

HB1236_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB13-1236 be amended as follows:

- 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.
- 17 Page 6, strike line 1.
- 18 Page 6, line 2, strike "of" and substitute "**type of**".
- 19 Page 6, line 13, strike "(3)" and substitute "(3) (a)".
- 20 Page 6, after line 18 insert:
 - 21 "(b) IN DETERMINING THE TYPE OF BOND AND CONDITIONS OF
 - 22 RELEASE, IF PRACTICABLE AND AVAILABLE IN THE JURISDICTION, THE
 - 23 COURT SHALL USE AN EMPIRICALLY DEVELOPED RISK ASSESSMENT
 - 24 INSTRUMENT DESIGNED TO IMPROVE PRETRIAL RELEASE DECISIONS BY
 - 25 PROVIDING TO THE COURT INFORMATION THAT CLASSIFIES A PERSON IN



- 1 CUSTODY BASED UPON PREDICTED LEVEL OF RISK OF PRETRIAL FAILURE.".
- 2 Page 6, line 23, after "CONDITIONS" insert "CONSISTENT WITH PROVISIONS
3 IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION".
- 4 Page 6, line 24, strike "SUBJECT TO" and substitute "PURSUANT TO".
- 5 Page 6, line 25, strike "CONSTITUTION;" and substitute "CONSTITUTION. A
6 MONETARY CONDITION OF RELEASE MUST BE REASONABLE AND ANY
7 OTHER CONDITION OF CONDUCT NOT MANDATED BY STATUTE MUST BE
8 TAILORED TO ADDRESS A SPECIFIC CONCERN.".
- 9 Page 6, strike lines 26 and 27 and substitute:
- 10 "(b) TO THE EXTENT A COURT USES A BOND SCHEDULE, THE COURT
11 SHALL INCORPORATE INTO THE BOND SCHEDULE CONDITIONS OF RELEASE
12 AND FACTORS THAT CONSIDER THE INDIVIDUALIZED RISK AND
13 CIRCUMSTANCES OF A PERSON IN CUSTODY AND ALL OTHER RELEVANT
14 CRITERIA AND NOT SOLELY THE LEVEL OF OFFENSE; AND".
- 15 Page 7, strike lines 1 through 3.
- 16 Page 7, line 4, strike "DIFFERENT METHODS" and substitute "ALL METHODS
17 OF BOND AND CONDITIONS OF RELEASE TO AVOID UNNECESSARY PRETRIAL
18 INCARCERATION".
- 19 Page 7, line 5, strike "RELEASE" and substitute "RELEASE.".
- 20 Page 7, strike lines 6 and 7.
- 21 Page 8, strike lines 22 through 25 and substitute:
- 22 "(c) A BOND WITH SECURED MONETARY CONDITIONS WHEN
23 REASONABLE AND NECESSARY TO ENSURE THE APPEARANCE OF THE".
- 24 Page 9, line 6, strike "REQUIRED SECURITY;" and substitute "MONETARY
25 CONDITION OF THE BOND;".
- 26 Page 9, line 11, strike "OR".
- 27 Page 9, strike lines 13 through 15 and substitute "SECURITY SET IN THE
28 BOND; OR
29 (IV) BY A BAIL BONDING AGENT OR A CASH BONDING AGENT



- 1 QUALIFIED TO WRITE BAIL BONDS PURSUANT TO ARTICLE 23 OF TITLE 10,
2 C.R.S."
- 3 Page 14, line 11, after "RELEASE" insert "IMPOSED BY THE COURT".
- 4 Page 14, line 19, strike "TREATMENT;" and substitute "TREATMENT IF THE
5 DEFENDANT CONSENTS TO THE TREATMENT;"
- 6 Page 14, line 21, strike "PERSON;" and substitute "DEFENDANT IF THE
7 DEFENDANT CONSENTS TO THE COUNSELING;"
- 8 Page 15, strike line 5 and substitute "MAY ADVISE THE COURT IF THE
9 PERSON IS BOND ELIGIBLE, MAY PROVIDE INFORMATION THAT ENABLES
10 THE COURT TO MAKE AN APPROPRIATE DECISION ON BOND AND
11 CONDITIONS OF RELEASE, AND MAY RECOMMEND CONDITIONS OF
12 RELEASE".
- 13 Page 15, line 6, strike "OPTIONS".
- 14 Page 15, line 9, after "SHALL" insert "ENDEAVOR TO".
- 15 Page 15, line 15, strike "AS DEFINED IN SECTION 16-1-104 (9.5)".
- 16 Page 15, strike lines 17 through 19 and substitute:
- 17 "(3) TO REDUCE BARRIERS TO THE PRETRIAL RELEASE OF PERSONS
18 IN CUSTODY WHOSE RELEASE ON BOND WITH APPROPRIATE CONDITIONS
19 REASONABLY ASSURES COURT APPEARANCE AND PUBLIC SAFETY, ALL
20 COUNTIES AND CITIES AND COUNTIES ARE ENCOURAGED TO DEVELOP A
21 PRETRIAL SERVICES PROGRAM IN CONSULTATION".
- 22 Page 15, line 26, strike "BUT" and substitute "AT A MINIMUM,".
- 23 Page 15, line 27, strike "SHALL NOT BE LIMITED TO,".
- 24 Page 16, line 6, strike "REQUIREMENT" and substitute "OPTION".
- 25 Page 16, line 26, strike "COMPLY" and substitute "IMPLEMENT AN
26 EMPIRICALLY DEVELOPED PRETRIAL RISK ASSESSMENT TOOL".
- 27 Page 16, strike line 27.
- 28 Page 17, strike lines 1 and 2.



- 1 Page 26, line 18, strike "SUBSECTION (2)" and substitute "PARAGRAPH (b)
- 2 OF SUBSECTION (1)".
- 3 Page 36, strike line 24 and substitute "introductory portion as follows:".
- 4 Page 37, strike lines 2 through 6.

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