

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0717.01 Michael Dohr x4347

**HOUSE BILL 13-1236**

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**HOUSE SPONSORSHIP**

**Levy, Labuda, Lee**

**SENATE SPONSORSHIP**

**Ulibarri, Giron, Guzman**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING PRE-TRIAL RELEASE FROM CUSTODY.**

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**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 repeals and reenacts the provisions of the criminal procedure code related to bail bonds. The new provision places a greater emphasis on evidence-based and individualized decision-making during the bond-setting process and discourages use of monetary conditions for bond. The bill makes conforming amendments.

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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.** In Colorado Revised Statutes, 16-1-104, **amend** (3)  
3 and (5) as follows:

4 **16-1-104. Definitions.** (3) "Bail" means ~~the amount of money set~~  
5 ~~by the court which is required to be obligated by a bond for the release of~~  
6 ~~a person in custody to assure that he will appear before the court in which~~  
7 ~~his appearance is required or that he will comply with other conditions set~~  
8 ~~forth in a bond~~ A SECURITY, WHICH MAY INCLUDE A BOND WITH OR  
9 WITHOUT MONETARY CONDITIONS, REQUIRED BY A COURT FOR THE  
10 RELEASE OF A PERSON IN CUSTODY SET TO PROVIDE REASONABLE  
11 ASSURANCE OF PUBLIC SAFETY AND COURT APPEARANCE.

12 (5) "Bond" means A BAIL BOND WHICH IS an undertaking, with or  
13 without sureties or security, entered into by a person in custody by which  
14 he binds himself to comply with the conditions of the undertaking and in  
15 default of such compliance to pay the amount of bail or other sum fixed,  
16 IF ANY, in the bond.

17 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**  
18 **with amendments,** part 1 of article 4 of title 16 as follows:

19 PART 1

20 RELEASE ON BAIL

21 **16-4-101. Bailable offenses - definitions.** (1) ALL PERSONS  
22 SHALL BE BAILABLE BY SUFFICIENT SURETIES EXCEPT:

23 (a) FOR CAPITAL OFFENSES WHEN PROOF IS EVIDENT OR  
24 PRESUMPTION IS GREAT; OR

25 (b) WHEN, AFTER A HEARING HELD WITHIN NINETY-SIX HOURS OF  
26 ARREST AND UPON REASONABLE NOTICE, THE COURT FINDS THAT THE  
27 PROOF IS EVIDENT OR THE PRESUMPTION IS GREAT AS TO THE CRIME

1 ALLEGED TO HAVE BEEN COMMITTED AND FINDS THAT THE PUBLIC WOULD  
2 BE PLACED IN SIGNIFICANT PERIL IF THE ACCUSED WERE RELEASED ON BAIL  
3 AND SUCH PERSON IS ACCUSED IN ANY OF THE FOLLOWING CASES:

4 (I) A CRIME OF VIOLENCE ALLEGED TO HAVE BEEN COMMITTED  
5 WHILE ON PROBATION OR PAROLE RESULTING FROM THE CONVICTION OF A  
6 CRIME OF VIOLENCE;

7 (II) A CRIME OF VIOLENCE ALLEGED TO HAVE BEEN COMMITTED  
8 WHILE ON BAIL PENDING THE DISPOSITION OF A PREVIOUS CRIME OF  
9 VIOLENCE CHARGE FOR WHICH PROBABLE CAUSE HAS BEEN FOUND;

10 (III) A CRIME OF VIOLENCE ALLEGED TO HAVE BEEN COMMITTED  
11 AFTER TWO PREVIOUS FELONY CONVICTIONS, OR ONE SUCH PREVIOUS  
12 FELONY CONVICTION IF SUCH CONVICTION WAS FOR A CRIME OF VIOLENCE,  
13 UPON CHARGES SEPARATELY BROUGHT AND TRIED UNDER THE LAWS OF  
14 THIS STATE OR UNDER THE LAWS OF ANY OTHER STATE, THE UNITED  
15 STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED  
16 STATES WHICH, IF COMMITTED IN THIS STATE, WOULD BE A FELONY;

17 (IV) A CRIME OF POSSESSION OF A WEAPON BY A PREVIOUS  
18 OFFENDER ALLEGED TO HAVE BEEN COMMITTED IN VIOLATION OF SECTION  
19 18-12-108 (2) (b), (2) (c), (4) (b), (4) (c), OR (5), C.R.S.; OR

20 (c) WHEN A PERSON HAS BEEN CONVICTED OF A CRIME OF  
21 VIOLENCE OR A CRIME OF POSSESSION OF A WEAPON BY A PREVIOUS  
22 OFFENDER, AS DESCRIBED IN SECTION 18-12-108 (2) (b), (2) (c), (4) (b),  
23 (4) (c), OR (5), C.R.S., AT THE TRIAL COURT LEVEL AND SUCH PERSON IS  
24 APPEALING SUCH CONVICTION OR AWAITING SENTENCING FOR SUCH  
25 CONVICTION AND THE COURT FINDS THAT THE PUBLIC WOULD BE PLACED  
26 IN SIGNIFICANT PERIL IF THE CONVICTED PERSON WERE RELEASED ON BAIL.

27 (2) FOR PURPOSES OF THIS SECTION, "CRIME OF VIOLENCE" SHALL

1 HAVE THE SAME MEANING AS SET FORTH IN SECTION 18-1.3-406 (2), C.R.S.

2 (3) IN ANY CAPITAL CASE, THE DEFENDANT MAY MAKE A WRITTEN  
3 MOTION FOR ADMISSION TO BAIL UPON THE GROUND THAT THE PROOF IS  
4 NOT EVIDENT OR THAT PRESUMPTION IS NOT GREAT, AND THE COURT  
5 SHALL PROMPTLY CONDUCT A HEARING UPON SUCH MOTION. AT SUCH  
6 HEARING, THE BURDEN SHALL BE UPON THE PEOPLE TO ESTABLISH THAT  
7 THE PROOF IS EVIDENT OR THAT THE PRESUMPTION IS GREAT. THE COURT  
8 MAY COMBINE IN A SINGLE HEARING THE QUESTIONS AS TO WHETHER THE  
9 PROOF IS EVIDENT OR THE PRESUMPTION GREAT WITH THE DETERMINATION  
10 OF THE EXISTENCE OF PROBABLE CAUSE TO BELIEVE THAT THE DEFENDANT  
11 COMMITTED THE CRIME CHARGED.

12 (4) EXCEPT IN THE CASE OF A CAPITAL OFFENSE, IF A PERSON IS  
13 DENIED BAIL UNDER THIS SECTION, THE TRIAL OF THE PERSON SHALL BE  
14 COMMENCED NOT MORE THAN NINETY-ONE DAYS AFTER THE DATE ON  
15 WHICH BAIL IS DENIED. IF THE TRIAL IS NOT COMMENCED WITHIN  
16 NINETY-ONE DAYS AND THE DELAY IS NOT ATTRIBUTABLE TO THE  
17 DEFENSE, THE COURT SHALL IMMEDIATELY SCHEDULE A BAIL HEARING  
18 AND SHALL SET THE AMOUNT OF THE BAIL FOR THE PERSON.

19 (5) WHEN A PERSON IS ARRESTED FOR A CRIME OF VIOLENCE, AS  
20 DEFINED IN SECTION 16-1-104 (8.5), OR A CRIMINAL OFFENSE ALLEGING  
21 THE USE OR POSSESSION OF A DEADLY WEAPON OR THE CAUSING OF BODILY  
22 INJURY TO ANOTHER PERSON, OR A CRIMINAL OFFENSE ALLEGING THE  
23 POSSESSION OF A WEAPON BY A PREVIOUS OFFENDER, AS DESCRIBED IN  
24 SECTION 18-12-108 (2) (b), (2) (c), (4) (b), (4) (c), OR (5), C.R.S., AND  
25 SUCH PERSON IS ON PAROLE, THE LAW ENFORCEMENT AGENCY MAKING  
26 THE ARREST SHALL NOTIFY THE DEPARTMENT OF CORRECTIONS WITHIN  
27 TWENTY-FOUR HOURS. THE PERSON SO ARRESTED SHALL NOT BE ELIGIBLE

1 FOR BAIL TO BE SET UNTIL AT LEAST SEVENTY-TWO HOURS FROM THE TIME  
2 OF HIS OR HER ARREST HAS PASSED.

3 **16-4-102. Right to bail - before conviction.** ANY PERSON  
4 WHO IS IN CUSTODY, AND FOR WHOM THE COURT HAS NOT SET BOND AND  
5 CONDITIONS OF RELEASE PURSUANT TO THE APPLICABLE RULE OF  
6 CRIMINAL PROCEDURE, AND WHO IS NOT SUBJECT TO THE PROVISIONS OF  
7 SECTION 16-4-101 (5), HAS THE RIGHT TO A HEARING TO DETERMINE BOND  
8 AND CONDITIONS OF RELEASE. A PERSON IN CUSTODY MAY ALSO REQUEST  
9 A HEARING SO THAT BOND AND CONDITIONS OF RELEASE CAN BE SET.  
10 UPON RECEIVING THE REQUEST, THE JUDGE SHALL NOTIFY THE DISTRICT  
11 ATTORNEY IMMEDIATELY OF THE ARRESTED PERSON'S REQUEST, AND THE  
12 DISTRICT ATTORNEY SHALL HAVE THE RIGHT TO ATTEND AND ADVISE THE  
13 COURT OF MATTERS PERTINENT TO THE TYPE OF BOND AND CONDITIONS OF  
14 RELEASE TO BE SET. THE JUDGE SHALL ALSO ORDER THE APPROPRIATE LAW  
15 ENFORCEMENT AGENCY HAVING CUSTODY OF THE PRISONER TO BRING HIM  
16 OR HER BEFORE THE COURT FORTHWITH, AND THE JUDGE SHALL SET BOND  
17 AND CONDITIONS OF RELEASE IF THE OFFENSE FOR WHICH THE PERSON WAS  
18 ARRESTED IS BAILABLE. IT SHALL NOT BE A PREREQUISITE TO BAIL THAT A  
19 CRIMINAL CHARGE OF ANY KIND HAS BEEN FILED.

20  
21 **16-4-103. Setting and selection type of bond - criteria.** (1) AT  
22 THE FIRST APPEARANCE OF A PERSON IN CUSTODY BEFORE A COURT OF  
23 RECORD, THE COURT SHALL DETERMINE THE TYPE OF BOND AND  
24 CONDITIONS OF RELEASE UNLESS THE PERSON IS SUBJECT TO THE  
25 PROVISIONS OF SECTION 16-4-101.

26 (2) IF AN INDICTMENT, INFORMATION, OR COMPLAINT HAS BEEN  
27 FILED AND THE TYPE OF BOND AND CONDITIONS OF RELEASE HAVE BEEN

1 FIXED UPON RETURN OF THE INDICTMENT OR FILING OF THE INFORMATION  
2 OR COMPLAINT, THE COURT SHALL REVIEW THE PROPRIETY OF THE TYPE OF  
3 BOND AND CONDITIONS OF RELEASE UPON FIRST APPEARANCE OF A PERSON  
4 IN CUSTODY.

5 (3) (a) THE TYPE OF BOND AND CONDITIONS OF RELEASE SHALL BE  
6 SUFFICIENT TO REASONABLY ENSURE THE APPEARANCE OF THE PERSON AS  
7 REQUIRED AND TO PROTECT THE SAFETY OF ANY PERSON OR THE  
8 COMMUNITY, TAKING INTO CONSIDERATION THE INDIVIDUAL  
9 CHARACTERISTICS OF EACH PERSON IN CUSTODY, INCLUDING THE PERSON'S  
10 FINANCIAL CONDITION.

11 (b) IN DETERMINING THE TYPE OF BOND AND CONDITIONS OF  
12 RELEASE, IF PRACTICABLE AND AVAILABLE IN THE JURISDICTION, THE  
13 COURT SHALL USE AN EMPIRICALLY DEVELOPED RISK ASSESSMENT  
14 INSTRUMENT DESIGNED TO IMPROVE PRETRIAL RELEASE DECISIONS BY  
15 PROVIDING TO THE COURT INFORMATION THAT CLASSIFIES A PERSON IN  
16 CUSTODY BASED UPON PREDICTED LEVEL OF RISK OF PRETRIAL FAILURE.

17 (4) WHEN THE TYPE OF BOND AND CONDITIONS OF RELEASE ARE  
18 DETERMINED BY THE COURT, THE COURT SHALL:

19 (a) PRESUME THAT ALL PERSONS IN CUSTODY ARE ELIGIBLE FOR  
20 RELEASE ON BOND WITH THE APPROPRIATE AND LEAST-RESTRICTIVE  
21 CONDITIONS CONSISTENT WITH PROVISIONS IN PARAGRAPH (a) OF  
22 SUBSECTION (3) OF THIS SECTION UNLESS A PERSON IS OTHERWISE  
23 INELIGIBLE FOR RELEASE PURSUANT TO THE PROVISIONS OF SECTION  
24 16-4-101 AND SECTION 19 OF ARTICLE II OF THE COLORADO  
25 CONSTITUTION. A MONETARY CONDITION OF RELEASE MUST BE  
26 REASONABLE AND ANY OTHER CONDITION OF CONDUCT NOT MANDATED  
27 BY STATUTE MUST BE TAILORED TO ADDRESS A SPECIFIC CONCERN.

1 (b) TO THE EXTENT A COURT USES A BOND SCHEDULE, THE COURT  
2 SHALL INCORPORATE INTO THE BOND SCHEDULE CONDITIONS OF RELEASE  
3 AND FACTORS THAT CONSIDER THE INDIVIDUALIZED RISK AND  
4 CIRCUMSTANCES OF A PERSON IN CUSTODY AND ALL OTHER RELEVANT  
5 CRITERIA AND NOT SOLELY THE LEVEL OF OFFENSE; AND

6 (c) CONSIDER ALL METHODS OF BOND AND CONDITIONS OF  
7 RELEASE TO AVOID UNNECESSARY PRETRIAL INCARCERATION AND LEVELS  
8 OF COMMUNITY-BASED SUPERVISION AS CONDITIONS OF PRETRIAL  
9 RELEASE.

10 (5) THE COURT MAY ALSO CONSIDER THE FOLLOWING CRITERIA AS  
11 APPROPRIATE AND RELEVANT IN MAKING A DETERMINATION OF THE TYPE  
12 OF BOND AND CONDITIONS OF RELEASE:

13 (a) THE EMPLOYMENT STATUS AND HISTORY OF THE PERSON IN  
14 CUSTODY;

15 (b) THE NATURE AND EXTENT OF FAMILY RELATIONSHIPS OF THE  
16 PERSON IN CUSTODY;

17 (c) PAST AND PRESENT RESIDENCES OF THE PERSON IN CUSTODY;

18 (d) THE CHARACTER AND REPUTATION OF THE PERSON IN  
19 CUSTODY;

20 (e) IDENTITY OF PERSONS WHO AGREE TO ASSIST THE PERSON IN  
21 CUSTODY IN ATTENDING COURT AT THE PROPER TIME;

22 (f) THE LIKELY SENTENCE, CONSIDERING THE NATURE AND THE  
23 OFFENSE PRESENTLY CHARGED;

24 (g) THE PRIOR CRIMINAL RECORD, IF ANY, OF THE PERSON IN  
25 CUSTODY AND ANY PRIOR FAILURES TO APPEAR FOR COURT;

26 (h) ANY FACTS INDICATING THE POSSIBILITY OF VIOLATIONS OF  
27 THE LAW IF THE PERSON IN CUSTODY IS RELEASED WITHOUT CERTAIN

1 CONDITIONS OF RELEASE;

2 (i) ANY FACTS INDICATING THAT THE DEFENDANT IS LIKELY TO  
3 INTIMIDATE OR HARASS POSSIBLE WITNESSES; AND

4 (j) ANY OTHER FACTS TENDING TO INDICATE THAT THE PERSON IN  
5 CUSTODY HAS STRONG TIES TO THE COMMUNITY AND IS NOT LIKELY TO  
6 FLEE THE JURISDICTION.

7 (6) WHEN A PERSON IS CHARGED WITH AN OFFENSE PUNISHABLE  
8 BY FINE ONLY, ANY MONETARY CONDITION OF RELEASE SHALL NOT  
9 EXCEED THE AMOUNT OF THE MAXIMUM FINE PENALTY.

10 **16-4-104. Types of bond set by the court.** (1) THE COURT SHALL  
11 DETERMINE, AFTER CONSIDERATION OF ALL RELEVANT CRITERIA, WHICH  
12 OF THE FOLLOWING TYPES OF BOND IS APPROPRIATE FOR THE PRETRIAL  
13 RELEASE OF A PERSON IN CUSTODY, SUBJECT TO THE RELEVANT  
14 STATUTORY CONDITIONS OF RELEASE LISTED IN SECTION 16-4-105. THE  
15 PERSON MAY BE RELEASED UPON EXECUTION OF:

16 (a) AN UNSECURED PERSONAL RECOGNIZANCE BOND IN AN  
17 AMOUNT SPECIFIED BY THE COURT. THE COURT MAY REQUIRE ADDITIONAL  
18 OBLIGORS ON THE BOND AS A CONDITION OF THE BOND.

19 (b) AN UNSECURED PERSONAL RECOGNIZANCE BOND WITH  
20 ADDITIONAL NON-MONETARY CONDITIONS OF RELEASE DESIGNED  
21 SPECIFICALLY TO REASONABLY ENSURE THE APPEARANCE OF THE PERSON  
22 IN COURT AND THE SAFETY OF ANY PERSON OR PERSONS OR THE  
23 COMMUNITY;

24 (c) A BOND WITH SECURED MONETARY CONDITIONS WHEN  
25 REASONABLE AND NECESSARY TO ENSURE THE APPEARANCE OF  
26 THE PERSON IN COURT OR THE SAFETY OF ANY PERSON OR PERSONS OR THE  
27 COMMUNITY. THE FINANCIAL CONDITIONS SHALL STATE AN AMOUNT OF



1 MONEY THAT THE PERSON MUST POST WITH THE COURT IN ORDER FOR THE  
2 PERSON TO BE RELEASED. THE PERSON MAY BE RELEASED FROM CUSTODY  
3 UPON EXECUTION OF BOND IN THE FULL AMOUNT OF MONEY TO BE  
4 SECURED IN ANY ONE OF THE FOLLOWING WAYS:

5 (I) BY A DEPOSIT WITH THE CLERK OF THE COURT OF AN AMOUNT  
6 OF CASH EQUAL TO THE MONETARY CONDITION OF THE BOND;

7 (II) BY REAL ESTATE SITUATED IN THIS STATE WITH  
8 UNENCUMBERED EQUITY NOT EXEMPT FROM EXECUTION OWNED BY THE  
9 ACCUSED OR ANY OTHER PERSON ACTING AS SURETY ON THE BOND, WHICH  
10 UNENCUMBERED EQUITY SHALL BE AT LEAST ONE AND ONE-HALF THE  
11 AMOUNT OF THE SECURITY SET IN THE BOND;

12 (III) BY SURETIES WORTH AT LEAST ONE AND ONE-HALF OF THE  
13 SECURITY SET IN THE BOND; OR

14 (IV) BY A BAIL BONDING AGENT OR A CASH BONDING AGENT  
15 QUALIFIED TO WRITE BAIL BONDS PURSUANT TO ARTICLE 23 OF TITLE 10,  
16 C.R.S.

17 (d) A BOND WITH SECURED REAL ESTATE CONDITIONS WHEN IT IS  
18 DETERMINED THAT RELEASE ON AN UNSECURED PERSONAL RECOGNIZANCE  
19 BOND WITHOUT MONETARY CONDITIONS WILL NOT REASONABLY ENSURE  
20 THE APPEARANCE OF THE PERSON IN COURT OR THE SAFETY OF ANY  
21 PERSON OR PERSONS OR THE COMMUNITY. FOR A BOND SECURED BY REAL  
22 ESTATE, THE BOND SHALL NOT BE ACCEPTED BY THE CLERK OF THE COURT  
23 UNLESS THE RECORD OWNER OF SUCH PROPERTY PRESENTS TO THE CLERK  
24 OF THE COURT THE ORIGINAL DEED OF TRUST AS SET FORTH IN  
25 SUBPARAGRAPH (IV) OF THIS PARAGRAPH (d) AND THE APPLICABLE  
26 RECORDING FEE. UPON RECEIPT OF THE DEED OF TRUST AND FEE, THE  
27 CLERK OF THE COURT SHALL RECORD THE DEED OF TRUST WITH THE CLERK

1 AND RECORDER FOR THE COUNTY IN WHICH THE PROPERTY IS LOCATED.  
2 FOR A BOND SECURED BY REAL ESTATE, THE AMOUNT OF THE OWNER'S  
3 UNENCUMBERED EQUITY SHALL BE DETERMINED BY DEDUCTING THE  
4 AMOUNT OF ALL ENCUMBRANCES LISTED IN THE OWNER AND  
5 ENCUMBRANCES CERTIFICATE FROM THE ACTUAL VALUE OF SUCH REAL  
6 ESTATE AS SHOWN ON THE CURRENT NOTICE OF VALUATION. THE OWNER  
7 OF THE REAL ESTATE SHALL FILE WITH THE BOND THE FOLLOWING, WHICH  
8 SHALL CONSTITUTE A MATERIAL PART OF THE BOND:

9 (I) THE CURRENT NOTICE OF VALUATION FOR SUCH REAL ESTATE  
10 PREPARED BY THE COUNTY ASSESSOR PURSUANT TO SECTION 39-5-121,  
11 C.R.S.; AND

12 (II) EVIDENCE OF TITLE ISSUED BY A TITLE INSURANCE COMPANY  
13 OR AGENT LICENSED PURSUANT TO ARTICLE 11 OF TITLE 10, C.R.S.,  
14 WITHIN THIRTY-FIVE DAYS AFTER THE DATE UPON WHICH THE BOND IS  
15 FILED; AND

16 (III) A SWORN STATEMENT BY THE OWNER OF THE REAL ESTATE  
17 THAT THE REAL ESTATE IS SECURITY FOR THE COMPLIANCE BY THE  
18 ACCUSED WITH THE PRIMARY CONDITION OF THE BOND; AND

19 (IV) A DEED OF TRUST TO THE PUBLIC TRUSTEE OF THE COUNTY IN  
20 WHICH THE REAL ESTATE IS LOCATED THAT IS EXECUTED AND  
21 ACKNOWLEDGED BY ALL RECORD OWNERS OF THE REAL ESTATE. THE DEED  
22 OF TRUST SHALL NAME THE CLERK OF THE COURT APPROVING THE BOND  
23 AS BENEFICIARY. THE DEED OF TRUST SHALL SECURE AN AMOUNT EQUAL  
24 TO ONE AND ONE-HALF TIMES THE AMOUNT OF THE BOND.

25 (2) UNLESS THE DISTRICT ATTORNEY CONSENTS OR UNLESS THE  
26 COURT IMPOSES CERTAIN ADDITIONAL INDIVIDUALIZED CONDITIONS OF  
27 RELEASE AS DESCRIBED IN SECTION 16-4-105, A PERSON MUST NOT BE

1 RELEASED ON AN UNSECURED PERSONAL RECOGNIZANCE BOND PURSUANT  
2 TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION UNDER THE  
3 FOLLOWING CIRCUMSTANCES:

4 (a) THE PERSON IS PRESENTLY FREE ON ANOTHER BOND OF ANY  
5 KIND IN ANOTHER CRIMINAL ACTION INVOLVING A FELONY OR A CLASS 1  
6 MISDEMEANOR;

7 (b) THE PERSON HAS A RECORD OF CONVICTION OF A CLASS 1  
8 MISDEMEANOR WITHIN TWO YEARS OR A FELONY WITHIN FIVE YEARS,  
9 PRIOR TO THE BAIL HEARING; OR

10 (c) THE PERSON HAS WILLFULLY FAILED TO APPEAR ON BOND IN  
11 ANY CASE INVOLVING A FELONY OR A CLASS 1 MISDEMEANOR CHARGE IN  
12 THE PRECEDING FIVE YEARS.

13 (3) A PERSON MAY NOT BE RELEASED ON AN UNSECURED  
14 PERSONAL RECOGNIZANCE BOND IF, AT THE TIME OF SUCH APPLICATION,  
15 THE PERSON IS PRESENTLY ON RELEASE UNDER A SURETY BOND FOR  
16 FELONY OR CLASS 1 MISDEMEANOR CHARGES UNLESS THE SURETY  
17 THEREON IS NOTIFIED AND AFFORDED AN OPPORTUNITY TO SURRENDER  
18 THE PERSON INTO CUSTODY ON SUCH TERMS AS THE COURT DEEMS JUST  
19 UNDER THE PROVISIONS OF SECTION 16-4-108.

20 (4) BECAUSE OF THE DANGER POSED TO ANY PERSON AND THE  
21 COMMUNITY, A PERSON WHO IS ARRESTED FOR AN OFFENSE UNDER  
22 SECTION 42-4-1301 (1) OR (2) (a), C.R.S., MAY NOT ATTEND A BAIL  
23 HEARING UNTIL THE PERSON IS NO LONGER INTOXICATED OR UNDER THE  
24 INFLUENCE OF DRUGS. THE PERSON SHALL BE HELD IN CUSTODY UNTIL THE  
25 PERSON MAY SAFELY ATTEND SUCH HEARING.

26 **16-4-105. Conditions of release on bond.** (1) FOR EACH BOND,  
27 THE COURT SHALL REQUIRE THAT THE RELEASED PERSON APPEAR TO

1 ANSWER THE CHARGE AGAINST THE PERSON AT A PLACE AND UPON A DATE  
2 CERTAIN AND AT ANY PLACE OR UPON ANY DATE TO WHICH THE  
3 PROCEEDING IS TRANSFERRED OR CONTINUED. THIS CONDITION IS THE  
4 ONLY CONDITION FOR WHICH A BREACH OF SURETY OR SECURITY ON THE  
5 BAIL BOND MAY BE SUBJECT TO FORFEITURE.

6 (2) FOR A PERSON WHO HAS BEEN ARRESTED FOR A FELONY  
7 OFFENSE, THE COURT SHALL REQUIRE AS A CONDITION OF A BOND THAT  
8 THE PERSON EXECUTE A WAIVER OF EXTRADITION STATING THE PERSON  
9 CONSENTS TO EXTRADITION TO THIS STATE AND WAIVES ALL FORMAL  
10 PROCEDURES INCIDENTAL TO EXTRADITION PROCEEDINGS IN THE EVENT  
11 THAT HE OR SHE IS ARRESTED IN ANOTHER STATE WHILE AT LIBERTY ON  
12 SUCH BAIL BOND AND ACKNOWLEDGING THAT HE OR SHE SHALL NOT BE  
13 ADMITTED TO BAIL IN ANY OTHER STATE PENDING EXTRADITION TO THIS  
14 STATE.

15 (3) ADDITIONAL CONDITIONS OF EVERY BOND IS THAT THE  
16 RELEASED PERSON SHALL NOT COMMIT ANY FELONY WHILE FREE ON SUCH  
17 A BAIL BOND, AND THE COURT IN WHICH THE ACTION IS PENDING HAS THE  
18 POWER TO REVOKE THE RELEASE OF THE PERSON, TO CHANGE ANY BOND  
19 CONDITION, INCLUDING THE AMOUNT OF ANY MONETARY CONDITION IF IT  
20 IS SHOWN THAT A COMPETENT COURT HAS FOUND PROBABLE CAUSE TO  
21 BELIEVE THAT THE DEFENDANT HAS COMMITTED A FELONY WHILE  
22 RELEASED, PENDING THE RESOLUTION OF A PRIOR FELONY CHARGE.

23 (4) AN ADDITIONAL CONDITION OF EVERY BOND IN CASES OF  
24 DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S., IS  
25 THAT THE RELEASED PERSON ACKNOWLEDGE THE PROTECTION ORDER AS  
26 PROVIDED IN SECTION 18-1-1001 (5), C.R.S.

27 (5) AN ADDITIONAL CONDITION OF EVERY BOND IN A CASE OF AN

1 OFFENSE UNDER SECTION 42-2-138 (1) (d) (I), C.R.S., OF DRIVING WHILE  
2 SUCH PERSON'S DRIVER'S LICENSE OR PRIVILEGE TO DRIVE, EITHER AS A  
3 RESIDENT OR NONRESIDENT, IS RESTRAINED SOLELY OR PARTIALLY  
4 BECAUSE OF A CONVICTION OF A DRIVING OFFENSE PURSUANT TO SECTION  
5 42-4-1301 (1) OR (2) (a), C.R.S., IS THAT SUCH PERSON NOT DRIVE ANY  
6 MOTOR VEHICLE DURING THE PERIOD OF SUCH DRIVING RESTRAINT.

7 (6) (a) IF A PERSON IS ARRESTED FOR DRIVING UNDER THE  
8 INFLUENCE OR DRIVING WHILE ABILITY IMPAIRED, PURSUANT TO SECTION  
9 42-4-1301, C.R.S., AND THE PERSON HAS ONE OR MORE PREVIOUS  
10 CONVICTIONS FOR AN OFFENSE IN SECTION 42-4-1301, C.R.S., OR ONE OR  
11 MORE CONVICTIONS IN ANY OTHER JURISDICTION THAT WOULD  
12 CONSTITUTE A VIOLATION OF SECTION 42-4-1301, C.R.S., AS A CONDITION  
13 OF ANY BOND, THE COURT SHALL ORDER THAT THE PERSON ABSTAIN FROM  
14 THE USE OF ALCOHOL OR ILLEGAL DRUGS, AND SUCH ABSTINENCE SHALL  
15 BE MONITORED.

16 (b) A PERSON SEEKING RELIEF FROM ANY OF THE CONDITIONS  
17 IMPOSED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6) SHALL  
18 FILE A MOTION WITH THE COURT, AND THE COURT SHALL CONDUCT A  
19 HEARING UPON THE MOTION. THE COURT SHALL CONSIDER WHETHER THE  
20 CONDITION FROM WHICH THE PERSON IS SEEKING RELIEF IS IN THE  
21 INTEREST OF JUSTICE AND WHETHER PUBLIC SAFETY WOULD BE  
22 ENDANGERED IF THE CONDITION WERE NOT ENFORCED. WHEN  
23 DETERMINING WHETHER TO GRANT RELIEF PURSUANT TO THIS PARAGRAPH  
24 (b), THE COURT SHALL CONSIDER WHETHER THE PERSON HAS  
25 VOLUNTARILY ENROLLED AND IS PARTICIPATING IN AN APPROPRIATE  
26 SUBSTANCE ABUSE TREATMENT PROGRAM.

27 (7) A PERSON MAY BE RELEASED ON A BOND WITH MONETARY

1       CONDITION OF BOND, WHEN APPROPRIATE, AS DESCRIBED IN SECTION  
2       16-4-104 (1) (c).

3               (8) IN ADDITION TO THE CONDITIONS SPECIFIED IN THIS SECTION,  
4       THE COURT MAY IMPOSE ANY ADDITIONAL CONDITIONS ON THE CONDUCT  
5       OF THE PERSON RELEASED THAT WILL ASSIST IN OBTAINING THE  
6       APPEARANCE OF THE PERSON IN COURT AND THE SAFETY OF ANY PERSON  
7       OR PERSONS AND THE COMMUNITY. THESE CONDITIONS MAY INCLUDE, BUT  
8       ARE NOT LIMITED TO, SUPERVISION BY A QUALIFIED PERSON OR  
9       ORGANIZATION OR SUPERVISION BY A PRETRIAL SERVICES PROGRAM  
10       ESTABLISHED PURSUANT TO SECTION 16-4-106. WHILE UNDER THE  
11       SUPERVISION OF A QUALIFIED ORGANIZATION OR PRETRIAL SERVICES  
12       PROGRAM, THE CONDITIONS OF RELEASE IMPOSED BY THE COURT MAY  
13       INCLUDE, BUT ARE NOT LIMITED TO:

14               (a) PERIODIC TELEPHONE CONTACT WITH THE PROGRAM;

15               (b) PERIODIC OFFICE VISITS BY THE PERSON TO THE PRETRIAL  
16       SERVICES PROGRAM OR ORGANIZATION;

17               (c) PERIODIC VISITS TO THE PERSON'S HOME BY THE PROGRAM OR  
18       ORGANIZATION;

19               (d) MENTAL HEALTH OR SUBSTANCE ABUSE TREATMENT FOR THE  
20       PERSON, INCLUDING RESIDENTIAL TREATMENT IF THE DEFENDANT  
21       CONSENTS TO THE TREATMENT;

22               (e) PERIODIC ALCOHOL OR DRUG TESTING OF THE PERSON;

23               (f) DOMESTIC VIOLENCE COUNSELING FOR THE DEFENDANT IF THE  
24       DEFENDANT CONSENTS TO THE COUNSELING;

25               (g) ELECTRONIC OR GLOBAL POSITION MONITORING OF THE  
26       PERSON;

27               (h) PRETRIAL WORK RELEASE FOR THE PERSON; AND

1 (i) OTHER SUPERVISION TECHNIQUES SHOWN BY RESEARCH TO  
2 INCREASE COURT APPEARANCE AND PUBLIC SAFETY RATES FOR PERSONS  
3 RELEASED ON BOND.

4 **16-4-106. Pretrial services programs.** (1) THE CHIEF JUDGE OF  
5 ANY JUDICIAL DISTRICT MAY ORDER A PERSON WHO IS ELIGIBLE FOR BOND  
6 OR OTHER PRETRIAL RELEASE TO BE EVALUATED BY A PRETRIAL SERVICES  
7 PROGRAM ESTABLISHED PURSUANT TO THIS SECTION, WHICH PROGRAM  
8 MAY ADVISE THE COURT IF THE PERSON IS BOND ELIGIBLE, MAY PROVIDE  
9 INFORMATION THAT ENABLES THE COURT TO MAKE AN APPROPRIATE  
10 DECISION ON BOND AND CONDITIONS OF RELEASE, AND MAY RECOMMEND  
11 CONDITIONS OF RELEASE CONSISTENT WITH THIS SECTION. THE CHIEF  
12 JUDGE MAY MAKE SUCH ORDER IN ANY OR ALL OF THE COUNTIES OF THE  
13 CHIEF JUDGE'S JUDICIAL DISTRICT.

14 (2) THE CHIEF JUDGE OF ANY JUDICIAL DISTRICT SHALL ENDEAVOR  
15 TO CONSULT, ON AN ANNUAL BASIS, WITH THE COUNTY OR COUNTIES  
16 WITHIN THE JUDICIAL DISTRICT IN AN EFFORT TO SUPPORT AND  
17 ENCOURAGE THE DEVELOPMENT BY THE COUNTY OR COUNTIES, TO THE  
18 EXTENT PRACTICABLE AND WITHIN AVAILABLE RESOURCES, OF PRETRIAL  
19 SERVICES PROGRAMS THAT SUPPORT THE WORK OF THE COURT AND  
20 EVIDENCE-BASED DECISION-MAKING IN DETERMINING THE TYPE OF  
21 BOND AND CONDITIONS OF RELEASE.

22 (3) TO REDUCE BARRIERS TO THE PRETRIAL RELEASE OF PERSONS  
23 IN CUSTODY WHOSE RELEASE ON BOND WITH APPROPRIATE CONDITIONS  
24 REASONABLY ASSURES COURT APPEARANCE AND PUBLIC SAFETY, ALL  
25 COUNTIES AND CITIES AND COUNTIES ARE ENCOURAGED TO DEVELOP A  
26 PRETRIAL SERVICES PROGRAM IN CONSULTATION WITH THE CHIEF JUDGE  
27 OF THE JUDICIAL DISTRICT IN AN EFFORT TO ESTABLISH A PRETRIAL

1 SERVICES PROGRAM THAT MAY BE UTILIZED BY THE DISTRICT COURT OF  
2 SUCH COUNTY OR CITY AND COUNTY. ANY PRETRIAL SERVICES PROGRAM  
3 MUST BE ESTABLISHED PURSUANT TO A PLAN FORMULATED BY A  
4 COMMUNITY ADVISORY BOARD CREATED FOR SUCH PURPOSE AND  
5 APPOINTED BY THE CHIEF JUDGE OF THE JUDICIAL DISTRICT. MEMBERSHIP  
6 ON SUCH COMMUNITY ADVISORY BOARD MUST INCLUDE, AT A MINIMUM,  
7 A REPRESENTATIVE OF A LOCAL LAW ENFORCEMENT AGENCY, A  
8 REPRESENTATIVE OF THE DISTRICT ATTORNEY, A REPRESENTATIVE OF THE  
9 PUBLIC DEFENDER, AND A REPRESENTATIVE OF THE CITIZENS AT LARGE.  
10 THE CHIEF JUDGE IS ENCOURAGED TO APPOINT A MEMBER OF THE BAIL  
11 COMMUNITY TO THE COMMUNITY ADVISORY BOARD. THE PLAN  
12 FORMULATED BY SUCH COMMUNITY ADVISORY BOARD MUST BE APPROVED  
13 BY THE CHIEF JUDGE OF THE JUDICIAL DISTRICT PRIOR TO THE  
14 ESTABLISHMENT AND UTILIZATION OF THE PRETRIAL SERVICES PROGRAM.  
15 THE OPTION CONTAINED IN THIS SECTION THAT A PRETRIAL SERVICES  
16 PROGRAM BE ESTABLISHED PURSUANT TO A PLAN FORMULATED BY THE  
17 COMMUNITY ADVISORY BOARD DOES NOT APPLY TO ANY PRETRIAL  
18 SERVICES PROGRAM THAT EXISTED BEFORE MAY 31, 1991.

19 (4) ANY PRETRIAL SERVICES PROGRAM APPROVED PURSUANT TO  
20 THIS SECTION MUST MEET THE FOLLOWING CRITERIA:

21 (a) THE PROGRAM MUST ESTABLISH A PROCEDURE FOR THE  
22 SCREENING OF PERSONS WHO ARE DETAINED DUE TO AN ARREST FOR THE  
23 ALLEGED COMMISSION OF A CRIME SO THAT SUCH INFORMATION MAY BE  
24 PROVIDED TO THE JUDGE WHO IS SETTING THE BOND AND CONDITIONS OF  
25 RELEASE. THE PROGRAM MUST PROVIDE INFORMATION THAT PROVIDES  
26 THE COURT WITH THE ABILITY TO MAKE AN APPROPRIATE INITIAL BOND  
27 DECISION THAT IS BASED UPON FACTS RELATING TO THE PERSON'S RISK OF



1 FAILURE TO APPEAR FOR COURT AND RISK OF DANGER TO THE COMMUNITY.

2 (b) THE PROGRAM MUST MAKE ALL REASONABLE ATTEMPTS TO  
3 PROVIDE THE COURT WITH SUCH INFORMATION DELINEATED IN THIS  
4 SECTION AS IS APPROPRIATE TO EACH INDIVIDUAL PERSON SEEKING  
5 RELEASE FROM CUSTODY;

6 (c) THE PROGRAM, IN CONJUNCTION WITH THE COMMUNITY  
7 ADVISORY BOARD, MUST MAKE ALL REASONABLE EFFORTS TO IMPLEMENT  
8 AN EMPIRICALLY DEVELOPED PRETRIAL RISK ASSESSMENT TOOL AND  
9 A STRUCTURED DECISION-MAKING DESIGN BASED UPON THE PERSON'S  
10 CHARGE AND THE RISK ASSESSMENT SCORE;

11 (d) THE PROGRAM MUST WORK WITH ALL APPROPRIATE AGENCIES  
12 AND ASSIST WITH ALL EFFORTS TO COMPLY WITH SECTIONS 24-4.1-302.5  
13 AND 24-4.1-303, C.R.S.

14 (5) ANY PRETRIAL SERVICES PROGRAM MAY ALSO INCLUDE  
15 DIFFERENT METHODS AND LEVELS OF COMMUNITY-BASED SUPERVISION AS  
16 A CONDITION OF RELEASE, AND THE PROGRAM MUST USE ESTABLISHED  
17 METHODS FOR PERSONS WHO ARE RELEASED PRIOR TO TRIAL IN ORDER TO  
18 DECREASE UNNECESSARY PRETRIAL DETENTION. THE PROGRAM MAY  
19 INCLUDE, BUT IS NOT LIMITED TO, ANY OF THE CRITERIA AS OUTLINED IN  
20 SECTION 16-4-105 (8) AS CONDITIONS FOR PRETRIAL RELEASE.

21 (6) COMMENCING JULY 1, 2012, EACH PRETRIAL SERVICES  
22 PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL PROVIDE AN  
23 ANNUAL REPORT TO THE JUDICIAL DEPARTMENT NO LATER THAN  
24 NOVEMBER 1 OF EACH YEAR, REGARDLESS OF WHETHER THE PROGRAM  
25 EXISTED PRIOR TO MAY 31, 1991. THE JUDICIAL DEPARTMENT SHALL  
26 PRESENT AN ANNUAL COMBINED REPORT TO THE HOUSE AND SENATE  
27 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE

1 SENATE, OR ANY SUCCESSOR COMMITTEES, OF THE GENERAL ASSEMBLY.  
2 THE REPORT TO THE JUDICIAL DEPARTMENT MUST INCLUDE, BUT IS NOT  
3 LIMITED TO, THE FOLLOWING INFORMATION:

4 (a) THE TOTAL NUMBER OF PRETRIAL ASSESSMENTS PERFORMED BY  
5 THE PROGRAM AND SUBMITTED TO THE COURT;

6 (b) THE TOTAL NUMBER OF CLOSED CASES BY THE PROGRAM IN  
7 WHICH THE PERSON WAS RELEASED FROM CUSTODY AND SUPERVISED BY  
8 THE PROGRAM;

9 (c) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON  
10 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PROGRAM, AND,  
11 WHILE UNDER SUPERVISION, APPEARED FOR ALL SCHEDULED COURT  
12 APPEARANCES ON THE CASE;

13 (d) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON  
14 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PROGRAM, AND  
15 WAS NOT CHARGED WITH A NEW CRIMINAL OFFENSE THAT WAS ALLEGED  
16 TO HAVE OCCURRED WHILE UNDER SUPERVISION AND THAT CARRIED THE  
17 POSSIBILITY OF A SENTENCE TO JAIL OR IMPRISONMENT;

18 (e) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON  
19 WAS RELEASED FROM CUSTODY AND WAS SUPERVISED BY THE PROGRAM,  
20 AND THE PERSON'S BOND WAS NOT REVOKED BY THE COURT DUE TO A  
21 VIOLATION OF ANY OTHER TERMS AND CONDITIONS OF SUPERVISION; AND

22 (f) ANY ADDITIONAL INFORMATION THE JUDICIAL DEPARTMENT  
23 MAY REQUEST.

24 (7) FOR THE REPORTS REQUIRED IN SUBSECTION (6) OF THIS  
25 SECTION, THE PRETRIAL SERVICES PROGRAM SHALL INCLUDE INFORMATION  
26 DETAILING THE NUMBER OF PERSONS RELEASED ON A COMMERCIAL  
27 SURETY BOND IN ADDITION TO PRETRIAL SUPERVISION, THE NUMBER OF

1 PERSONS RELEASED ON A CASH, PRIVATE SURETY, OR PROPERTY BOND IN  
2 ADDITION TO PRETRIAL SUPERVISION, AND THE NUMBER OF PERSONS  
3 RELEASED ON ANY FORM OF A PERSONAL RECOGNIZANCE BOND IN  
4 ADDITION TO PRETRIAL SUPERVISION.

5 **16-4-107. Hearing after setting of monetary conditions of**  
6 **bond.** IF A PERSON IS IN CUSTODY AND THE COURT IMPOSED A MONETARY  
7 BOND FOR RELEASE, AND THE PERSON, AFTER SEVEN DAYS FROM THE  
8 SETTING OF THE MONETARY BOND, IS UNABLE TO MEET THE MONETARY  
9 OBLIGATIONS OF THE BOND, THE PERSON MAY FILE A WRITTEN MOTION FOR  
10 RECONSIDERATION OF THE MONETARY CONDITIONS OF THE BOND. THE  
11 PERSON MAY ONLY FILE THE WRITTEN MOTION IF HE OR SHE BELIEVES  
12 THAT, UPON PRESENTATION OF EVIDENCE NOT FULLY CONSIDERED BY THE  
13 COURT, HE OR SHE IS ENTITLED TO A PERSONAL RECOGNIZANCE BOND OR  
14 AN UNSECURED BOND WITH CONDITIONS OF RELEASE OR A CHANGE IN THE  
15 MONETARY CONDITIONS OF BOND. THE COURT SHALL PROMPTLY CONDUCT  
16 A HEARING ON THIS MOTION FOR RECONSIDERATION, BUT THE HEARING  
17 MUST BE HELD WITHIN FOURTEEN DAYS AFTER THE FILING OF THE MOTION.  
18 HOWEVER, THE COURT MAY SUMMARILY DENY THE MOTION IF THE COURT  
19 FINDS THAT THERE IS NO ADDITIONAL EVIDENCE NOT FULLY CONSIDERED  
20 BY THE COURT PRESENTED IN THE WRITTEN MOTION. IN CONSIDERING THE  
21 MOTION, THE COURT SHALL CONSIDER THE RESULTS OF ANY EMPIRICALLY  
22 DEVELOPED RISK ASSESSMENT INSTRUMENT.

23 **16-4-108. When original bond continued.** ONCE A BOND HAS  
24 BEEN EXECUTED AND THE PERSON RELEASED FROM CUSTODY THEREON,  
25 WHETHER A CHARGE IS THEN PENDING OR IS THEREAFTER FILED OR  
26 TRANSFERRED TO A COURT OF COMPETENT JURISDICTION, THE ORIGINAL  
27 BOND SHALL CONTINUE IN EFFECT UNTIL FINAL DISPOSITION OF THE CASE

1 IN THE TRIAL COURT. IF A CHARGE FILED IN THE COUNTY COURT IS  
2 DISMISSED AND THE DISTRICT ATTORNEY STATES ON THE RECORD THAT  
3 THE CHARGE WILL BE REFILED IN THE DISTRICT COURT OR THAT THE  
4 DISMISSAL BY THE COUNTY COURT WILL BE APPEALED TO THE DISTRICT  
5 COURT, THE COUNTY COURT BEFORE ENTERING THE DISMISSAL SHALL FIX  
6 A RETURN DATE, NOT LATER THAN SIXTY-THREE DAYS THEREAFTER, UPON  
7 WHICH THE DEFENDANT MUST APPEAR IN THE DISTRICT COURT AND  
8 CONTINUE THE BOND. ANY BOND CONTINUED PURSUANT TO THIS SECTION  
9 IS SUBJECT TO THE PROVISIONS OF SECTION 16-4-109.

10 **16-4-109. Reduction or increase of monetary conditions of**  
11 **bond - change in type of bond or conditions of bond - definitions.**

12 (1) UPON APPLICATION BY THE DISTRICT ATTORNEY OR THE DEFENDANT,  
13 THE COURT BEFORE WHICH THE PROCEEDING IS PENDING MAY INCREASE OR  
14 DECREASE THE FINANCIAL CONDITIONS OF BOND, MAY REQUIRE  
15 ADDITIONAL SECURITY FOR A BOND, MAY DISPENSE WITH SECURITY  
16 THERETOFORE PROVIDED, OR MAY ALTER ANY OTHER CONDITION OF THE  
17 BOND.

18 (2) REASONABLE NOTICE OF AN APPLICATION FOR MODIFICATION  
19 OF A BOND BY THE DEFENDANT SHALL BE GIVEN TO THE DISTRICT  
20 ATTORNEY.

21 (3) REASONABLE NOTICE OF APPLICATION FOR MODIFICATION OF  
22 A BOND BY THE DISTRICT ATTORNEY SHALL BE GIVEN TO THE DEFENDANT,  
23 EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION.

24 (4) (a) UPON VERIFIED APPLICATION BY THE DISTRICT ATTORNEY  
25 OR A BONDING COMMISSIONER STATING FACTS OR CIRCUMSTANCES  
26 CONSTITUTING A BREACH OR A THREATENED BREACH OF ANY OF THE  
27 CONDITIONS OF THE BOND, THE COURT MAY ISSUE A WARRANT

1 COMMANDING ANY PEACE OFFICER TO BRING THE DEFENDANT WITHOUT  
2 UNNECESSARY DELAY BEFORE THE COURT FOR A HEARING ON THE  
3 MATTERS SET FORTH IN THE APPLICATION. UPON ISSUANCE OF THE  
4 WARRANT, THE BONDING COMMISSIONER SHALL NOTIFY THE BAIL BOND  
5 AGENT OF RECORD BY ELECTRONIC MAIL TO THE AGENT IF AVAILABLE  
6 WITHIN TWENTY-FOUR HOURS OR BY CERTIFIED MAIL NOT MORE THAN  
7 FOURTEEN DAYS AFTER THE WARRANT IS ISSUED. AT THE CONCLUSION OF  
8 THE HEARING, THE COURT MAY ENTER AN ORDER AUTHORIZED BY  
9 SUBSECTION (1) OF THIS SECTION. IF A BONDING COMMISSIONER FILES AN  
10 APPLICATION FOR A HEARING PURSUANT TO THIS SUBSECTION (4), THE  
11 BONDING COMMISSIONER SHALL NOTIFY THE DISTRICT ATTORNEY, FOR THE  
12 JURISDICTION IN WHICH THE APPLICATION IS MADE, OF THE APPLICATION  
13 WITHIN TWENTY-FOUR HOURS FOLLOWING THE FILING OF THE  
14 APPLICATION.

15 (b) AS USED IN THIS SUBSECTION (4), "BONDING COMMISSIONER"  
16 MEANS A PERSON EMPLOYED BY A PRETRIAL SERVICES PROGRAM AS  
17 DESCRIBED IN SECTION 16-4-106 (3), AND SO DESIGNATED AS A BONDING  
18 COMMISSIONER BY THE CHIEF OR PRESIDING JUDGE OF THE JUDICIAL  
19 DISTRICT.

20 (5) THE DISTRICT ATTORNEY HAS THE RIGHT TO APPEAR AT ALL  
21 HEARINGS SEEKING MODIFICATION OF THE TERMS AND CONDITIONS OF  
22 BOND AND MAY ADVISE THE COURT ON ALL PERTINENT MATTERS DURING  
23 THE HEARING.

24 **16-4-110. Exoneration from bond liability.** (1) ANY PERSON  
25 EXECUTING A BAIL BOND AS PRINCIPAL OR AS SURETY SHALL BE  
26 EXONERATED AS FOLLOWS:

27 (a) WHEN THE CONDITION OF THE BOND HAS BEEN SATISFIED; OR

1 (b) WHEN THE AMOUNT OF THE FORFEITURE HAS BEEN PAID; OR

2 (c) (I) WHEN THE SURETY APPEARS AND PROVIDES SATISFACTORY  
3 EVIDENCE TO THE COURT THAT THE DEFENDANT IS UNABLE TO APPEAR  
4 BEFORE THE COURT DUE TO SUCH DEFENDANT'S DEATH OR THE DETENTION  
5 OR INCARCERATION OF SUCH DEFENDANT IN A FOREIGN JURISDICTION IF  
6 THE DEFENDANT IS INCARCERATED FOR A PERIOD IN EXCESS OF  
7 NINETY-ONE DAYS AND THE STATE OF COLORADO HAS REFUSED TO  
8 EXTRADITE SUCH DEFENDANT; EXCEPT THAT, IF THE STATE EXTRADITES  
9 SUCH DEFENDANT, ALL COSTS ASSOCIATED WITH SUCH EXTRADITION  
10 SHALL BE BORNE BY THE SURETY UP TO THE AMOUNT OF THE BOND.

11 (II) FOR THE PURPOSES OF THIS PARAGRAPH (c), "COSTS  
12 ASSOCIATED WITH EXTRADITION" SHALL BE CALCULATED AS AND LIMITED  
13 TO THE ROUND-TRIP MILEAGE BETWEEN THE COLORADO COURT OF  
14 JURISDICTION AND THE LOCATION OF THE DEFENDANT'S INCARCERATION  
15 AT THE RATE ALLOWED FOR REIMBURSEMENT PURSUANT TO SECTION  
16 24-9-104, C.R.S., UP TO THE AMOUNT OF THE BOND.

17 (d) UPON SURRENDER OF THE DEFENDANT INTO CUSTODY AT ANY  
18 TIME BEFORE A JUDGMENT HAS BEEN ENTERED AGAINST THE SURETIES FOR  
19 FORFEITURE OF THE BOND, UPON PAYMENT OF ALL COSTS OCCASIONED  
20 THEREBY. A SURETY MAY SEIZE AND SURRENDER THE DEFENDANT TO THE  
21 SHERIFF OF THE COUNTY WHEREIN THE BOND IS TAKEN, AND IT IS THE  
22 DUTY OF THE SHERIFF, ON SUCH SURRENDER AND DELIVERY TO HIM OR HER  
23 OF A CERTIFIED COPY OF THE BOND BY WHICH THE SURETY IS BOUND, TO  
24 TAKE THE PERSON INTO CUSTODY AND, BY WRITING, ACKNOWLEDGE THE  
25 SURRENDER. IF A COMPENSATED SURETY IS EXONERATED BY  
26 SURRENDERING A DEFENDANT PRIOR TO THE INITIAL APPEARANCE DATE  
27 FIXED IN THE BOND, THE COURT, AFTER A HEARING, MAY REQUIRE THE

1 SURETY TO REFUND PART OR ALL OF THE BOND PREMIUM PAID BY THE  
2 DEFENDANT IF NECESSARY TO PREVENT UNJUST ENRICHMENT.

3 (e) AFTER THREE YEARS HAVE ELAPSED FROM THE POSTING OF THE  
4 BOND, UNLESS A JUDGMENT HAS BEEN ENTERED AGAINST THE SURETY OR  
5 THE PRINCIPAL FOR THE FORFEITURE OF THE BOND, OR UNLESS THE COURT  
6 GRANTS AN EXTENSION OF THE THREE-YEAR TIME PERIOD FOR GOOD  
7 CAUSE SHOWN, UPON MOTION BY THE PROSECUTING ATTORNEY AND  
8 NOTICE TO SURETY OF RECORD.

9 (2) IF, WITHIN FOURTEEN DAYS AFTER THE POSTING OF A BOND BY  
10 A DEFENDANT, THE TERMS AND CONDITIONS OF SAID BOND ARE CHANGED  
11 OR ALTERED EITHER BY ORDER OF COURT OR UPON THE MOTION OF THE  
12 DISTRICT ATTORNEY OR THE DEFENDANT, THE COURT, AFTER A HEARING,  
13 MAY ORDER A COMPENSATED SURETY TO REFUND A PORTION OF THE  
14 PREMIUM PAID BY THE DEFENDANT, IF NECESSARY, TO PREVENT UNJUST  
15 ENRICHMENT. IF MORE THAN FOURTEEN DAYS HAVE ELAPSED AFTER  
16 POSTING OF A BOND BY A DEFENDANT, THE COURT SHALL NOT ORDER THE  
17 REFUND OF ANY PREMIUM.

18 (3) UPON ENTRY OF AN ORDER FOR DEFERRED PROSECUTION OR  
19 DEFERRED JUDGMENT AS AUTHORIZED IN SECTIONS 18-1.3-101 AND  
20 18-1.3-102, C.R.S., SURETIES UPON ANY BOND GIVEN FOR THE  
21 APPEARANCE OF THE DEFENDANT SHALL BE RELEASED FROM LIABILITY ON  
22 SUCH BOND.

23 **16-4-111. Disposition of security deposits upon forfeiture or**  
24 **termination of bond.** (1) (a) IF A DEFENDANT IS RELEASED UPON DEPOSIT  
25 OF CASH IN ANY AMOUNT OR UPON DEPOSIT OF ANY STOCKS OR BONDS AND  
26 THE DEFENDANT IS LATER DISCHARGED FROM ALL LIABILITY UNDER THE  
27 TERMS OF THE BOND, THE CLERK OF THE COURT SHALL RETURN THE

1 DEPOSIT TO THE PERSON WHO MADE THE DEPOSIT.

2 (b) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF  
3 THIS SUBSECTION (1), IF THE DEPOSITOR OF THE CASH BOND IS THE  
4 DEFENDANT AND THE DEFENDANT OWES COURT COSTS, FEES, FINES,  
5 RESTITUTION, OR SURCHARGES AT THE TIME THE DEFENDANT IS  
6 DISCHARGED FROM ALL LIABILITY UNDER THE TERMS OF THE BOND, THE  
7 COURT MAY APPLY THE DEPOSIT TOWARD ANY AMOUNT OWED BY THE  
8 DEFENDANT IN COURT COSTS, FEES, FINES, RESTITUTION, OR SURCHARGES.  
9 IF ANY AMOUNT OF THE DEPOSIT REMAINS AFTER PAYING THE  
10 DEFENDANT'S OUTSTANDING COURT COSTS, FEES, FINES, RESTITUTION, OR  
11 SURCHARGES, THE COURT SHALL RETURN THE REMAINDER OF THE DEPOSIT  
12 TO THE DEFENDANT.

13 (II) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF  
14 THIS SUBSECTION (1), IF THE DEPOSITOR OF THE CASH BOND IS NOT THE  
15 DEFENDANT, BUT THE DEFENDANT OWES COURT COSTS, FEES, FINES,  
16 RESTITUTION, OR SURCHARGES AT THE TIME THE DEFENDANT IS  
17 DISCHARGED FROM ALL LIABILITY UNDER THE TERMS OF THE BOND, THE  
18 COURT MAY APPLY THE DEPOSIT TOWARD THE AMOUNT OWED BY THE  
19 DEFENDANT IN COURT COSTS, FEES, FINES, RESTITUTION, OR SURCHARGES  
20 IF THE DEPOSITOR AGREES IN WRITING TO THE USE OF THE DEPOSIT FOR  
21 SUCH PURPOSE. IF ANY AMOUNT OF THE DEPOSIT REMAINS AFTER PAYING  
22 THE DEFENDANT'S OUTSTANDING COURT COSTS, FEES, FINES, RESTITUTION,  
23 OR SURCHARGES, THE COURT SHALL RETURN THE REMAINDER OF THE  
24 DEPOSIT TO THE DEPOSITOR.

25 (2) (a) UPON SATISFACTION OF THE TERMS OF THE BOND, THE  
26 CLERK OF THE COURT SHALL EXECUTE, WITHIN FOURTEEN DAYS AFTER  
27 SUCH SATISFACTION, A RELEASE OF ANY DEED OF TRUST GIVEN TO SECURE



1 THE BOND AND AN AFFIDAVIT THAT STATES THAT THE OBLIGATION FOR  
2 WHICH THE DEED OF TRUST HAD BEEN RECORDED HAS BEEN SATISFIED,  
3 EITHER FULLY OR PARTIALLY, AND THAT THE RELEASE OF SUCH DEED OF  
4 TRUST MAY BE RECORDED AT THE EXPENSE OF THE RECORD OWNER OF THE  
5 PROPERTY DESCRIBED IN SUCH DEED OF TRUST.

6 (b) IF THERE IS A FORFEITURE OF THE BOND PURSUANT TO THIS  
7 SECTION, AND IF THE FORFEITURE IS NOT SET ASIDE PURSUANT TO  
8 SUBSECTION (4) OF THIS SECTION, THE DEED OF TRUST MAY BE  
9 FORECLOSED AS PROVIDED BY LAW.

10 (c) IF THERE IS A FORFEITURE OF THE BOND PURSUANT TO THIS  
11 SECTION, BUT THE FORFEITURE IS SET ASIDE PURSUANT TO SUBSECTION (3)  
12 OF THIS SECTION, THE CLERK OF THE COURT SHALL EXECUTE A RELEASE OF  
13 ANY DEED OF TRUST GIVEN TO SECURE THE BOND AND AN AFFIDAVIT THAT  
14 STATES THAT THE OBLIGATION FOR WHICH THE DEED OF TRUST HAD BEEN  
15 RECORDED HAS BEEN SATISFIED, EITHER FULLY OR PARTIALLY, AND THAT  
16 THE RELEASE OF SUCH DEED OF TRUST MAY BE RECORDED AT THE EXPENSE  
17 OF THE RECORD OWNER OF THE REAL ESTATE DESCRIBED IN SUCH DEED OF  
18 TRUST.

19 (3) WHERE THE DEFENDANT HAS BEEN RELEASED UPON DEPOSIT OF  
20 CASH, STOCKS, BONDS, OR PROPERTY OR UPON A SURETY BOND SECURED  
21 BY PROPERTY, IF THE DEFENDANT FAILS TO APPEAR IN ACCORDANCE WITH  
22 THE PRIMARY CONDITION OF THE BOND, THE COURT SHALL DECLARE A  
23 FORFEITURE. NOTICE OF THE ORDER OF FORFEITURE SHALL BE MAILED BY  
24 THE COURT TO THE DEFENDANT, ALL SURETIES, AND ALL DEPOSITORS OR  
25 ASSIGNEES OF ANY DEPOSITS OF CASH OR PROPERTY IF SUCH SURETIES,  
26 DEPOSITORS, OR ASSIGNEES HAVE DIRECT CONTACT WITH THE COURT, AT  
27 THEIR LAST-KNOWN ADDRESSES. SUCH NOTICE SHALL BE SENT WITHIN

1 FOURTEEN DAYS AFTER THE ENTRY OF THE ORDER OF FORFEITURE. IF THE  
2 DEFENDANT DOES NOT APPEAR AND SURRENDER TO THE COURT HAVING  
3 JURISDICTION WITHIN THIRTY-FIVE DAYS FROM THE DATE OF THE  
4 FORFEITURE OR WITHIN THAT PERIOD SATISFY THE COURT THAT  
5 APPEARANCE AND SURRENDER BY THE DEFENDANT IS IMPOSSIBLE AND  
6 WITHOUT FAULT BY SUCH DEFENDANT, THE COURT MAY ENTER JUDGMENT  
7 FOR THE STATE AGAINST THE DEFENDANT FOR THE AMOUNT OF THE BOND  
8 AND COSTS OF THE COURT PROCEEDINGS. ANY CASH DEPOSITS MADE WITH  
9 THE CLERK OF THE COURT SHALL BE APPLIED TO THE PAYMENT OF COSTS.  
10 IF ANY AMOUNT OF SUCH CASH DEPOSIT REMAINS AFTER THE PAYMENT OF  
11 COSTS, IT SHALL BE APPLIED TO PAYMENT OF THE JUDGMENT.

12 (4) THE COURT MAY ORDER THAT A FORFEITURE BE SET ASIDE,  
13 UPON SUCH CONDITIONS AS THE COURT MAY IMPOSE, IF IT APPEARS THAT  
14 JUSTICE SO REQUIRES.

15 (5) IF, WITHIN ONE YEAR AFTER JUDGMENT, THE PERSON WHO  
16 EXECUTED THE FORFEITED BOND AS PRINCIPAL OR AS SURETY EFFECTS THE  
17 APPREHENSION OR SURRENDER OF THE DEFENDANT TO THE SHERIFF OF THE  
18 COUNTY FROM WHICH THE BOND WAS TAKEN OR TO THE COURT WHICH  
19 GRANTED THE BOND, THE COURT MAY VACATE THE JUDGMENT AND ORDER  
20 A REMISSION LESS NECESSARY AND ACTUAL COSTS OF THE COURT.

21 (6) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO  
22 APPEARANCE BONDS WRITTEN BY COMPENSATED SURETIES, AS DEFINED IN  
23 SECTION 16-4-114 (2) (c), WHICH BONDS SHALL BE SUBJECT TO THE  
24 PROVISIONS OF SECTION 16-4-114.

25 (7) ON AND AFTER JULY 1, 2008, ALL MONEYS COLLECTED FROM  
26 PAYMENT TOWARD A JUDGMENT ENTERED FOR THE STATE PURSUANT TO  
27 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL BE

1 TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL  
2 STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (6), C.R.S.

3 **16-4-112. Enforcement when forfeiture not set aside.** BY  
4 ENTERING INTO A BOND, EACH OBLIGOR, WHETHER HE OR SHE IS THE  
5 PRINCIPAL OR A SURETY, SUBMITS TO THE JURISDICTION OF THE COURT.  
6 HIS OR HER LIABILITY UNDER THE BOND MAY BE ENFORCED, WITHOUT THE  
7 NECESSITY OF AN INDEPENDENT ACTION, AS FOLLOWS: THE COURT SHALL  
8 ORDER THE ISSUANCE OF A CITATION DIRECTED TO THE OBLIGOR TO SHOW  
9 CAUSE, IF ANY THERE BE, WHY JUDGMENT SHOULD NOT BE ENTERED  
10 AGAINST HIM OR HER FORTHWITH AND EXECUTION ISSUE THEREON. SAID  
11 CITATION MAY BE SERVED PERSONALLY OR BY CERTIFIED MAIL UPON THE  
12 OBLIGOR DIRECTED TO THE ADDRESS GIVEN IN THE BOND. HEARING ON THE  
13 CITATION SHALL BE HELD NOT LESS THAN TWENTY-ONE DAYS AFTER  
14 SERVICE. THE DEFENDANT'S ATTORNEY AND THE PROSECUTING ATTORNEY  
15 SHALL BE GIVEN NOTICE OF THE HEARING. AT THE CONCLUSION OF THE  
16 HEARING, THE COURT MAY ENTER A JUDGMENT FOR THE STATE AND  
17 AGAINST THE OBLIGOR, AND EXECUTION SHALL ISSUE THEREON AS ON  
18 OTHER JUDGMENTS. THE DISTRICT ATTORNEY SHALL HAVE EXECUTION  
19 ISSUED FORTHWITH UPON THE JUDGMENT AND DELIVER IT TO THE SHERIFF  
20 TO BE EXECUTED BY LEVY UPON THE STOCKS, BOND, OR REAL ESTATE  
21 WHICH HAS BEEN ACCEPTED AS SECURITY FOR THE BOND.

22 **16-4-113. Type of bond in certain misdemeanor cases.** (1) IN  
23 EXERCISING THE DISCRETION MENTIONED IN SECTION 16-4-104, THE JUDGE  
24 SHALL RELEASE THE ACCUSED PERSON UPON PERSONAL RECOGNIZANCE IF  
25 THE CHARGE IS A CLASS 3 MISDEMEANOR OR A PETTY OFFENSE, OR ANY  
26 UNCLASSIFIED OFFENSE FOR A VIOLATION OF WHICH THE MAXIMUM  
27 PENALTY DOES NOT EXCEED SIX MONTHS' IMPRISONMENT, AND HE OR SHE

1 SHALL NOT BE REQUIRED TO SUPPLY A SURETY BOND, OR GIVE SECURITY  
2 OF ANY KIND FOR HIS OR HER APPEARANCE FOR TRIAL OTHER THAN HIS OR  
3 HER PERSONAL RECOGNIZANCE, UNLESS ONE OR MORE OF THE FOLLOWING  
4 FACTS ARE FOUND TO BE PRESENT:

5 (a) THE ARRESTED PERSON FAILS TO SUFFICIENTLY IDENTIFY  
6 HIMSELF OR HERSELF; OR

7 (b) THE ARRESTED PERSON REFUSES TO SIGN A PERSONAL  
8 RECOGNIZANCE; OR

9 (c) THE CONTINUED DETENTION OR POSTING OF A SURETY BOND IS  
10 NECESSARY TO PREVENT IMMINENT BODILY HARM TO THE ACCUSED OR TO  
11 ANOTHER; OR

12 (d) THE ARRESTED PERSON HAS NO TIES TO THE JURISDICTION OF  
13 THE COURT REASONABLY SUFFICIENT TO ASSURE HIS OR HER APPEARANCE,  
14 AND THERE IS SUBSTANTIAL LIKELIHOOD THAT HE OR SHE WILL FAIL TO  
15 APPEAR FOR TRIAL IF RELEASED UPON HIS OR HER PERSONAL  
16 RECOGNIZANCE; OR

17 (e) THE ARRESTED PERSON HAS PREVIOUSLY FAILED TO APPEAR  
18 FOR TRIAL FOR AN OFFENSE CONCERNING WHICH HE OR SHE HAD GIVEN HIS  
19 WRITTEN PROMISE TO APPEAR; OR

20 (f) THERE IS OUTSTANDING A WARRANT FOR HIS OR HER ARREST ON  
21 ANY OTHER CHARGE OR THERE ARE PENDING PROCEEDINGS AGAINST HIM  
22 OR HER FOR SUSPENSION OR REVOCATION OF PAROLE OR PROBATION.

23 **16-4-114. Enforcement procedures for compensated sureties**

24 - **definitions.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS,  
25 DETERMINES, AND DECLARES THAT THE SIMPLICITY, EFFECTIVENESS, AND  
26 UNIFORMITY OF BAIL FORFEITURE PROCEDURES APPLICABLE TO  
27 COMPENSATED SURETIES WHO ARE SUBJECT TO THE REGULATORY

1 AUTHORITY OF THE COLORADO DIVISION OF INSURANCE ARE MATTERS OF  
2 STATEWIDE CONCERN.

3 (b) IT IS THE INTENT OF THE GENERAL ASSEMBLY IN ADOPTING THIS  
4 SECTION TO:

5 (I) ADOPT A BOARD SYSTEM THAT WILL SIMPLIFY AND EXPEDITE  
6 BAIL FORFEITURE PROCEDURES BY AUTHORIZING COURTS TO BAR  
7 COMPENSATED SURETIES WHO FAIL TO PAY FORFEITURE JUDGMENTS FROM  
8 WRITING FURTHER BONDS;

9 (II) MINIMIZE THE NEED FOR DAY-TO-DAY INVOLVEMENT OF THE  
10 DIVISION OF INSURANCE IN ROUTINE FORFEITURE ENFORCEMENT; AND

11 (III) REDUCE COURT ADMINISTRATIVE WORKLOAD.

12 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
13 REQUIRES:

14 (a) "BAIL INSURANCE COMPANY" MEANS AN INSURER AS DEFINED  
15 IN SECTION 10-1-102 (13), C.R.S., ENGAGED IN THE BUSINESS OF WRITING  
16 APPEARANCE BONDS THROUGH BONDING AGENTS, WHICH COMPANY IS  
17 SUBJECT TO REGULATION BY THE DIVISION OF INSURANCE IN THE  
18 DEPARTMENT OF REGULATORY AGENCIES.

19 (b) "BOARD SYSTEM" MEANS ANY REASONABLE METHOD  
20 ESTABLISHED BY A COURT TO PUBLICLY POST OR DISSEMINATE THE NAME  
21 OF ANY COMPENSATED SURETY WHO IS PROHIBITED FROM POSTING BAIL  
22 BONDS.

23 (c) "COMPENSATED SURETY" MEANS ANY PERSON WHO IS IN THE  
24 BUSINESS OF WRITING APPEARANCE BONDS AND WHO IS SUBJECT TO  
25 REGULATION BY THE DIVISION OF INSURANCE IN THE DEPARTMENT OF  
26 REGULATORY AGENCIES, INCLUDING BONDING AGENTS AND BAIL  
27 INSURANCE COMPANIES. NOTHING IN THIS PARAGRAPH (c) AUTHORIZES

1 BAIL INSURANCE COMPANIES TO WRITE APPEARANCE BONDS EXCEPT  
2 THROUGH BAIL BONDING AGENTS.

3 (d) "ON THE BOARD" MEANS THAT THE NAME OF A COMPENSATED  
4 SURETY HAS BEEN PUBLICLY POSTED OR DISSEMINATED BY A COURT AS  
5 BEING INELIGIBLE TO WRITE BAIL BONDS PURSUANT TO PARAGRAPH (e) OR  
6 (f) OF SUBSECTION (5) OF THIS SECTION.

7 (3) EACH COURT OF RECORD IN THIS STATE SHALL IMPLEMENT A  
8 BOARD SYSTEM FOR THE RECORDING AND DISSEMINATION OF THE NAMES  
9 OF THOSE COMPENSATED SURETIES WHO ARE PROHIBITED FROM POSTING  
10 BAIL BONDS IN THE STATE DUE TO AN UNPAID JUDGMENT AS SET FORTH IN  
11 THIS SECTION.

12 (4) BY ENTERING INTO A BOND, EACH OBLIGOR, INCLUDING THE  
13 BOND PRINCIPAL AND COMPENSATED SURETY, SUBMITS TO THE  
14 JURISDICTION OF THE COURT AND ACKNOWLEDGES THE APPLICABILITY OF  
15 THE FORFEITURE PROCEDURES SET FORTH IN THIS SECTION.

16 (5) LIABILITY OF BOND OBLIGORS ON BONDS ISSUED BY  
17 COMPENSATED SURETIES MAY BE ENFORCED, WITHOUT THE NECESSITY OF  
18 AN INDEPENDENT ACTION, AS FOLLOWS:

19 (a) IN THE EVENT A DEFENDANT DOES NOT APPEAR BEFORE THE  
20 COURT AND IS IN VIOLATION OF THE PRIMARY CONDITION OF AN  
21 APPEARANCE BOND, THE COURT MAY DECLARE THE BOND FORFEITED.

22 (b) (I) IF A BOND IS DECLARED FORFEITED BY THE COURT, NOTICE  
23 OF THE BAIL FORFEITURE ORDER SHALL BE SERVED ON THE BONDING  
24 AGENT BY CERTIFIED MAIL AND ON THE BAIL INSURANCE COMPANY BY  
25 REGULAR MAIL WITHIN FOURTEEN DAYS AFTER THE ENTRY OF SAID  
26 FORFEITURE. IF THE COMPENSATED SURETY ON THE BOND IS A CASH  
27 BONDING AGENT, ONLY THE CASH BONDING AGENT SHALL BE NOTIFIED OF

1 THE FORFEITURE. SERVICE OF NOTICE OF THE BAIL FORFEITURE ON THE  
2 DEFENDANT IS NOT REQUIRED.

3 (II) THE NOTICE DESCRIBED IN SUBPARAGRAPH (I) OF THIS  
4 PARAGRAPH (b) SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

5 (A) A STATEMENT INTENDED TO INFORM THE COMPENSATED  
6 SURETY OF THE ENTRY OF FORFEITURE;

7 (B) AN ADVISEMENT THAT THE COMPENSATED SURETY HAS THE  
8 RIGHT TO REQUEST A SHOW CAUSE HEARING PURSUANT TO SUBPARAGRAPH  
9 (III) OF THIS PARAGRAPH (b) WITHIN FOURTEEN DAYS AFTER RECEIPT OF  
10 NOTICE OF FORFEITURE, BY PROCEDURES SET BY THE COURT; AND

11 (C) AN ADVISEMENT THAT IF THE COMPENSATED SURETY DOES  
12 NOT REQUEST A SHOW CAUSE HEARING PURSUANT TO SUBPARAGRAPH (III)  
13 OF THIS PARAGRAPH (b), JUDGMENT SHALL BE ENTERED UPON EXPIRATION  
14 OF THIRTY-FIVE DAYS FOLLOWING THE ENTRY OF FORFEITURE.

15 (III) A COMPENSATED SURETY, UPON WHOM NOTICE OF A BAIL  
16 FORFEITURE ORDER HAS BEEN SERVED, SHALL HAVE FOURTEEN DAYS  
17 AFTER RECEIPT OF NOTICE OF SUCH FORFEITURE TO REQUEST A HEARING  
18 TO SHOW CAUSE WHY JUDGMENT ON THE FORFEITURE SHOULD NOT BE  
19 ENTERED FOR THE STATE AGAINST THE COMPENSATED SURETY. SUCH  
20 REQUEST SHALL BE GRANTED BY THE COURT AND A HEARING SHALL BE SET  
21 WITHIN THIRTY-FIVE DAYS AFTER ENTRY OF FORFEITURE OR AT THE  
22 COURT'S EARLIEST CONVENIENCE. AT THE CONCLUSION OF THE HEARING  
23 REQUESTED BY THE COMPENSATED SURETY, IF ANY, THE COURT MAY  
24 ENTER JUDGMENT FOR THE STATE AGAINST THE COMPENSATED SURETY, OR  
25 THE COURT MAY IN ITS DISCRETION ORDER FURTHER HEARINGS. UPON  
26 EXPIRATION OF THIRTY-FIVE DAYS AFTER THE ENTRY OF FORFEITURE, THE  
27 COURT SHALL ENTER JUDGMENT FOR THE STATE AGAINST THE

1 COMPENSATED SURETY IF THE COMPENSATED SURETY DID NOT REQUEST  
2 WITHIN FOURTEEN DAYS AFTER RECEIPT OF NOTICE OF SUCH FORFEITURE  
3 A HEARING TO SHOW CAUSE.

4 (IV) IF SUCH A SHOW CAUSE HEARING WAS TIMELY SET BUT THE  
5 HEARING DID NOT OCCUR WITHIN THIRTY-FIVE DAYS AFTER THE ENTRY OF  
6 FORFEITURE, ANY ENTRY OF JUDGMENT AT THE CONCLUSION OF THE  
7 HEARING AGAINST THE COMPENSATED SURETY SHALL NOT BE VACATED ON  
8 THE GROUNDS THAT THE MATTER WAS NOT TIMELY HEARD. IF JUDGMENT  
9 IS ENTERED AGAINST A COMPENSATED SURETY UPON THE CONCLUSION OF  
10 A REQUESTED SHOW CAUSE HEARING, AND SUCH HEARING DID NOT OCCUR  
11 WITHIN THIRTY-FIVE DAYS AFTER THE ENTRY OF FORFEITURE, EXECUTION  
12 UPON SAID JUDGMENT SHALL BE AUTOMATICALLY STAYED FOR NO MORE  
13 THAN ONE HUNDRED TWENTY-SIX DAYS AFTER ENTRY OF FORFEITURE.

14 (V) (A) IF AT ANY TIME PRIOR TO THE ENTRY OF JUDGMENT, THE  
15 DEFENDANT APPEARS IN COURT, EITHER VOLUNTARILY OR IN CUSTODY  
16 AFTER SURRENDER OR ARREST, THE COURT SHALL ON ITS OWN MOTION  
17 DIRECT THAT THE BAIL FORFEITURE BE SET ASIDE AND THE BOND  
18 EXONERATED AT THE TIME THE DEFENDANT FIRST APPEARS IN COURT;  
19 EXCEPT THAT, IF THE STATE EXTRADITES SUCH DEFENDANT, ALL  
20 NECESSARY AND ACTUAL COSTS ASSOCIATED WITH SUCH EXTRADITION  
21 SHALL BE BORNE BY THE SURETY UP TO THE AMOUNT OF THE BOND.

22 (B) IF, AT A TIME PRIOR TO THE ENTRY OF JUDGMENT, THE SURETY  
23 PROVIDES PROOF TO THE COURT THAT THE DEFENDANT IS IN CUSTODY IN  
24 ANY OTHER JURISDICTION WITHIN THE STATE, THE COURT SHALL ON ITS  
25 OWN MOTION DIRECT THAT THE BAIL FORFEITURE BE SET ASIDE AND THE  
26 BOND EXONERATED; EXCEPT THAT, IF THE COURT EXTRADITES THE  
27 DEFENDANT, ALL NECESSARY AND ACTUAL COSTS ASSOCIATED WITH THE



1 EXTRADITION SHALL BE BORNE BY THE SURETY UP TO THE AMOUNT OF THE  
2 BOND. IF THE COURT ELECTS TO EXTRADITE THE DEFENDANT, ANY  
3 FORFEITURE WILL BE STAYED UNTIL SUCH TIME THE DEFENDANT APPEARS  
4 IN THE COURT WHERE THE BOND RETURNS.

5 (C) A COMPENSATED SURETY SHALL BE EXONERATED FROM  
6 LIABILITY UPON THE BOND BY SATISFACTION OF THE BAIL FORFEITURE  
7 JUDGMENT, SURRENDER OF THE DEFENDANT, OR ORDER OF THE COURT. IF  
8 THE SURETY PROVIDES PROOF TO THE COURT THAT THE DEFENDANT IS IN  
9 CUSTODY IN ANY OTHER JURISDICTION WITHIN THE STATE, WITHIN  
10 NINETY-ONE DAYS AFTER THE ENTRY OF JUDGMENT, THE COURT SHALL ON  
11 ITS OWN MOTION DIRECT THAT THE BAIL FORFEITURE JUDGMENT BE  
12 VACATED AND THE BOND EXONERATED; EXCEPT THAT, IF THE COURT  
13 EXTRADITES THE DEFENDANT, ALL NECESSARY AND ACTUAL COSTS  
14 ASSOCIATED WITH THE EXTRADITION SHALL BE BORNE BY THE SURETY UP  
15 TO THE AMOUNT OF THE BOND. IF THE COURT ELECTS TO EXTRADITE THE  
16 DEFENDANT, ANY JUDGMENT WILL BE STAYED UNTIL THE TIME THE  
17 DEFENDANT APPEARS IN THE COURT WHERE THE BOND RETURNS.

18 (c) EXECUTION UPON SAID BAIL FORFEITURE JUDGMENT SHALL BE  
19 AUTOMATICALLY STAYED FOR NINETY-ONE DAYS FROM THE DATE OF  
20 ENTRY OF JUDGMENT; EXCEPT THAT, IF JUDGMENT IS ENTERED AGAINST A  
21 COMPENSATED SURETY UPON THE CONCLUSION OF A REQUESTED SHOW  
22 CAUSE HEARING, AND SUCH HEARING DID NOT OCCUR WITHIN THIRTY-FIVE  
23 DAYS AFTER THE ENTRY OF FORFEITURE, THE JUDGMENT SHALL BE  
24 AUTOMATICALLY STAYED AS SET FORTH IN SUBPARAGRAPH (IV) OF  
25 PARAGRAPH (b) OF THIS SUBSECTION (5).

26 (d) UPON THE EXPIRATION OF THE STAY OF EXECUTION DESCRIBED  
27 IN PARAGRAPH (c) OF THIS SUBSECTION (5), THE BAIL FORFEITURE

1 JUDGMENT SHALL BE PAID FORTHWITH BY THE COMPENSATED SURETY, IF  
2 NOT PREVIOUSLY PAID, UNLESS THE DEFENDANT APPEARS IN COURT,  
3 EITHER VOLUNTARILY OR IN CUSTODY AFTER SURRENDER OR ARREST, OR  
4 THE COURT ENTERS AN ORDER GRANTING AN ADDITIONAL STAY OF  
5 EXECUTION OR OTHERWISE VACATES THE JUDGMENT.

6 (e) IF A BAIL FORFEITURE JUDGMENT IS NOT PAID ON OR BEFORE  
7 THE EXPIRATION DATE OF THE STAY OF EXECUTION DESCRIBED IN  
8 PARAGRAPH (c) OF THIS SUBSECTION (5), THE NAME OF THE BONDING  
9 AGENT SHALL BE PLACED ON THE BOARD OF THE COURT THAT ENTERED  
10 THE JUDGMENT. THE BONDING AGENT SHALL BE PROHIBITED FROM  
11 EXECUTING ANY FURTHER BAIL BONDS IN THIS STATE UNTIL THE  
12 JUDGMENT GIVING RISE TO PLACEMENT ON THE BOARD IS SATISFIED,  
13 VACATED, OR OTHERWISE DISCHARGED BY ORDER OF THE COURT.

14 (f) IF A BAIL FORFEITURE JUDGMENT REMAINS UNPAID FOR  
15 THIRTY-FIVE DAYS AFTER THE NAME OF THE BONDING AGENT IS PLACED ON  
16 THE BOARD, THE COURT SHALL SEND NOTICE BY CERTIFIED MAIL TO THE  
17 BAIL INSURANCE COMPANY FOR WHOM THE BONDING AGENT HAS  
18 EXECUTED THE BOND THAT IF SAID JUDGMENT IS NOT PAID WITHIN  
19 FOURTEEN DAYS AFTER THE DATE OF MAILING OF SAID NOTICE, THE NAME  
20 OF THE BAIL INSURANCE COMPANY SHALL BE PLACED ON THE BOARD AND  
21 SUCH COMPANY SHALL BE PROHIBITED FROM EXECUTING ANY FURTHER  
22 BAIL BONDS IN THIS STATE UNTIL THE JUDGMENT GIVING RISE TO  
23 PLACEMENT ON THE BOARD IS SATISFIED, VACATED, OR OTHERWISE  
24 DISCHARGED BY ORDER OF THE COURT.

25 (g) A COMPENSATED SURETY SHALL BE REMOVED FORTHWITH  
26 FROM THE BOARD ONLY AFTER EVERY JUDGMENT FOR WHICH THE  
27 COMPENSATED SURETY WAS PLACED ON THE BOARD IS SATISFIED,

1 VACATED, OR DISCHARGED OR STAYED BY ENTRY OF AN ADDITIONAL STAY  
2 OF EXECUTION. NO COMPENSATED SURETY SHALL BE PLACED ON THE  
3 BOARD IN THE ABSENCE OF THE NOTICE REQUIRED BY PARAGRAPH (b) OR  
4 (f) OF THIS SUBSECTION (5).

5 (h) THE COURT MAY ORDER THAT A BAIL FORFEITURE JUDGMENT  
6 BE VACATED AND SET ASIDE OR THAT EXECUTION THEREON BE STAYED  
7 UPON SUCH CONDITIONS AS THE COURT MAY IMPOSE, IF IT APPEARS THAT  
8 JUSTICE SO REQUIRES.

9 (i) A COMPENSATED SURETY SHALL BE EXONERATED FROM  
10 LIABILITY UPON THE BOND BY SATISFACTION OF THE BAIL FORFEITURE  
11 JUDGMENT, SURRENDER OF THE DEFENDANT, OR BY ORDER OF THE COURT.  
12 IF THE DEFENDANT APPEARS IN COURT, EITHER VOLUNTARILY OR IN  
13 CUSTODY AFTER SURRENDER OR ARREST, WITHIN NINETY-ONE DAYS AFTER  
14 THE ENTRY OF JUDGMENT, THE COURT, AT THE TIME THE DEFENDANT FIRST  
15 APPEARS IN COURT, SHALL ON ITS OWN MOTION DIRECT THAT THE BAIL  
16 FORFEITURE JUDGMENT BE VACATED AND THE BOND EXONERATED;  
17 EXCEPT THAT, IF THE STATE EXTRADITES SUCH DEFENDANT, ALL  
18 NECESSARY AND ACTUAL COSTS ASSOCIATED WITH SUCH EXTRADITION  
19 SHALL BE BORNE BY THE SURETY UP TO THE AMOUNT OF THE BOND.

20 (j) IF, WITHIN ONE YEAR AFTER PAYMENT OF THE BAIL FORFEITURE  
21 JUDGMENT, THE COMPENSATED SURETY EFFECTS THE APPREHENSION OR  
22 SURRENDER OF THE DEFENDANT AND PROVIDES REASONABLE NOTICE TO  
23 THE COURT TO WHICH THE BOND RETURNS THAT THE DEFENDANT IS  
24 AVAILABLE FOR EXTRADITION, THE COURT SHALL VACATE THE JUDGMENT  
25 AND ORDER A REMISSION OF THE AMOUNT PAID ON THE BOND LESS ANY  
26 NECESSARY AND ACTUAL COSTS INCURRED BY THE STATE AND THE  
27 SHERIFF WHO HAS ACTUALLY EXTRADITED THE DEFENDANT.

1 (k) BAIL BONDS SHALL BE DEEMED VALID NOTWITHSTANDING THE  
2 FACT THAT A BOND MAY HAVE BEEN WRITTEN BY A COMPENSATED SURETY  
3 WHO HAS BEEN PLACED ON THE BOARD PURSUANT TO PARAGRAPH (e) OR  
4 (f) OF THIS SUBSECTION (5) AND IS OTHERWISE PROHIBITED FROM WRITING  
5 BAIL BONDS. THE INELIGIBILITY OF A COMPENSATED SURETY TO WRITE  
6 BONDS BECAUSE THE NAME OF THE COMPENSATED SURETY HAS BEEN  
7 PLACED ON THE BOARD PURSUANT TO PARAGRAPH (e) OR (f) OF THIS  
8 SUBSECTION (5) SHALL NOT BE A DEFENSE TO LIABILITY ON ANY  
9 APPEARANCE BOND ACCEPTED BY A COURT.

10 (l) THE AUTOMATIC STAY OF EXECUTION UPON A BAIL FORFEITURE  
11 JUDGMENT AS DESCRIBED IN PARAGRAPH (c) OF THIS SUBSECTION (5)  
12 SHALL EXPIRE PURSUANT TO ITS TERMS UNLESS THE DEFENDANT APPEARS  
13 AND SURRENDERS TO THE COURT HAVING JURISDICTION OR SATISFIES THE  
14 COURT THAT APPEARANCE AND SURRENDER BY THE DEFENDANT WAS  
15 IMPOSSIBLE AND WITHOUT FAULT BY SUCH DEFENDANT. THE COURT MAY  
16 ORDER THAT A FORFEITURE BE SET ASIDE AND JUDGMENT VACATED AS SET  
17 FORTH IN PARAGRAPH (h) OF THIS SUBSECTION (5).

18 (6) A BAIL INSURANCE COMPANY SHALL NOT WRITE BAIL BONDS  
19 UNLESS THROUGH A LICENSED BAIL BONDING AGENT.

20 **SECTION 3.** In Colorado Revised Statutes, 16-4-201, **amend** (1)  
21 (a) as follows:

22 **16-4-201. Bail after conviction.** (1) (a) After conviction, either  
23 before or after sentencing, the defendant may orally, or in writing, move  
24 for release on bail pending determination of a motion for a new trial or  
25 motion in arrest of judgment or during any stay of execution or pending  
26 review by an appellate court, and, except in cases where the defendant has  
27 been convicted of a capital offense, the trial court, in its discretion, may

1 continue the bond given for pretrial release, or may release the defendant  
2 on ~~increased bail~~ BOND WITH ADDITIONAL CONDITIONS INCLUDING  
3 MONETARY CONDITIONS, or require bond under one or more of the  
4 alternatives set forth in section 16-4-104.

5 **SECTION 4.** In Colorado Revised Statutes, 16-4-202, **amend** (1)  
6 introductory portion as follows:

7 **16-4-202. Appeal bond hearing - factors to be considered.**

8 (1) The court shall consider the following factors in deciding whether or  
9 not an appeal bond should be granted and determining ~~the amount of bail~~  
10 ~~and~~ the type of bond ~~to be~~ AND CONDITIONS OF RELEASE required:

11

12 **SECTION 5.** In Colorado Revised Statutes, 10-1-211, **amend** (6)  
13 as follows:

14 **10-1-211. Protocols for market conduct actions.** (6) Subject to  
15 section ~~16-4-108~~ 16-4-110 (1) (c) and (2), C.R.S., a bail premium is  
16 earned in its entirety by a compensated surety upon the defendant's  
17 release from custody.

18 **SECTION 6.** In Colorado Revised Statutes, 10-2-705, **add** (3.5)  
19 as follows:

20 **10-2-705. Bail bond documents - requirements - rules.**

21 (3.5) (a) IF THE BOND IS TO BE SECURED BY REAL ESTATE, THE BAIL  
22 BONDING AGENT SHALL PROVIDE THE PROPERTY OWNER WITH A WRITTEN  
23 DISCLOSURE STATEMENT IN THE FOLLOWING FORM AT THE TIME AN INITIAL  
24 APPLICATION IS FILED:

25 **DISCLOSURE OF LIEN AGAINST REAL PROPERTY**

26 **DO NOT SIGN THIS DOCUMENT UNTIL YOU READ AND**  
27 **UNDERSTAND IT! THIS BAIL BOND WILL BE SECURED BY**

1           **REAL PROPERTY YOU OWN OR IN WHICH YOU HAVE AN**  
2           **INTEREST. FAILURE TO PAY THE BAIL BOND PREMIUMS**  
3           **WHEN DUE OR THE DEFENDANT'S FAILURE TO COMPLY**  
4           **WITH THE CONDITIONS OF BAIL COULD RESULT IN THE**  
5           **LOSS OF YOUR PROPERTY!**

6           (b) THE DISCLOSURE REQUIRED IN PARAGRAPH (a) OF THIS  
7           SUBSECTION (3.5) SHALL BE PRINTED IN FOURTEEN-POINT, BOLD-FACED  
8           TYPE EITHER:

9           (I) ON A SEPARATE AND SPECIFIC DOCUMENT ATTACHED TO OR  
10          ACCOMPANYING THE APPLICATION; OR

11          (II) IN A CLEAR AND CONSPICUOUS STATEMENT ON THE FACE OF  
12          THE APPLICATION.

13          (c) BEFORE A PROPERTY OWNER EXECUTES ANY INSTRUMENT  
14          CREATING A LIEN AGAINST REAL PROPERTY, THE BAIL BONDING AGENT  
15          SHALL PROVIDE THE PROPERTY OWNER WITH A COMPLETED COPY OF THE  
16          INSTRUMENT CREATING THE LIEN AGAINST REAL PROPERTY AND THE  
17          DISCLOSURE STATEMENT DESCRIBED IN PARAGRAPH (a) OF THIS  
18          SUBSECTION (3.5). IF A BAIL BONDING AGENT FAILS TO COMPLY FULLY  
19          WITH THE REQUIREMENTS OF PARAGRAPHS (a) AND (b) OF THIS  
20          SUBSECTION (3.5) AND THIS PARAGRAPH (c), ANY INSTRUMENT CREATING  
21          A LIEN AGAINST REAL PROPERTY SHALL BE VOIDABLE.

22          (d) THE BONDING AGENT SHALL DELIVER TO THE PROPERTY OWNER  
23          A FULLY EXECUTED AND NOTARIZED RECONVEYANCE OF TITLE, A  
24          CERTIFICATE OF DISCHARGE, OR A FULL RELEASE OF ANY LIEN AGAINST  
25          REAL PROPERTY THAT SECURES PERFORMANCE OF THE CONDITIONS OF A  
26          BAIL BOND WITHIN THIRTY-FIVE DAYS AFTER RECEIVING NOTICE THAT THE  
27          TIME FOR APPEALING AN ORDER THAT EXONERATED THE BAIL BOND HAS

1 EXPIRED. THE BONDING AGENT SHALL ALSO DELIVER TO THE PROPERTY  
2 OWNER THE ORIGINAL CANCELLED NOTE AS EVIDENCE THAT THE  
3 INDEBTEDNESS SECURED BY ANY LIEN INSTRUMENT HAS BEEN PAID OR  
4 THAT THE PURPOSES OF SAID INSTRUMENT HAVE BEEN FULLY SATISFIED  
5 AND THE ORIGINAL DEED OF TRUST, SECURITY AGREEMENT, OR OTHER  
6 INSTRUMENT THAT SECURED THE BAIL BOND OBLIGATION. IF A TIMELY  
7 NOTICE OF APPEAL IS FILED, THE THIRTY-FIVE-DAY PERIOD SHALL BEGIN  
8 ON THE DAY THE APPELLATE COURT'S AFFIRMATION OF THE ORDER  
9 BECOMES FINAL. IF THE BONDING AGENT FAILS TO COMPLY WITH THE  
10 REQUIREMENTS OF THIS PARAGRAPH (d), THE PROPERTY OWNER MAY  
11 PETITION THE DISTRICT COURT TO ISSUE AN ORDER DIRECTING THE CLERK  
12 OF SUCH COURT TO EXECUTE A FULL RECONVEYANCE OF TITLE, A  
13 CERTIFICATE OF DISCHARGE, OR A FULL RELEASE OF ANY LIEN AGAINST  
14 REAL PROPERTY CREATED TO SECURE PERFORMANCE OF THE CONDITIONS  
15 OF THE BAIL BOND. THE PETITION SHALL BE VERIFIED AND SHALL ALLEGE  
16 FACTS SHOWING THAT THE BONDING AGENT HAS FAILED TO COMPLY WITH  
17 THE PROVISIONS OF THIS PARAGRAPH (d).

18 (e) ANY BAIL BONDING AGENT WHO VIOLATES THIS SUBSECTION  
19 (3.5) IS LIABLE TO THE PROPERTY OWNER FOR ALL DAMAGES THAT MAY BE  
20 SUSTAINED BY REASON OF THE VIOLATION, PLUS STATUTORY DAMAGES IN  
21 THE SUM OF THREE HUNDRED DOLLARS. THE PROPERTY OWNER SHALL BE  
22 ENTITLED TO RECOVER COURT COSTS AND REASONABLE ATTORNEY FEES,  
23 AS DETERMINED BY THE COURT, UPON PREVAILING IN ANY ACTION  
24 BROUGHT TO ENFORCE THE PROVISIONS OF THIS SUBSECTION (3.5).

25 **SECTION 7.** In Colorado Revised Statutes, 10-23-101, **amend**  
26 (2) as follows:

27 **10-23-101. Definitions.** As used in this article, unless the context

1 otherwise requires:

2 (2) "On the board" means that the name of the person has been  
3 publicly posted or disseminated by a court as being ineligible to write bail  
4 bonds under section ~~16-4-112~~ 16-4-114 (5) (e) or (5) (f), C.R.S.

5 **SECTION 8.** In Colorado Revised Statutes, 10-23-105, **amend**  
6 (1) and (2) as follows:

7 **10-23-105. Qualification bond - forfeiture.** (1) Each  
8 cash-bonding agent shall post a cash qualification bond of fifty thousand  
9 dollars with the division. The bond must be to the people of the state of  
10 Colorado in favor of any court in this state, whether municipal, county,  
11 district, or other court, and to the division for the purposes of this section.  
12 In the event of a forfeiture of a cash-bonding agent's qualification bond,  
13 the division has priority over all other claimants. To comply with this  
14 subsection (1), the bond must be conditioned upon full and prompt  
15 payment into the court ordering the bond forfeited. Cash-bonding agents  
16 shall not issue bonds except in accordance with section ~~16-4-104 (1) (b)~~  
17 ~~(HH)~~ 16-4-104 (1) (c) (III), C.R.S. In the event of a qualification bond  
18 forfeiture, a cash-bonding agent shall not write new bail bonds until the  
19 qualification bond is restored to fifty thousand dollars.

20 (2) Each professional cash-bail agent shall post a cash  
21 qualification bond of no less than fifty thousand dollars with the division.  
22 The bond shall be to the people of the state of Colorado in favor of any  
23 court in this state, whether municipal, county, district, or other court, and  
24 to the division for the purposes of this section. A professional cash-bail  
25 agent shall not furnish a single bail greater than twice the amount of the  
26 bond posted with the division. In the event of a forfeiture of a  
27 professional cash-bail agent's qualification bond, the division has priority



1 over all other claimants to the bond. To comply with this subsection (2),  
2 the bond must be conditioned upon full and prompt payment into the  
3 court ordering the bond forfeited. Professional cash-bail agents shall not  
4 issue bonds except in accordance with section ~~16-4-104 (1) (b) (HH)~~  
5 16-4-104 (1) (c) (III), C.R.S. In the event of a qualification bond  
6 forfeiture, a professional cash-bail agent shall not write new bail bonds  
7 until the qualification bond is restored to at least fifty thousand dollars.

8 **SECTION 9.** In Colorado Revised Statutes, 10-23-108, **add** (3.5)  
9 as follows:

10 **10-23-108. Bail bond documents - requirements - rules.**

11 (3.5) (a) IF THE BOND IS TO BE SECURED BY REAL ESTATE, THE BAIL  
12 BONDING AGENT SHALL PROVIDE THE PROPERTY OWNER WITH A WRITTEN  
13 DISCLOSURE STATEMENT IN THE FOLLOWING FORM AT THE TIME AN INITIAL  
14 APPLICATION IS FILED:

15 **DISCLOSURE OF LIEN AGAINST REAL PROPERTY**  
16 **DO NOT SIGN THIS DOCUMENT UNTIL YOU READ AND**  
17 **UNDERSTAND IT! THIS BAIL BOND WILL BE SECURED BY**  
18 **REAL PROPERTY YOU OWN OR IN WHICH YOU HAVE AN**  
19 **INTEREST. FAILURE TO PAY THE BAIL BOND PREMIUMS**  
20 **WHEN DUE OR THE DEFENDANT'S FAILURE TO COMPLY**  
21 **WITH THE CONDITIONS OF BAIL COULD RESULT IN THE**  
22 **LOSS OF YOUR PROPERTY!**

23 (b) THE DISCLOSURE REQUIRED IN PARAGRAPH (a) OF THIS  
24 SUBSECTION (3.5) SHALL BE PRINTED IN FOURTEEN-POINT, BOLD-FACED  
25 TYPE EITHER:

26 (I) ON A SEPARATE AND SPECIFIC DOCUMENT ATTACHED TO OR  
27 ACCOMPANYING THE APPLICATION; OR

1           (II) IN A CLEAR AND CONSPICUOUS STATEMENT ON THE FACE OF  
2 THE APPLICATION.

3           (c) BEFORE A PROPERTY OWNER EXECUTES ANY INSTRUMENT  
4 CREATING A LIEN AGAINST REAL PROPERTY, THE BAIL BONDING AGENT  
5 SHALL PROVIDE THE PROPERTY OWNER WITH A COMPLETED COPY OF THE  
6 INSTRUMENT CREATING THE LIEN AGAINST REAL PROPERTY AND THE  
7 DISCLOSURE STATEMENT DESCRIBED IN PARAGRAPH (a) OF THIS  
8 SUBSECTION (3.5). IF A BAIL BONDING AGENT FAILS TO COMPLY FULLY  
9 WITH THE REQUIREMENTS OF PARAGRAPHS (a) AND (b) OF THIS  
10 SUBSECTION (3.5) AND THIS PARAGRAPH (c), ANY INSTRUMENT CREATING  
11 A LIEN AGAINST REAL PROPERTY SHALL BE VOIDABLE.

12           (d) THE BONDING AGENT SHALL DELIVER TO THE PROPERTY OWNER  
13 A FULLY EXECUTED AND NOTARIZED RECONVEYANCE OF TITLE, A  
14 CERTIFICATE OF DISCHARGE, OR A FULL RELEASE OF ANY LIEN AGAINST  
15 REAL PROPERTY THAT SECURES PERFORMANCE OF THE CONDITIONS OF A  
16 BAIL BOND WITHIN THIRTY-FIVE DAYS AFTER RECEIVING NOTICE THAT THE  
17 TIME FOR APPEALING AN ORDER THAT EXONERATED THE BAIL BOND HAS  
18 EXPIRED. THE BONDING AGENT SHALL ALSO DELIVER TO THE PROPERTY  
19 OWNER THE ORIGINAL CANCELLED NOTE AS EVIDENCE THAT THE  
20 INDEBTEDNESS SECURED BY ANY LIEN INSTRUMENT HAS BEEN PAID OR  
21 THAT THE PURPOSES OF SAID INSTRUMENT HAVE BEEN FULLY SATISFIED  
22 AND THE ORIGINAL DEED OF TRUST, SECURITY AGREEMENT, OR OTHER  
23 INSTRUMENT THAT SECURED THE BAIL BOND OBLIGATION. IF A TIMELY  
24 NOTICE OF APPEAL IS FILED, THE THIRTY-FIVE-DAY PERIOD SHALL BEGIN  
25 ON THE DAY THE APPELLATE COURT'S AFFIRMATION OF THE ORDER  
26 BECOMES FINAL. IF THE BONDING AGENT FAILS TO COMPLY WITH THE  
27 REQUIREMENTS OF THIS PARAGRAPH (d), THE PROPERTY OWNER MAY

1 PETITION THE DISTRICT COURT TO ISSUE AN ORDER DIRECTING THE CLERK  
2 OF SUCH COURT TO EXECUTE A FULL RECONVEYANCE OF TITLE, A  
3 CERTIFICATE OF DISCHARGE, OR A FULL RELEASE OF ANY LIEN AGAINST  
4 REAL PROPERTY CREATED TO SECURE PERFORMANCE OF THE CONDITIONS  
5 OF THE BAIL BOND. THE PETITION SHALL BE VERIFIED AND SHALL ALLEGE  
6 FACTS SHOWING THAT THE BONDING AGENT HAS FAILED TO COMPLY WITH  
7 THE PROVISIONS OF THIS PARAGRAPH (d).

8 (e) ANY BAIL BONDING AGENT WHO VIOLATES THIS SUBSECTION  
9 (3.5) SHALL BE LIABLE TO THE PROPERTY OWNER FOR ALL DAMAGES THAT  
10 MAY BE SUSTAINED BY REASON OF THE VIOLATION, PLUS STATUTORY  
11 DAMAGES IN THE SUM OF THREE HUNDRED DOLLARS. THE PROPERTY  
12 OWNER SHALL BE ENTITLED TO RECOVER COURT COSTS AND REASONABLE  
13 ATTORNEY FEES, AS DETERMINED BY THE COURT, UPON PREVAILING IN ANY  
14 ACTION BROUGHT TO ENFORCE THE PROVISIONS OF THIS SUBSECTION (3.5).

15 **SECTION 10.** In Colorado Revised Statutes, 18-13-130, **amend**  
16 (1) (g) as follows:

17 **18-13-130. Bail bond - prohibited activities - penalties.** (1) It  
18 is unlawful for any person who engages in the business of writing bail  
19 bonds to engage in any of the following activities related to a bail bond  
20 transaction:

21 (g) Post a bail bond in any court of record in this state while the  
22 name of the person is on the board under section ~~16-4-112~~ 16-4-114 (5)  
23 (e), C.R.S., or under any circumstance where the person has failed to pay  
24 a bail forfeiture judgment after all applicable stays of execution have  
25 expired and the bond has not been exonerated or discharged;

26 **SECTION 11.** In Colorado Revised Statutes, 19-2-509, **amend**  
27 (4) (a) as follows:

1           **19-2-509. Bail.** (4) (a) In determining ~~the amount of bail and the~~  
2 type of bond ~~to be furnished by~~ AND CONDITIONS OF RELEASE FOR the  
3 juvenile, the judge or magistrate fixing the same shall consider the criteria  
4 set forth in section ~~16-4-105 (1)~~ 16-4-103, C.R.S.

5           **SECTION 12. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety.