposes certain additional individualized conditions of release if the person is presently free on another bond of any kind in another criminal action involving a felony or a class 1 misdemeanor, has a record of conviction of a class 1 misdemeanor within

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.

2 years or a felony within 5 years, has willfully failed to appear on bond in any case involving a felony or a class 1 misdemeanor charge in the preceding 5 years (collectively, persons accused of repeat or violent offenses). The bill removes the provisions regarding district attorney consent and additional conditions of release and prohibits a court from releasing a person accused of repeat or violent offenses on any unsecured personal recognizance bond. The bill adds to persons accused of repeat or violent offenses a person who is accused of committing a crime of violence and the court finds probable cause to believe that the person has committed the offense.

Existing law requires any monetary condition of pre-trial release to be reasonable. The bill clarifies that for a person accused of repeat or violent offenses, a reasonable monetary condition is at least \$7,500.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-4-104, **amend** (2)
3 introductory portion, (2)(b), and (2)(c); and **add** (2)(d) as follows:

4 **16-4-104. Types of bond set by the court.** (2) ~~Unless the district~~
5 ~~attorney consents or unless the court imposes certain additional~~
6 ~~individualized conditions of release as described in section 16-4-105; A~~
7 ~~person must not be released on an unsecured personal recognizance bond~~
8 ~~pursuant to paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) OR (1)(b)
9 of this section under the following circumstances:

10 (b) The person has a record of conviction of a class 1
11 misdemeanor within two years or a felony within five years, prior to the
12 bail hearing; or

13 (c) The person has willfully failed to appear on bond in any case
14 involving a felony or a class 1 misdemeanor charge in the preceding five
15 years; OR

16 (d) THE PERSON IS ACCUSED OF COMMITTING A CRIME OF VIOLENCE
17 AS DEFINED IN SECTION 18-1.3-406 (2) AND THE COURT FINDS THAT THE
18 AFFIDAVIT FOR ARREST ESTABLISHES PROBABLE CAUSE TO BELIEVE THAT

1 THE PERSON HAS COMMITTED THE OFFENSE.

2 **SECTION 2.** In Colorado Revised Statutes, 16-4-103, **amend**
3 (4)(a) as follows:

4 **16-4-103. Setting and selection type of bond - criteria.**

5 (4) When the type of bond and conditions of release are determined by
6 the court, the court shall:

7 (a) Presume that all persons in custody are eligible for release on
8 bond with the appropriate and least-restrictive conditions consistent with
9 ~~provisions in paragraph (a) of subsection (3)~~ SUBSECTION (3)(a) of this
10 section unless a person is otherwise ineligible for release pursuant to the
11 provisions of section 16-4-101 and section 19 of article II of the Colorado
12 constitution. A monetary condition of release must be reasonable, and any
13 other condition of conduct not mandated by statute must be tailored to
14 address a specific concern. FOR A PERSON DESCRIBED IN SECTION
15 16-4-104 (2)(a) TO (2)(d), A REASONABLE MONETARY CONDITION OF
16 RELEASE IS AT LEAST SEVEN THOUSAND FIVE HUNDRED DOLLARS.

17 **SECTION 3. Act subject to petition - effective date -**
18 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
19 the expiration of the ninety-day period after final adjournment of the
20 general assembly; except that, if a referendum petition is filed pursuant
21 to section 1 (3) of article V of the state constitution against this act or an
22 item, section, or part of this act within such period, then the act, item,
23 section, or part will not take effect unless approved by the people at the
24 general election to be held in November 2022 and, in such case, will take
25 effect on the date of the official declaration of the vote thereon by the
26 governor.

1 (2) This act applies to offenses committed on or after the
2 applicable effective date of this act.