

PR Bond Initiative

Be it enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 16-4-104, **add** (2.5), (2.6), and (2.7) as follows:

16-4-104. Types of bond set by the court.

(2.5) UNLESS THE DISTRICT ATTORNEY CONSENTS, A PERSON MUST NOT BE RELEASED ON AN UNSECURED PERSONAL RECOGNIZANCE BOND PURSUANT TO SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION IF THE PERSON IS ACCUSED OF COMMITTING A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406 AND THE COURT FINDS THAT THE AFFIDAVIT FOR ARREST ESTABLISHES PROBABLE CAUSE TO BELIEVE THAT THE PERSON HAS COMMITTED THE OFFENSE.

(2.6) UNLESS THE DISTRICT ATTORNEY CONSENTS, A PERSON MUST NOT BE RELEASED ON AN UNSECURED PERSONAL RECOGNIZANCE BOND PURSUANT TO SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION IF THE PERSON IS ACCUSED OF COMMITTING MOTOR VEHICLE THEFT, AS DEFINED IN SECTION 18-4-409; THE COURT FINDS THAT THE AFFIDAVIT FOR ARREST ESTABLISHES PROBABLE CAUSE TO BELIEVE THAT THE PERSON HAS COMMITTED THE OFFENSE; AND EITHER:

(a) THE PERSON HAS A RECORD OF CONVICTION FOR MOTOR VEHICLE THEFT, AS DEFINED IN SECTION 18-4-409, WITHIN TWO YEARS PRIOR TO THE ALLEGED OFFENSE; OR

(b) AT THE TIME OF THE ALLEGED OFFENSE, THERE ARE TWO OR MORE CRIMINAL CHARGES PENDING AGAINST THE PERSON FOR AN ALLEGED COMMISSION OF A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406, OR MOTOR VEHICLE THEFT, AS DEFINED IN SECTION 18-4-409, AND THE COURT FINDS THAT THE AFFIDAVIT FOR ARREST FOR EACH ALLEGED PRIOR CRIME ESTABLISHES PROBABLE CAUSE TO BELIEVE THAT THE PERSON HAS COMMITTED THE OFFENSE.

(2.7) UNLESS THE DISTRICT ATTORNEY CONSENTS, A PERSON MUST NOT BE RELEASED ON AN UNSECURED PERSONAL RECOGNIZANCE BOND PURSUANT TO SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION IF THE PERSON IS ACCUSED OF COMMITTING ASSAULT, AS DEFINED IN SECTION 18-3-202, 18-3-203, OR 18-3-204, THE VICTIM OF THE ALLEGED ASSAULT IS A PEACE OFFICER, AND THE ASSAULT OCCURRED IN THE COURSE OF THE PEACE OFFICER'S DUTIES; THE COURT FINDS THAT THE AFFIDAVIT FOR ARREST ESTABLISHES PROBABLE CAUSE TO BELIEVE THAT THE PERSON HAS COMMITTED THE OFFENSE; AND THE COURT FINDS THAT THE AFFIDAVIT FOR ARREST FOR THE ALLEGED ASSAULT ESTABLISHES PROBABLE CAUSE TO BELIEVE THAT THE PERSON HAS COMMITTED THE OFFENSE.

SECTION 2. In Colorado Revised Statutes, 16-4-103, **amend** (4)(a) as follows:

16-4-103. Setting and selection type of bond - criteria.

(4) When the type of bond and conditions of release are determined by the court, the court shall:

(a) Presume that all persons in custody are eligible for release on bond with the appropriate and least-restrictive conditions consistent with provisions in ~~paragraph (a) of subsection (3)~~ SUBSECTION (3)(a) of this section unless a person is otherwise ineligible for release pursuant to the provisions of section 16-4-101 and section 19 of article II of the Colorado constitution. A monetary condition of release must be reasonable, and any other condition of conduct not mandated by statute must be tailored to address a specific concern. FOR BOND SET UNDER SECTION 16-4-104(2.5), 16-4-104(2.6), OR 16-4-104(2.7), A MINIMUM BOND OF TEN THOUSAND DOLLARS CASH OR SURETY MUST BE POSTED PRIOR TO RELEASE.

SECTION 3. Effective Date

This measure shall be effective on and after the date it is declared by proclamation of the governor to have been adopted by voters and shall apply to offenses committed on or after the effective date.