

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 11-0336.01 Michael Dohr

SENATE BILL 11-186

SENATE SPONSORSHIP

Morse,

HOUSE SPONSORSHIP

Waller,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF AN ALTERNATIVE BOND**
102 **PROGRAM.**

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://www.leg.state.co.us/billsummaries>.)

The bill permits an alternative bond program to be established in any judicial district. A court is allowed to provide the option of the alternative bond program to a defendant if there is such a program in that judicial district. A law enforcement agency may work with an alternative bond program to secure the appearance of defendants in the program. A

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.

SENATE
Amended 2nd Reading
May 3, 2011

pretrial services program with an alternative bond program is permitted to expend a portion of the moneys collected for pretrial services.

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

2 **SECTION 1.** 16-4-104 (1), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **16-4-104. Bail bond - alternatives.** (1) When the amount of bail
5 is fixed by the judge of a court of record, the judge shall also determine
6 which of the following kinds of bond shall be required for the pretrial
7 release of the defendant:

8 (c) THE DEFENDANT MAY BE RELEASED FROM CUSTODY BY
9 POSTING WITH THE COURT AN ALTERNATIVE BOND THAT IS A PERCENTAGE
10 OF THE TOTAL AMOUNT OF THE BOND SET BY THE COURT, NOT TO EXCEED
11 THE PERCENTAGE DESCRIBED IN SECTION 12-7-108, C.R.S., IF THE COURT
12 HAS AUTHORIZED THE ALTERNATIVE BOND AND THE JUDICIAL DISTRICT IN
13 WHICH THE DEFENDANT HAS APPEARED HAS AN ALTERNATIVE BOND
14 PROGRAM, AS DESCRIBED IN SECTION 16-4-105 (3) (d.5), THAT HAS BEEN
15 DESIGNATED TO ADMINISTER THIS TYPE OF BOND ALTERNATIVE. THE
16 ALTERNATIVE BOND THAT IS A PERCENTAGE OF THE TOTAL AMOUNT OF
17 THE BOND SET BY THE COURT SHALL BE SECURED FOR THE FULL AMOUNT
18 OF THE BOND IN THE MANNER REQUIRED BY THE COURT.

19 **SECTION 2.** 16-4-105 (3), Colorado Revised Statutes, is
20 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

21 **16-4-105. Selection by judge of the amount of bail and type of**
22 **bond - criteria.** (3) (d.5) (I) IF AUTHORIZED BY THE CHIEF JUDGE OF THE
23 JUDICIAL DISTRICT, ANY PRETRIAL SERVICES PROGRAM ESTABLISHED
24 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3) MAY CREATE AND
25 ADMINISTER AN ALTERNATIVE BOND PROGRAM. A DEFENDANT WHO HAS

1 A BOND THAT IS SET AT FIVE THOUSAND DOLLARS OR LESS IS ELIGIBLE FOR
2 THE ALTERNATIVE BOND PROGRAM IMMEDIATELY AFTER THE COURT SETS
3 THE BOND AMOUNT. A DEFENDANT WHO HAS A BOND THAT IS SET AT
4 MORE THAN FIVE THOUSAND DOLLARS IS ELIGIBLE FOR THE ALTERNATIVE
5 BOND PROGRAM FIVE DAYS AFTER THE COURT SETS THE BOND AMOUNT.

6 UNDER AN ALTERNATIVE BOND PROGRAM, A DEFENDANT MAY BE
7 RELEASED FROM CUSTODY BY POSTING WITH THE COURT A PERCENTAGE
8 OF THE TOTAL AMOUNT OF THE BOND SET BY THE COURT, NOT TO EXCEED
9 THE PERCENTAGE DESCRIBED IN SECTION 12-7-108, C.R.S., IF PERMITTED
10 BY THE COURT. THE ALTERNATIVE BOND THAT IS A PERCENTAGE OF THE
11 TOTAL AMOUNT OF THE BOND SET BY THE COURT SHALL BE SECURED FOR
12 THE FULL AMOUNT OF THE BOND IN ANY MANNER AS REQUIRED BY THE
13 COURT. THE PRETRIAL SERVICES PROGRAM SHALL ESTABLISH AN
14 ACCOUNT IN WHICH TO DEPOSIT THE MONEYS AND MAY EXPEND AND
15 DISTRIBUTE THE MONEYS AS AUTHORIZED IN SUBPARAGRAPH (II) OF THIS
16 PARAGRAPH (d.5).

17 (II) THE PRETRIAL SERVICES PROGRAM MAY RETAIN UP TO FIFTY
18 PERCENT OF THE MONEYS POSTED THROUGH THE ALTERNATIVE BOND
19 PROGRAM FOR DEVELOPMENT AND ADMINISTRATION OF PRETRIAL
20 TREATMENT SERVICES FOR DEFENDANTS, THE COSTS OF SECURING A
21 DEFENDANT'S APPEARANCE IN COURT WHEN A DEFENDANT FAILS TO
22 APPEAR, OR ANY OTHER COSTS THAT ARE REASONABLE AND NECESSARY
23 FOR THE ADMINISTRATION OF A PRETRIAL SERVICES PROGRAM. ANY LAW
24 ENFORCEMENT AGENCY MAY WORK IN CONJUNCTION WITH A PRETRIAL
25 SERVICES PROGRAM TO DEVELOP AND ADMINISTER A SYSTEM TO SECURE
26 THE APPEARANCE OF A DEFENDANT WHO PARTICIPATES IN AN
27 ALTERNATIVE BOND PROGRAM. IF THE DEFENDANT APPEARS IN COURT

1 PURSUANT TO THE TERMS AND CONDITIONS OF BOND, THE REMAINING
2 MONEYS SHALL BE RETURNED TO THE DEFENDANT AT THE CONCLUSION OF
3 THE DEFENDANT'S CASE; EXCEPT THAT, IF THE DEFENDANT IS CONVICTED,
4 THE REMAINING MONEYS SHALL FIRST PAY ANY FINES, FEES, COSTS,
5 SURCHARGES, AND RESTITUTION ASSESSED AGAINST THE DEFENDANT, AND
6 THE BALANCE OF THE DEFENDANT'S MONEYS, IF ANY, SHALL BE RETURNED
7 TO THE DEFENDANT.

8 **SECTION 3. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.