

Proposition 102
Criteria for Release to Pretrial Services Programs

1 **Ballot Title:** An amendment to the Colorado Revised Statutes requiring that only
2 defendants arrested for a first offense, non violent misdemeanor may be recommended
3 for release or actually released to a pretrial services program's supervision in lieu of a
4 cash, property, or professional surety bond.

5 **Text of Proposal:**

6 Be it Enacted by the People of the State of Colorado:

7 The introductory portion of section 16-4-105 and section 16-4-105 (3) (d) (VII) and (3)
8 (d) (VIII), Colorado Revised Statutes, are amended, and the said 16-4-105 (3) (d) is
9 further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

10 (d) Any pretrial services program may also include different methods and levels of
11 community-based supervision as a condition of pretrial release. The program may use
12 established supervision methods for defendants who are released prior to trial in order
13 to decrease unnecessary pretrial incarceration. IN MAKING RECOMMENDATIONS FOR
14 APPROPRIATE CONDITIONS ON RELEASE FOR A PERSON IN CUSTODY, ONLY DEFENDANTS
15 WHO ARE ARRESTED FOR THEIR FIRST OFFENSE, NON VIOLENT MISDEMEANOR MAY BE
16 RECOMMENDED FOR RELEASE TO A PRETRIAL SERVICES PROGRAM'S SUPERVISION IN LIEU
17 OF A CASH, PROPERTY, OR PROFESSIONAL SURETY BOND, AS SET FORTH IN
18 C.R.S. 16-4-104. FURTHERMORE, ONLY DEFENDANTS ARRESTED FOR A FIRST OFFENSE,
19 NON VIOLENT MISDEMEANOR MAY BE RELEASED TO A PRETRIAL SERVICES PROGRAM'S
20 SUPERVISION IN LIEU OF A CASH, PROPERTY, OR PROFESSIONAL SURETY BOND, AS SET
21 FORTH IN C.R.S. 16-4-104. The program may include any of the following conditions
22 for pretrial release or any combination thereof:

23 (I) Periodic telephone contact with the defendant;

24 (II) Periodic office visits by the defendant to the pretrial services program;

25 (III) Periodic home visits to the defendant's home;

26 (IV) Periodic drug testing of the defendant;

27 (V) Mental health or substance abuse treatment for the defendant, including
28 residential treatment;

29 (VI) Domestic violence counseling for the defendant;

1 (VII) Electronic or global position monitoring of the defendant; and

2 (VIII) Pretrial work release of the defendant; and

3 (IX) POSTING OF A CASH, PROPERTY, OR PROFESSIONAL SURETY BOND AS SET
4 FORTH IN C.R.S. 16-4-104, FOR PERSONS CHARGED WITH FIRST OFFENSE, NON VIOLENT
5 MISDEMEANORS WHEN APPROPRIATE.