

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 12, 2013
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB13-1236 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, strike lines 2 and 3 and substitute:
 - 2 "SECTION 1. In Colorado Revised Statutes, 16-1-104, **amend**
 - 3 (3) and (5) as follows:".
- 4 Page 2, line 8, strike "PLEDGE, SUCH AS A BOND," and substitute
- 5 "SECURITY, WHICH MAY INCLUDE A BOND WITH OR WITHOUT MONETARY
- 6 CONDITIONS,".
- 7 Page 2, line 9, strike "WITH CONDITIONS".
- 8 Page 2, strike lines 11 through 17 and substitute:
 - 9 "(5) "Bond" means A BAIL BOND WHICH IS an undertaking, with or
 - 10 without sureties or security, entered into by a person in custody by which
 - 11 he binds himself to comply with the conditions of the undertaking and in
 - 12 default of such compliance to pay the amount of bail or other sum fixed,
 - 13 IF ANY, in the bond."
- 14 Page 5, line 4, strike "(1)".
- 15 Page 5, line 14, after "THE" insert "TYPE OF".
- 16 Page 5, strike lines 21 through 27.

- 1 Page 6, strike line 1.
- 2 Page 6, line 2, strike "of" and substitute "type of".
- 3 Page 6, line 13, strike "(3)" and substitute "(3) (a)".
- 4 Page 6, after line 18 insert:
- 5 "(b) IN DETERMINING THE TYPE OF BOND AND CONDITIONS OF
6 RELEASE, IF PRACTICABLE AND AVAILABLE IN THE JURISDICTION, THE
7 COURT SHALL USE AN EMPIRICALLY DEVELOPED RISK ASSESSMENT
8 INSTRUMENT DESIGNED TO IMPROVE PRETRIAL RELEASE DECISIONS BY
9 PROVIDING TO THE COURT INFORMATION THAT CLASSIFIES A PERSON IN
10 CUSTODY BASED UPON PREDICTED LEVEL OF RISK OF PRETRIAL FAILURE.".
- 11 Page 6, line 23, after "CONDITIONS" insert "CONSISTENT WITH PROVISIONS
12 IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION".
- 13 Page 6, line 24, strike "SUBJECT TO" and substitute "PURSUANT TO".
- 14 Page 6, line 25, strike "CONSTITUTION;" and substitute "CONSTITUTION. A
15 MONETARY CONDITION OF RELEASE MUST BE REASONABLE AND ANY
16 OTHER CONDITION OF CONDUCT NOT MANDATED BY STATUTE MUST BE
17 TAILORED TO ADDRESS A SPECIFIC CONCERN.".
- 18 Page 6, strike lines 26 and 27 and substitute:
- 19 "(b) TO THE EXTENT A COURT USES A BOND SCHEDULE, THE COURT
20 SHALL INCORPORATE INTO THE BOND SCHEDULE CONDITIONS OF RELEASE
21 AND FACTORS THAT CONSIDER THE INDIVIDUALIZED RISK AND
22 CIRCUMSTANCES OF A PERSON IN CUSTODY AND ALL OTHER RELEVANT
23 CRITERIA AND NOT SOLELY THE LEVEL OF OFFENSE; AND".
- 24 Page 7, strike lines 1 through 3.
- 25 Page 7, line 4, strike "DIFFERENT METHODS" and substitute "ALL METHODS
26 OF BOND AND CONDITIONS OF RELEASE TO AVOID UNNECESSARY PRETRIAL
27 INCARCERATION".
- 28 Page 7, line 5, strike "RELEASE" and substitute "RELEASE.".

- 1 Page 7, strike lines 6 and 7.
- 2 Page 8, strike lines 22 through 25 and substitute:
- 3 "(c) A BOND WITH SECURED MONETARY CONDITIONS WHEN
4 REASONABLE AND NECESSARY TO ENSURE THE APPEARANCE OF THE".
- 5 Page 9, line 6, strike "REQUIRED SECURITY;" and substitute "MONETARY
6 CONDITION OF THE BOND;".
- 7 Page 9, line 11, strike "OR".
- 8 Page 9, strike lines 13 through 15 and substitute "SECURITY SET IN THE
9 BOND; OR
- 10 (IV) BY A BAIL BONDING AGENT OR A CASH BONDING AGENT
11 QUALIFIED TO WRITE BAIL BONDS PURSUANT TO ARTICLE 23 OF TITLE 10,
12 C.R.S.".
- 13 Page 14, line 11, after "RELEASE" insert "IMPOSED BY THE COURT".
- 14 Page 14, line 19, strike "TREATMENT;" and substitute "TREATMENT IF THE
15 DEFENDANT CONSENTS TO THE TREATMENT;".
- 16 Page 14, line 21, strike "PERSON;" and substitute "DEFENDANT IF THE
17 DEFENDANT CONSENTS TO THE COUNSELING;".
- 18 Page 15, strike line 5 and substitute "MAY ADVISE THE COURT IF THE
19 PERSON IS BOND ELIGIBLE, MAY PROVIDE INFORMATION THAT ENABLES
20 THE COURT TO MAKE AN APPROPRIATE DECISION ON BOND AND
21 CONDITIONS OF RELEASE, AND MAY RECOMMEND CONDITIONS OF
22 RELEASE".
- 23 Page 15, line 6, strike "OPTIONS".
- 24 Page 15, line 9, after "SHALL" insert "ENDEAVOR TO".
- 25 Page 15, line 15, strike "AS DEFINED IN SECTION 16-1-104 (9.5)".
- 26 Page 15, strike lines 17 through 19 and substitute:
- 27 "(3) TO REDUCE BARRIERS TO THE PRETRIAL RELEASE OF PERSONS
28 IN CUSTODY WHOSE RELEASE ON BOND WITH APPROPRIATE CONDITIONS

- 1 REASONABLY ASSURES COURT APPEARANCE AND PUBLIC SAFETY, ALL
2 COUNTIES AND CITIES AND COUNTIES ARE ENCOURAGED TO DEVELOP A
3 PRETRIAL SERVICES PROGRAM IN CONSULTATION".
- 4 Page 15, line 26, strike "BUT" and substitute "AT A MINIMUM,".
- 5 Page 15, line 27, strike "SHALL NOT BE LIMITED TO,".
- 6 Page 16, line 3, after "LARGE." insert "THE CHIEF JUDGE IS ENCOURAGED
7 TO APPOINT A MEMBER OF THE BAIL COMMUNITY TO THE COMMUNITY
8 ADVISORY BOARD.".
- 9 Page 16, line 6, strike "REQUIREMENT" and substitute "OPTION".
- 10 Page 16, line 26, strike "COMPLY" and substitute "IMPLEMENT AN
11 EMPIRICALLY DEVELOPED PRETRIAL RISK ASSESSMENT TOOL".
- 12 Page 16, strike line 27.
- 13 Page 17, strike lines 1 and 2.
- 14 Page 20, line 26, strike "RECORD, IF APPLICABLE." and substitute "RECORD
15 BY ELECTRONIC MAIL TO THE AGENT IF AVAILABLE WITHIN TWENTY-FOUR
16 HOURS OR BY CERTIFIED MAIL NOT MORE THAN FOURTEEN DAYS AFTER
17 THE WARRANT IS ISSUED.".
- 18 Page 22, line 26, strike "ATTORNEY." and substitute "ATTORNEY AND
19 NOTICE TO SURETY OF RECORD.".
- 20 Page 26, line 18, strike "SUBSECTION (2)" and substitute "PARAGRAPH (b)
21 OF SUBSECTION (1)".
- 22 Page 36, strike line 24 and substitute "introductory portion as follows:".
- 23 Page 37, strike lines 2 through 6.

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