

SENATE JOURNAL
Sixty-second General Assembly
STATE OF COLORADO
Second Regular Session

85th Legislative DayWednesday, March 29, 2000

Call to Order By the President at 9:00 a.m.

Prayer By the chaplain, Rabbi Gorden Rubenstein, Aurora.

Roll Call Present--Total, 26.
Absent/Excused--Arnold, Lacy, Linkhart, Matsunaka, Perlmutter, Sullivan, Tanner, Tebedo, Thiebaut--Total, 9.
Present later--Arnold, Lacy, Linkhart, Perlmutter, Sullivan, Tanner, Tebedo, Thiebaut.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Andrews, reading of the Journal of Tuesday, March 28th was dispensed with and the Journal stands approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Health, Environment, Welfare and Institutions The Committee on Health, Environment, Welfare and Institutions has had under consideration and has had a hearing on the following appointments and recommends that the appointments be referred to the Committee on Education:

UNIVERSITY OF COLORADO HOSPITAL AUTHORITY
BOARD OF DIRECTORS

Sally Hopper, as a resident of the Sixth Congressional District, reappointed, effective October 1, 1999, and expiring on September 30, 2003;

Richard L. Monfort, as a resident of the Fourth Congressional District, reappointed, effective October 1, 1999, and expiring on September 30, 2003;

Douglas L. Polson, as a resident of the Fifth Congressional District, reappointed, effective October 1, 1999, and expiring on September 30, 2003.

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, March 29, was laid over until Thursday, March 30, retaining its place on the calendar.

Senate in recess.

Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the committee recommends that SB00-192 be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, strike everything below the enacting clause, and substitute the following:

"SECTION 1. 16-4-105 (1) (m), (1) (n), (1) (n.5), (1) (p), and (1) (p.5), Colorado Revised Statutes, are amended, and the said 16-4-105 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

16-4-105. Selection by judge of the amount of bail and type of bond - criteria. (1) In determining the amount of bail and the type of bond to be furnished by the defendant, the judge fixing the same shall consider and be governed by the following criteria:

"(m) ~~Unless the district attorney consents,~~ No person shall be" released on personal recognizance OR PURSUANT TO A PRETRIAL SERVICES PROGRAM AS SET FORTH IN SUBSECTION (3) OF THIS SECTION if he OR SHE is presently at liberty on another bond of any kind in another criminal action involving a felony or a class 1 misdemeanor;

"(n) ~~Unless the district attorney consents,~~ No person shall be" released on personal recognizance OR PURSUANT TO A PRETRIAL SERVICES PROGRAM AS SET FORTH IN SUBSECTION (3) OF THIS SECTION if he OR SHE has a record of conviction of a class 1 misdemeanor within two years, or a felony within five years, prior to the release hearing;

"(n.5) ~~Unless the district attorney consents,~~ No person who is" eighteen years of age or older or is being charged as an adult pursuant to section 19-2-517, C.R.S., or transferred to the district court pursuant to section 19-2-518, C.R.S., shall be released on personal recognizance OR PURSUANT TO A PRETRIAL SERVICES PROGRAM AS SET FORTH IN SUBSECTION (3) OF THIS SECTION if the person's criminal record indicates that he or she failed to appear on bond in any case involving a felony or class 1 misdemeanor charge in the preceding five years.

(p) No person shall be released on personal recognizance OR PURSUANT TO A PRETRIAL SERVICES PROGRAM AS SET FORTH IN SUBSECTION (3) OF THIS SECTION if, at the time of such application, the person is presently on release under surety bond for felony or class 1 misdemeanor charges unless the surety thereon is notified and afforded an opportunity to surrender the person into custody on such terms as the judge deems just under the provisions of section 16-4-108.

(p.5) Any defendant who fails to appear while free on bond in conjunction with a class 1 misdemeanor or a felony and who is subsequently arrested shall not be eligible for a personal recognizance bond OR FOR A BOND RELATING TO RELEASE PURSUANT TO A PRETRIAL SERVICES PROGRAM AS SET FORTH IN SUBSECTION (3) OF THIS SECTION for that case in which such defendant failed to appear; except that THE COURT MAY GRANT SUCH BOND if the defendant can provide satisfactory WRITTEN evidence to the court that the failure to appear was due to circumstances or events beyond the control of the defendant. ~~the court shall have the discretion to grant a personal recognizance bond;~~

(r) WHERE THE COURT HAS AUTHORIZED RELEASE ON A SURETY BOND, A COURT SHALL NOT ORDER THAT A DEFENDANT HAVE ANY PART OF HIS OR HER BOND OR RELEASE CONDITIONED ON THE USE OF A PRETRIAL SERVICES PROGRAM AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION OR ON COMPLIANCE WITH THE CONDITIONS SET FORTH IN SUBSECTION (3) (d).

(s) WHERE THE DEFENDANT IS OBLIGATED ON ANOTHER SURETY BOND IN ANOTHER CASE THAT IS PENDING AT THE TIME THE BOND DETERMINATION IS MADE, THE COURT SHALL NOT ORDER THAT A DEFENDANT HAVE ANY PART OF HIS OR HER BOND OR RELEASE CONDITIONED ON THE USE OF A PRETRIAL SERVICES PROGRAM AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION OR ON COMPLIANCE WITH THE CONDITIONS SET FORTH IN SUBSECTION (3) (d).

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

16-4-105. Selection by judge of the amount of bail and type of bond - criteria. (3) (f) ANY PRETRIAL SERVICES PROGRAM ESTABLISHED PURSUANT TO THIS SUBSECTION (3) SHALL NOT BE ELIGIBLE FOR FURTHER PROGRAM FUNDING IF THE PROGRAM HAS FAILED TO PROVIDE THE REPORTS REQUIRED IN PARAGRAPH (e) OF THIS SUBSECTION (3).

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

Judiciary After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: HB00-1153

MESSAGES FROM THE HOUSE

March 29, 2000

Mr. President:

The House has passed on Third Reading and returns herewith SB00-057, 065.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB00-103, amended as printed in House Journal, March 28, page 1129.
SB00-160, amended as printed in House Journal, March 28, page 1130.
SB00-171, amended as printed in House Journal, March 28, pages 1130-1131.
HB00-1053, amended as printed in House Journal, March 28, page 1131 .
HB00-1178, amended as printed in House Journal, March 28, page 1131.

March 29, 2000

Mr. President:

The House has voted to concur in the Senate amendments to HB00-1207 and has repassed the bill as so amended.

MESSAGE FROM THE REVISOR

March 29, 2000

We herewith transmit:

without comment, as amended, HB00-1053, 1178, and;
without comment, as amended, SB00-103, 160, and 171.

INTRODUCTION OF BILLS

The following bills were read by title and referred to the committees indicated:

HB 00-1053 by Representative Mitchell; also Senator Blickensderfer--Concerning the exclusion from Colorado taxable income of charitable contributions made by a non-itemizing taxpayer.
 Finance
 Appropriations

HB00-1178by Representative Larson; also Senator Musgrave--Concerning proration of payments required for special mobile machinery, and making an appropriation in connection therewith.
Transportation
Appropriations

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SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

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The President has signed: HB00-1119, 1127, 1225, 1260.

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TRIBUTES--A POINT OF INTEREST

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Honoring Sara Silva by Senator Musgrave

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Honoring Tyler Bond by Senator Musgrave

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Honoring Jennifer Willeke by Senator Musgrave

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Honoring Anthea Mustari by Senator Musgrave

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Honoring Laura Epple by Senator Musgrave

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Honoring Ashesh Thaker by Senator Musgrave

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Honoring Kavitha Kailasam by Senator Musgrave

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On motion of Senator Blickensderfer, the Senate adjourned until 9:00 a.m., Thursday, March 30, 2000.

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Approved:

Ray Powers
President of the Senate

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Attest:

Patricia K. Dicks
Secretary of the Senate

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