



Legislative & Legal Challenges to Municipal Court Authority

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Overview

- Legislation impacting municipal courts from 2016 through 2025
- Rule 21 litigation over municipal court penalties



Legislation: Right to Counsel

- HB16-1309: Right to Counsel in Municipal Court
- HB17-1316: Delay Implementation of HB16-1309
- HB 18-1353: Defense Counsel in Municipal Court Grant Program
- SB18-203: Conflict-free Representation in Municipal Courts
- HB24-1437: Prohibit Flat Fees for Defending Indigent Clients

Legislation: Bond Hearings & Bail

- HB17-1338: Municipal Court Bond Hold Notification and Hearing
- HB19-1225: No Monetary Bail for Certain Low-Level Offenses
- HB22-1067: Clarifying Changes to Ensure Prompt Bond Hearings
- HB23-1151: Clarifications to 48-hour Bond Hearing Requirement

Legislation: Other

- HB23-1182: Remote Public Access to Criminal Court Proceedings
- HB23-1222: Cases of Domestic Violence in Municipal Court

2025 Legislation

- HB25-1276: Court Actions Related to Failure to Appear in Court (postponed indefinitely)
- SB25-062: Failure to Appear Charges in Municipal Court

2025 Legislation: HB25-1147

Municipal court practices are too often out of step with Colorado legal standards:

- Lengthy jail sentences for poverty offenses that far exceed state legal limits.
- No indigent defense counsel for in-custody defendants.
- Courtrooms closed to public observation.
- Minimal transparency, oversight or accountability.

Arbitrary and unpredictable sentences are unfair and do nothing to protect public safety.

**30x
LONGER
SENTENCE**

Coloradans face a possible 30x longer sentence for the same conduct in the same location when charged in municipal rather than state court.



THE DENVER POST

Sep 24, 2024

How Colorado's municipal courts became the state's most punitive forum for minor crimes.



THE DENVER POST

Oct 17, 2024

They're in custody and facing jail. Why isn't Grand Junction's municipal court providing them attorneys?

2025 Legislation: HB25-1147



Rule 21 Litigation

- Supreme Court granted three Rule 21 Petitions
 - One case from Westminster (trespass)
 - Two cases from Aurora (theft)
- Amicus participation
- Oral argument May 13, 2025

Rule 21 Litigation: Preemption

- Local, mixed, or state concern?
 - Four factor test under *Denver v. State*, 369 P.3d 573 (Colo. 1990)
- Is there a conflict?
 - Express
 - Implied
 - Operational

Rule 21 Litigation: Equal Protection

- Colorado's view of Equal Protection
 - *Trueblood v. Tinsley*, 366 P.2d 655 (Colo. 1961)
 - *People v. Calvaresi*, 534 P.2d 316 (Colo. 1975)
- Majority view of Equal Protection in the United States
 - *United States v. Batchelder*, 442 U.S. 114 (1979)

THANK YOU!



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