

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB21-1280 be amended as follows:

1 Amend printed bill, page 9, after line 26 insert:

2 "SECTION 2. In Colorado Revised Statutes, 16-4-104, **add** (5),  
3 (6), (7), and (8) as follows:

4 **16-4-104. Types of bond set by the court.** (5) AT THE INITIAL  
5 HEARING, THE PERSON HAS THE RIGHT TO BE REPRESENTED BY AN  
6 ATTORNEY AND THE COURT SHALL ADVISE THE PERSON OF THE POSSIBLE  
7 CHARGES, PENALTIES, AND THE PERSON'S RIGHTS AS SPECIFIED IN RULE 5  
8 OF THE COLORADO RULES OF CRIMINAL PROCEDURE, UNLESS WAIVED BY  
9 THE PERSON. THE COURT SHALL NOTIFY THE PUBLIC DEFENDER OF EACH  
10 PERSON IN CUSTODY BEFORE THE INITIAL HEARING, AND EACH PERSON IN  
11 CUSTODY HAS THE RIGHT TO BE REPRESENTED BY A PUBLIC DEFENDER AT  
12 THE HEARING. THE COURT SHALL PROVIDE THE PERSON'S ATTORNEY  
13 SUFFICIENT TIME TO PREPARE FOR AND PRESENT AN INDIVIDUALIZED  
14 ARGUMENT REGARDING THE TYPE OF BOND AND CONDITIONS OF RELEASE  
15 AT THE INITIAL HEARING, CONSISTENT WITH THE COURT'S DOCKET AND  
16 SCHEDULING PRIORITIES.

17 (6) THE PROSECUTING ATTORNEY HAS THE RIGHT TO BE NOTIFIED  
18 OF EACH PERSON SET FOR INITIAL HEARING, TO APPEAR AT ALL INITIAL  
19 HEARINGS TO PROVIDE HIS OR HER POSITION REGARDING THE TYPE OF  
20 BOND AND CONDITIONS OF RELEASE, AND SHALL BE PROVIDED SUFFICIENT  
21 TIME BY THE COURT TO PREPARE FOR AND PRESENT ANY RELEVANT  
22 ARGUMENT, CONSISTENT WITH THE COURT'S DOCKET AND SCHEDULING  
23 PRIORITIES.

24 (7) PRIOR TO THE INITIAL HEARING, ANY PRETRIAL SERVICES  
25 AGENCY OPERATING IN THAT COUNTY, OR ANY OTHER AGENCY THAT  
26 REPORTS TO THE COURT, THAT HAS CONDUCTED A PRETRIAL RELEASE  
27 ASSESSMENT OR GATHERED INFORMATION FOR THE COURT'S  
28 CONSIDERATION AT THE INITIAL HEARING SHALL PROVIDE TO THE  
29 PROSECUTION AND THE PERSON'S ATTORNEY ALL INFORMATION PROVIDED  
30 TO THE COURT REGARDING THE PERSON IN CUSTODY, WHICH SHALL  
31 INCLUDE, IF PROVIDED, THE ARREST WARRANT, THE PROBABLE CAUSE  
32 STATEMENT, AND THE PERSON'S CRIMINAL HISTORY.

33 (8) THE SHERIFF'S OFFICE AND JAIL PERSONNEL SHALL PROVIDE THE  
34 PUBLIC DEFENDER'S OFFICE OR PRIVATE COUNSEL ACCESS TO THE PERSON  
35 WHO WILL BE APPEARING AT THE HEARING AND SHALL ALLOW SUFFICIENT  
36 TIME WITH THE PERSON PRIOR TO THE HEARING IN ORDER TO PREPARE FOR  
37 THE INITIAL HEARING."

38 Renumber succeeding sections accordingly.

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