

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

BILLPAPER

LLS NO. 21-0386.01

HOUSE BILL

CONFIDENTIAL
FOR FISCAL NOTE PURPOSES ONLY

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ASSIST DEFENDANTS IN SECURING RELEASE**
102 **FROM JAIL THROUGH THE BONDING PROCESS.**

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 a court to hold a bond setting hearing within 48 hours after an arrestee's arrival at a jail or holding center beginning on October 1, 2021.

The bill ensures that in a case in which cash bond is set, the defendant can have the bond posted by surety.

Under current law, a person is allowed to post bond within 2 hours

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.

after the sheriff receives the bond information. If the sheriff cannot comply with that requirement, the sheriff shall inform the defendant and any person posting bond on behalf of the defendant of the reason for the delay. The bill states a bond may be paid at a minimum by cash, money order, or cashier's check. The bill requires that after a bond has been paid, the defendant and surety, if any, receive a copy of the bond paperwork, a notice of rights related to bonding, and information regarding the defendant's next court date. The bill requires each jurisdiction to establish a way to pay bond online by January 1, 2022. The bill states that a bond is posted when the surety or defendant pays the bond as evidenced by the time stamp on the bond or bond receipt.

Each sheriff shall post a notice of rights related to bonding on the sheriff's website, including information about how to file a complaint for violations. The sheriff shall include the notice in the inmate handbook and must provide the notice free of charge to anyone requesting a copy. The sheriff shall post a notice that contains the bonding information in the common area of the jail in a location clearly visible to the inmates and clearly visible in the public portion of the jail where a person posts bond.

By October 1, 2021, each sheriff shall:

- Create written policies to comply with statutory bonding requirements;
- Review and update the sheriff's website, signage, paperwork, and forms related to bonding to reflect current law; and
- File a certificate of compliance with the statutory bonding provisions with the peace officers standards and training board.

In the case of multiple documented failures to comply with the statutory bonding provisions, the state or any agency of the state may deny any funding request of the sheriff.

The bill creates a right of recovery for a person who was injured by a failure to comply with the statutory bonding provisions. A successful plaintiff can receive compensatory damages of \$10,000 per violation and, if the person's release from jail was delayed by the noncompliance, damages in an amount of at least \$100 per hour delayed or actual damages, whichever is more, and attorney fees.

The bill creates the position of a bond hearing officer to conduct bond hearings on weekends and holidays throughout the state using audiovisual technology. The bond hearing officer conducts bond hearings throughout the state in the counties that request the service of the bond hearing officer. The public will be able to view the hearings.

1 **SECTION 1.** In Colorado Revised Statutes, 16-4-102, **amend**
2 (2)(a), (2)(b), and (2)(e); and **add** (2)(a.5), (2)(h), (2)(i), and (2)(j) as
3 follows:

4 **16-4-102. Right to bail - before conviction.** (2) (a) (I) ~~The chief~~
5 ~~judge of each judicial district shall develop, in conjunction with~~
6 ~~representatives from sheriffs' offices, public defenders' offices, district~~
7 ~~attorneys' offices, county commissioners, and any other agencies~~
8 ~~determined necessary by the chief judge, a plan for setting bond for all~~
9 ~~in-custody defendants within forty-eight hours of arrest. In developing the~~
10 ~~plan, the county commissioners, sheriffs, and district attorneys shall~~
11 ~~provide the chief judge cost estimates of feasibility as well as any~~
12 ~~potential savings from the proposal, including jail bed costs and savings.~~
13 ~~In developing the plan, the chief judge shall evaluate the potential of~~
14 ~~utilizing new or existing audiovisual conference technology. In areas~~
15 ~~where a lack of broadband coverage makes audiovisual conferencing~~
16 ~~impossible or unreliable, the chief judge may evaluate the potential of~~
17 ~~utilizing telephonic hearings. No later than November 1, 2019, the state~~
18 ~~court administrator's office shall report to the judiciary committees of the~~
19 ~~house of representatives and the senate, or any successor committees, the~~
20 ~~plans for all twenty-two judicial districts, not including the Denver county~~
21 ~~court. The report must include an estimate of resources necessary to~~
22 ~~implement this subsection (2)(a)~~ THE ARRESTING JURISDICTION SHALL
23 BRING AN IN-CUSTODY ARRESTEE BEFORE A COURT FOR BOND SETTING AS
24 SOON AS PRACTICABLE, BUT NO LATER THAN FORTY-EIGHT HOURS AFTER
25 AN ARRESTEE ARRIVES AT A JAIL OR HOLDING FACILITY. A JUDGE,
26 MAGISTRATE, OR BOND HEARING OFFICER SHALL HOLD A HEARING WITH AN
27 IN-CUSTODY ARRESTEE AT WHICH THE COURT SHALL ENTER AN

1 INDIVIDUALIZED BOND ORDER AS SOON AS PRACTICABLE, BUT NO LATER
2 THAN FORTY-EIGHT HOURS AFTER AN ARRESTEE ARRIVES AT A JAIL OR
3 HOLDING FACILITY. NOTWITHSTANDING THE REQUIREMENT FOR BOND
4 SETTING WITHIN FORTY-EIGHT HOURS, IT IS NOT A VIOLATION OF THIS
5 SECTION IF A BOND HEARING IS NOT HELD WITHIN FORTY-EIGHT HOURS
6 WHEN THE DELAY IS CAUSED BY AN EMERGENCY THAT REQUIRES THE
7 COURT TO CLOSE OR CIRCUMSTANCES IN WHICH THE DEFENDANT REFUSES
8 TO ATTEND COURT, IS UNABLE TO ATTEND COURT DUE TO A DEBILITATING
9 PHYSICAL AILMENT, OR IS INCOMPETENT TO PROCEED DUE TO DRUG OR
10 ALCOHOL USE OR MENTAL ILLNESS. USE OF AUDIOVISUAL CONFERENCING
11 TECHNOLOGY IS PERMISSIBLE TO EXPEDITE BOND SETTING HEARINGS.
12 WHEN HIGH-SPEED INTERNET ACCESS IS UNAVAILABLE, MAKING
13 AUDIOVISUAL CONFERENCING IMPOSSIBLE, THE COURT MAY CONDUCT THE
14 HEARING TELEPHONICALLY.

15 (II) THIS SUBSECTION (2)(a) APPLIES ONLY TO THE INITIAL BOND
16 SETTING BY A JUDGE.

17 (III) THIS SUBSECTION (2)(a) APPLIES TO AN ARRESTEE WHO WAS
18 ARRESTED ON OR AFTER OCTOBER 1, 2021.

19 (a.5) IN A CASE IN WHICH CASH BOND IS SET, THE DEFENDANT HAS
20 A RIGHT TO HAVE THE BOND POSTED BY SURETY. A COURT SHALL NOT
21 PROHIBIT OR LIMIT A SURETY FROM POSTING A CASH BOND.

22 (b) (I) Unless extraordinary circumstances exist, a defendant, a
23 surety on behalf of the defendant, or another third party on behalf of the
24 defendant must be allowed to post bond within two hours after the sheriff
25 receives the bond information from the court. IF A PERSON IS NOT
26 PERMITTED TO POST BOND WITHIN TWO HOURS AFTER THE SHERIFF
27 RECEIVES THE BOND INFORMATION, THE SHERIFF SHALL INFORM THE

1 DEFENDANT AND ANY PERSON POSTING BOND ON BEHALF OF THE
2 DEFENDANT THE REASON FOR THE DELAY AND SHALL DOCUMENT THE
3 REASONS FOR THE DELAY IN THE DEFENDANT'S FILE. BOND MAY BE PAID,
4 AT A MINIMUM, BY CASH, MONEY ORDER, OR CASHIER'S CHECK. IF BOND IS
5 PAID BY MONEY ORDER OR CASHIER'S CHECK, THE MONEY ORDER OR
6 CASHIER'S CHECK MAY BE PAYABLE TO THE HOLDING COUNTY. BEFORE
7 BOND IS POSTED, THE SHERIFF SHALL PROVIDE THE DEFENDANT AND
8 SURETY, IF ANY, A COPY OF THE NOTICE DESCRIBED IN SUBSECTION
9 (2)(h)(I) OF THIS SECTION. WHEN THE BOND IS POSTED, THE SHERIFF SHALL
10 PROVIDE THE DEFENDANT AND SURETY, IF ANY, A COPY OF THE BOND
11 PAPERWORK AND INFORMATION REGARDING THE DEFENDANT'S NEXT
12 COURT DATE. THE INDIVIDUAL PROCESSING THE BOND SHALL CERTIFY, IN
13 WRITING, THAT THE PAYOR RECEIVED A COPY OF THE BOND PAPERWORK,
14 THE NOTICE DESCRIBED IN SUBSECTION (2)(h)(I) OF THIS SECTION, AND
15 INFORMATION REGARDING THE DEFENDANT'S NEXT COURT DATE AND
16 SHALL PLACE A COPY OF THE CERTIFICATION IN THE DEFENDANT'S FILE.
17 Notwithstanding the provisions of this section, a sheriff may allow an
18 individual to choose to stay in jail overnight after release when
19 extenuating circumstances exist, including inclement weather, lack of
20 transportation, or lack of shelter.

21 (II) BY JANUARY 1, 2022, EACH JAIL SHALL ESTABLISH A MEANS
22 TO PAY BOND ONLINE WITHOUT THE NEED FOR THE PAYOR TO GO TO THE
23 JAIL IN PERSON TO PAY BOND.

24 (e) Unless extraordinary circumstances exist, the custodian of a
25 jail shall release a defendant as soon as practicable but no later than four
26 hours after the defendant is physically present in the jail and the
27 defendant's bond has been posted. IF THE CUSTODIAN FAILS TO RELEASE

1 THE DEFENDANT WITHIN FOUR HOURS AFTER THE BOND HAS BEEN POSTED,
2 THE CUSTODIAN SHALL INFORM THE DEFENDANT AND ANY PERSON
3 POSTING BOND ON BEHALF OF THE DEFENDANT THE REASON FOR THE
4 DELAY AND SHALL DOCUMENT THE REASON FOR DELAY IN THE
5 DEFENDANT'S FILE. BOND HAS BEEN POSTED WHEN THE DEFENDANT OR
6 SURETY PAYS OR POSTS THE BOND AS INDICATED ON THE BONDING
7 PAPERWORK. A supervisory condition of release does not serve as a legal
8 basis to continue to detain the defendant; except that, if the defendant is
9 ordered released upon condition of being subject to electronic monitoring,
10 the defendant may be held up to as long as practicable but no longer than
11 twenty-four hours after the defendant is physically present in the jail and
12 the defendant's bond has been posted, if such delay is necessary to ensure
13 the defendant is fitted with electronic monitoring and the court has
14 authorized the defendant to be held until the electronic monitor is fitted.
15 If the court orders electronic monitoring for the protection of a specific
16 individual, and the defendant is ordered to have no contact with that
17 specific individual, and the judge orders that the defendant not be
18 released without electronic monitoring based on finding that the
19 electronic monitoring is necessary for public safety, then the time limits
20 regarding release of the defendant in this ~~subsection~~ SUBSECTION (2)(e)
21 do not apply. However, if a defendant is held more than twenty-four
22 hours after posting bond awaiting electronic monitoring fitting, the sheriff
23 shall bring the defendant to the court the next day the court is in session
24 and explain the reason for the delay.

25 (h) (I) (A) EACH SHERIFF SHALL POST THE FOLLOWING NOTICE OF
26 RIGHTS ON THE SHERIFF'S WEBSITE AND INFORMATION ABOUT HOW TO FILE
27 A COMPLAINT ABOUT VIOLATIONS OF SUBSECTIONS (2)(b) TO (2)(g) OF

1 THIS SECTION:

2 **LEGAL RIGHTS RELATED TO POSTING MONEY BOND**

3 **PURSUANT TO SECTION 16-4-102, COLORADO REVISED STATUTES**

4 1. **BOND FEES, BOOKING FEES, AND OTHER FEES OR**
5 **DEBTS NEVER NEED TO BE PAID TO SECURE A PERSON'S**
6 **RELEASE ON MONEY BOND. A PAYOR NEED ONLY PAY THE**
7 **BOND AMOUNT IN ORDER TO SECURE RELEASE.**

8 2. **WHILE NEVER A BASIS TO HOLD A DEFENDANT IN**
9 **JAIL, THE FOLLOWING FEES ARE CHARGEABLE AS A DEBT TO**
10 **THE DEFENDANT AFTER RELEASE IF THE PAYOR CHOOSES**
11 **NOT TO PAY THE FEES AT THE TIME OF BONDING: A \$10**
12 **BOND FEE AND A MAXIMUM 3.5% CREDIT CARD PAYMENT**
13 **FEE. NO OTHER BOND-RELATED FEES MAY BE CHARGED AT**
14 **ANY TIME, INCLUDING ANY KIOSK FEES OR FEES FOR**
15 **PAYMENT BY CASH, CHECK, OR MONEY ORDER.**

16 3. **BOND PAYMENTS ARE TO BE MADE OUT TO THE**
17 **HOLDING COUNTY AND ARE NEVER TO BE MADE OUT IN THE**
18 **NAME OF THE INCARCERATED PERSON.**

19 4. **A SHERIFF MUST ALLOW DEFENDANTS AND**
20 **SURETIES TO POST BOND WITHIN TWO HOURS AFTER**
21 **BOND IS SET IF THE DEFENDANT IS PHYSICALLY PRESENT IN**
22 **THE JAIL, UNLESS EXTRAORDINARY CIRCUMSTANCES EXIST.**
23 **IN THE EVENT OF A DELAY OF MORE THAN TWO HOURS, A**
24 **SURETY AND THE DEFENDANT HAVE A RIGHT TO KNOW**
25 **WHAT, IF ANY, EXTRAORDINARY CIRCUMSTANCE IS CAUSING**
26 **THE DELAY.**

27 5. **A SHERIFF MUST RELEASE A DEFENDANT WITHIN**

1 **FOUR HOURS AFTER POSTING BOND,** UNLESS
2 EXTRAORDINARY CIRCUMSTANCES EXIST. IN THE EVENT OF
3 A DELAY OF MORE THAN FOUR HOURS, A SURETY AND THE
4 DEFENDANT HAVE A RIGHT TO KNOW WHAT, IF ANY,
5 EXTRAORDINARY CIRCUMSTANCE IS CAUSING THE DELAY.
6 SUPERVISORY CONDITIONS OF RELEASE DO NOT JUSTIFY A
7 DELAY IN RELEASE; EXCEPT THAT A SHERIFF MAY HOLD A
8 DEFENDANT FOR UP TO 24 HOURS IF NECESSARY TO ENSURE
9 A DEFENDANT IS FITTED WITH REQUIRED ELECTRONIC
10 MONITORING.

11 6. ANYONE WHO POSTS A MONEY BOND HAS THE RIGHT
12 TO RECEIVE A COPY OF THE BOND PAPERWORK, INCLUDING
13 ANY DOCUMENTATION OF THE NEXT UPCOMING COURT
14 DATE.

15 7. **A SURETY MAY NEVER BE ASKED TO USE POSTED**
16 **BOND MONEY TO PAY A DEFENDANT'S DEBTS.** ONLY WHEN
17 DEFENDANTS HAVE POSTED THEIR OWN MONEY BOND MAY
18 THEY BE ASKED IF THEY WOULD LIKE TO VOLUNTARILY
19 RELINQUISH BOND MONEY TO PAY THEIR DEBTS.
20 RELINQUISHMENT OF BOND MONEY BY A DEFENDANT TO
21 PAY A DEBT IS NEVER REQUIRED AND IS ENTIRELY A
22 VOLUNTARY CHOICE BY THE DEFENDANT.

23 (B) THE NOTICE DESCRIBED IN THIS SUBSECTION (2)(h)(I) MUST
24 INCLUDE INFORMATION ABOUT HOW TO FILE A COMPLAINT ABOUT
25 VIOLATIONS OF THESE PROVISIONS.

26 (II) THE SHERIFF SHALL INCLUDE THE NOTICE DESCRIBED IN
27 SUBSECTION (2)(h)(I) OF THIS SECTION IN THE INMATE HANDBOOK. THE

1 NOTICE MUST ALSO BE AVAILABLE AT THE BONDING COUNTER AND
2 PROVIDED TO ANY INDIVIDUAL, INCLUDING A DEFENDANT, INQUIRING
3 ABOUT POSTING BOND.

4 (i) EACH SHERIFF SHALL POST A NOTICE BOTH IN THE COMMON
5 AREA OF THE JAIL IN A LOCATION CLEARLY VISIBLE TO THE INMATES AND
6 IN THE PUBLIC PORTION OF THE JAIL WHERE A PERSON POSTS BOND,
7 CLEARLY VISIBLE TO A PERSON POSTING BOND, THAT CONTAINS THE
8 FOLLOWING INFORMATION:

9 (I) BOND FEES, BOOKING FEES, AND OTHER FEES OR DEBTS NEVER
10 NEED TO BE PAID TO SECURE A PERSON'S RELEASE ON MONEY BOND. A
11 PAYOR NEED ONLY PAY THE BOND AMOUNT IN ORDER TO SECURE RELEASE.

12 (II) THE SHERIFF SHALL ALLOW DEFENDANTS AND SURETIES TO
13 POST BOND WITHIN TWO HOURS AFTER BOND IS SET AND THE DEFENDANT
14 IS PHYSICALLY PRESENT IN THE JAIL, UNLESS EXTRAORDINARY
15 CIRCUMSTANCES EXIST;

16 (III) THE SHERIFF SHALL RELEASE A DEFENDANT WITHIN FOUR
17 HOURS AFTER POSTING BOND, UNLESS EXTRAORDINARY CIRCUMSTANCES
18 EXIST. HOWEVER, A SHERIFF MAY HOLD A DEFENDANT FOR UP TO
19 TWENTY-FOUR HOURS IF NECESSARY TO ENSURE A DEFENDANT IS FITTED
20 WITH REQUIRED ELECTRONIC MONITORING.

21 (IV) HOW TO FILE A COMPLAINT ABOUT VIOLATIONS OF
22 SUBSECTIONS (2)(i)(I) TO (2)(i)(III) OF THIS SECTION.

23 (j) (I) EACH SHERIFF SHALL CREATE WRITTEN POLICIES TO COMPLY
24 WITH THIS SUBSECTION (2) BY OCTOBER 1, 2021. THE SHERIFF SHALL POST
25 THE POLICIES ON THE SHERIFF'S WEBSITE AND DISTRIBUTE THEM TO ALL
26 STAFF. THE SHERIFF SHALL TRAIN ALL STAFF WHO PROCESS BONDS OR
27 INTERACT WITH INMATES ON THE POLICIES.

1 (II) EACH SHERIFF SHALL REVIEW AND UPDATE THE SHERIFF'S
2 WEBSITE, SIGNAGE, PAPERWORK, AND FORMS RELATED TO BONDING TO
3 REFLECT CURRENT LAW BY OCTOBER 1, 2021, AND UPDATE THE SHERIFF'S
4 WEBSITE, SIGNAGE, PAPERWORK, AND FORMS RELATED TO BONDING AS
5 NECESSARY THEREAFTER.

6 (III) EACH SHERIFF SHALL FILE A CERTIFICATE OF COMPLIANCE
7 WITH THIS SUBSECTION (2), A COPY OF THE WRITTEN POLICIES REQUIRED
8 BY SUBSECTION (2)(j)(I) OF THIS SECTION, AND THE NOTICES REQUIRED BY
9 SUBSECTION (2)(h)(I)(A) AND (2)(i) OF THIS SECTION WITH THE PEACE
10 OFFICERS STANDARDS AND TRAINING BOARD, REFERRED TO IN THIS
11 SUBSECTION (2)(j) AS THE P.O.S.T. BOARD, BY OCTOBER 1, 2021, AND
12 EACH OCTOBER 1 THEREAFTER. COPIES OF THE POLICIES AND NOTICES
13 ONLY HAVE TO BE PROVIDED WHEN UPDATED. THE SHERIFF SHALL USE THE
14 CERTIFICATE OF COMPLIANCE FORM DEVELOPED BY THE P.O.S.T. BOARD
15 PURSUANT TO SECTION 24-31-303 (1)(s).

16 (IV) IN THE CASE OF MULTIPLE DOCUMENTED FAILURES TO
17 COMPLY WITH THIS SUBSECTION (2) BY A SHERIFF'S OFFICE, THE STATE OR
18 ANY AGENCY OF THE STATE MAY DENY ANY FUNDING REQUEST MADE BY
19 THE SHERIFF.

20 **SECTION 2.** In Colorado Revised Statutes, **add** 13-21-133 as
21 follows:

22 **13-21-133. Civil liability for sheriff's failure to comply with**
23 **requirements in bonding.** (1) NOTWITHSTANDING ANY OTHER
24 REMEDIES, A PERSON OR CLASS OF PERSONS WHO HAS BEEN INJURED BY A
25 VIOLATION OF SECTION 16-4-102 (2) HAS A RIGHT OF RECOVERY AGAINST
26 THE SHERIFF WHOSE OFFICE VIOLATED SECTION 16-4-102 (2).

27 (2) IF A PERSON VIOLATES SECTION 16-4-102 (2), UNDER THE

1 COLOR OF LAW, THE AGGRIEVED PERSON MAY SUBMIT A REQUEST IN
2 WRITING TO THE SHERIFF'S OFFICE SETTING FORTH THE FACTS OF THE
3 INCIDENT AND AN ESTIMATE OF THE DAMAGES AND PENALTY OWED. UPON
4 RECEIPT OF THE REQUEST, THE SHERIFF'S OFFICE HAS THIRTY DAYS TO
5 EITHER PAY THE AGGRIEVED PERSON THE AMOUNT REQUESTED OR ISSUE
6 A DENIAL OF THE REQUEST IN WRITING.

7 (3) (a) IF A DENIAL OF CLAIM IS ISSUED BY THE SHERIFF'S OFFICE
8 PURSUANT TO SUBSECTION (2) OF THIS SECTION AND THE AGGRIEVED
9 PERSON DISAGREES WITH THE DENIAL, THE PERSON MAY BRING A CIVIL
10 ACTION AGAINST THE SHERIFF'S OFFICE FOR LEGAL OR EQUITABLE RELIEF
11 OR ANY OTHER APPROPRIATE RELIEF AS FOLLOWS:

12 (I) A PENALTY OF FIVE HUNDRED DOLLARS FOR EACH VIOLATION
13 OR ACTUAL DAMAGES, IF ANY, WHICHEVER IS GREATER; AND

14 (II) IF THE VIOLATION CAUSED INCREASED TIME IN DETENTION, A
15 PENALTY OF ONE THOUSAND DOLLARS PER DAY OF INCREASED DETENTION
16 OR ACTUAL DAMAGES, IF ANY, WHICHEVER IS GREATER. THE COURT MAY
17 ORDER PUNITIVE DAMAGES FOR WILLFUL AND WANTON VIOLATIONS.

18 (b) IN ANY ACTION BROUGHT PURSUANT TO THIS SECTION, A COURT
19 SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO A PREVAILING
20 PLAINTIFF. WHEN A JUDGMENT IS ENTERED IN FAVOR OF A DEFENDANT,
21 THE COURT MAY AWARD REASONABLE COSTS AND ATTORNEY FEES TO THE
22 DEFENDANT FOR DEFENDING ANY CLAIMS THE COURT FINDS FRIVOLOUS.

23 **SECTION 3.** In Colorado Revised Statutes, **add** 16-4-116 as
24 follows:

25 **16-4-116. Bond hearing officer.** (1) (a) THERE IS CREATED IN
26 THE STATE COURT ADMINISTRATOR'S OFFICE THE POSITION OF THE BOND
27 HEARING OFFICER. THE BOND HEARING OFFICER IS APPOINTED BY THE

1 STATE COURT ADMINISTRATOR AND MUST BE A QUALIFIED
2 ATTORNEY-AT-LAW ADMITTED TO PRACTICE IN THIS STATE AND IN GOOD
3 STANDING.

4 (b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
5 CONTRARY, THE BOND HEARING OFFICER HAS THE AUTHORITY TO
6 CONDUCT BOND HEARINGS FOR ANY JURISDICTION IN THE STATE. THE
7 BOND HEARING OFFICER SHALL CONDUCT BOND HEARINGS ON WEEKENDS
8 AND HOLIDAYS USING AN INTERACTIVE AUDIOVISUAL DEVICE THAT
9 PROVIDES THE PUBLIC WITH THE OPPORTUNITY TO VIEW THE HEARING AND
10 THE CRIME VICTIM, IF ANY, WITH AN OPPORTUNITY TO PARTICIPATE IN THE
11 HEARING IF DESIRED.

12 (2) (a) (I) EACH JUDICIAL DISTRICT THAT CONTAINS A COUNTY
13 THAT IS DESIGNATED AS A HIGH PRIORITY OR ELIGIBLE COUNTY BY THE
14 UNDERFUNDED COURTHOUSE FACILITY CASH FUND COMMISSION, CREATED
15 IN SECTION 13-1-303, HAS THE RIGHT TO HAVE THE BOND HEARING
16 OFFICER CONDUCT WEEKEND AND HOLIDAY BOND HEARINGS. THE CHIEF
17 JUDGE OF THE JUDICIAL DISTRICT SHALL NOTIFY THE STATE COURT
18 ADMINISTRATOR IF THE JUDICIAL DISTRICT WANTS TO HAVE THE BOND
19 HEARING OFFICER CONDUCT BOND HEARINGS ON A WEEKEND OR HOLIDAY.

20 (II) IF ANY OTHER JUDICIAL DISTRICT WANTS TO HAVE THE BOND
21 HEARING OFFICER CONDUCT BOND HEARINGS, THE CHIEF JUDGE OF THE
22 JUDICIAL DISTRICT SHALL NOTIFY THE STATE COURT ADMINISTRATOR. THE
23 STATE COURT ADMINISTRATOR SHALL DETERMINE WHICH JUDICIAL
24 DISTRICTS NOT SUBJECT TO SUBSECTION (2)(a)(I) OF THIS SECTION THE
25 BOND HEARING OFFICER CAN SERVE WITHIN AVAILABLE RESOURCES.

26 (b) THE STATE COURT ADMINISTRATOR SHALL POST A SCHEDULE
27 FOR THE BOND HEARINGS TO BE HELD BY THE BOND HEARING OFFICER ON

1 ITS WEBSITE.

2 **SECTION 4.** In Colorado Revised Statutes, 24-31-303, **amend**
3 (1)(q); and **add** (1)(s) and (1)(t) as follows:

4 **24-31-303. Duties - powers of the P.O.S.T. board.** (1) The
5 P.O.S.T. board has the following duties:

6 (q) To develop a recruitment program that creates a diversified
7 applicant pool for appointments to the P.O.S.T. board and the subject
8 matter expertise committees; ~~and~~

9 (s) TO DEVELOP THE CERTIFICATE OF COMPLIANCE REQUIRED BY
10 SECTION 16-4-102 (2)(j)(III) THAT INCLUDES SPECIFIC CERTIFICATIONS
11 FOR:

12 (I) POSTING THE NOTICES REQUIRED BY SECTION 16-4-102
13 (2)(h)(I)(A) AND (2)(i) FOR INMATES AND THE PUBLIC TO SEE;

14 (II) CREATION AND PROVISION OF THE NOTICE REQUIRED BY
15 SECTION 16-4-102 (2)(h);

16 (III) CREATION AND TRAINING ON THE WRITTEN POLICIES
17 REQUIRED BY SECTION 16-4-102 (2)(j)(I); AND

18 (IV) TIMELY UPDATES REQUIRED BY SECTION 16-4-102 (2)(j)(II);
19 AND

20 (t) MAINTAIN A DATABASE OF THE CERTIFICATES OF COMPLIANCE
21 FILED BY A SHERIFF PURSUANT TO SECTION 16-4-102 (2)(j)(III).

22 **SECTION 5. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly; except
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V
26 of the state constitution against this act or an item, section, or part of this
27 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2022 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.