

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 09-0780.01 Michael Dohr

HOUSE BILL 09-1262

HOUSE SPONSORSHIP

Casso,

SENATE SPONSORSHIP

Morse,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ISSUANCE OF A SUMMONS INSTEAD OF AN ARREST**
102 **WARRANT IN CERTAIN CIRCUMSTANCES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Permits the issuance of a summons instead of an arrest warrant for certain crimes without the consent of the district attorney. Prohibits the court from issuing a summons instead of an arrest warrant for certain crimes if a law enforcement officer presents a written basis for believing that the defendant is a flight or public safety risk.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** 16-5-206 (1), Colorado Revised Statutes, is
3 amended to read:

4 **16-5-206. Summons in lieu of warrant.** (1) Except in class 1,
5 class 2, and class 3 felonies and in unclassified felonies punishable by a
6 maximum penalty of more than ten years, if an indictment is returned or
7 an information, felony complaint, or complaint has been filed prior to the
8 arrest of the person named as defendant therein, the court ~~with the~~
9 ~~consent of the prosecuting attorney,~~ has power to issue a summons
10 commanding the appearance of the defendant in lieu of a warrant for his
11 OR HER arrest UNLESS A LAW ENFORCEMENT OFFICER PRESENTS IN WRITING
12 A BASIS TO BELIEVE THERE IS A SIGNIFICANT RISK OF FLIGHT OR THAT THE
13 VICTIM OR PUBLIC SAFETY MAY BE COMPROMISED.

14 **SECTION 2. Act subject to petition - effective date.** This act
15 shall take effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly that is
17 allowed for submitting a referendum petition pursuant to article V,
18 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
19 sine die is on May 6, 2009); except that, if a referendum petition is filed
20 against this act or an item, section, or part of this act within such period,
21 then the act, item, section, or part, if approved by the people, shall take
22 effect on the date of the official declaration of the vote thereon by
23 proclamation of the governor.