

Key Municipal Court Bills Passed Between 2016 and 2025

- **House Bill 16-1309: Right to Counsel in Municipal Court**
 - This act requires a municipal court to provide counsel to a defendant in custody for purposes of the first appearance.
 - Effective May 1, 2017.
- **House Bill 17-1316: Delay Implementation of HB16-1309**
 - This act delayed the implementation of HB16-1309, requiring counsel at first appearance in municipal courts in certain circumstances, to July 1, 2018.
 - Effective April 28, 2017.
- **House Bill 17-1338: Municipal Court Bond Hold Notification and Hearing**
 - This act requires a jail to promptly notify a municipal court of a municipal hold when a defendant is in jail and does not immediately receive a personal recognizance (PR) bond; if the municipal hold is the sole basis for detention, the jail must provide notice within four hours. Municipal courts must hold a hearing within two calendar days (excluding Sundays and holidays) or four calendar days under specified circumstances. Municipal courts must establish an email address, or telephone line with voicemail if no internet service is available, to receive notifications from jails. During that hearing, the municipal court must arraign the defendant or, if the defendant was arrested for failure to appear, conduct proceedings for which defendant failed to appear unless that proceeding is a trial, evidentiary hearing, or requires the presence of a witness. If a case is not resolved at the hearing, the municipal court must immediately conduct a bond hearing to consider and set the least restrictive conditions for a defendant's release on bond. The act establishes a process for courts to issue a PR bond to a defendant if the above conditions are not met.
 - Effective Jan. 1, 2018.
- **House Bill 18-1353: Defense Counsel in Municipal Court Grant Program**
 - This act created a grant program in the Department of Local Affairs to provide funds to municipalities to cover the costs of defense counsel required by HB16-1309. It appropriated \$1.85 million for the first year.
 - Effective May 30, 2018.
 - *Note, this program was defunded during the 2025 legislative session.*
- **Senate Bill 18-203: Conflict-free Representation in Municipal Courts**
 - This act requires municipalities to provide independent indigent defense for each indigent defendant charged with a crime that has a possible sentence of incarceration. Independent defense is to be overseen by the municipality but must be provided by a nonpartisan entity that is independent of the municipal court by Jan. 1, 2020. Authorized entities that may provide or evaluate

- independent defense include the Office of the Alternate Defense Counsel (OADC) or any Colorado law school legal aid clinic, or an attorney or group of attorneys as long as they are not affiliated with the municipality receiving the services. Municipalities contracting for the provision of independent indigent defense must ensure that the independent defense selection process is transparent and merit based; each contracted indigent defense attorney is evaluated by an independent entity no later than one year after being hired and at least every three years thereafter; and evaluation results are provided in writing to the municipality along with any corrective action recommendations. The act provides that municipalities may also establish a local independent defense commission or coordinate with one or more other municipalities to create a regional independent defense commission that meets certain requirements. Municipalities that wish to use the OADC for independent defense or evaluation services must request such services on or before Sept. 1 of each year. The OADC must notify municipalities requesting independent defense or evaluation services of its ability to provide such services the following May 1.
- Effective Aug. 8, 2018.
- **House Bill 19-1225: No Monetary Bail for Certain Low-Level Offenses**
 - This act prohibits the use of monetary bonds for any defendant charged with a traffic offense, petty offense, or a municipal offense. The act does not apply to municipal offenses that have a comparable state misdemeanor. The use of monetary bond as part of a local pretrial release is allowed, if the defendant is informed that they are entitled to release on a personal recognizance bond if they wait for the required bond hearing. Monetary bond conditions may be used for a defendant who fails to appear in court or violates a condition of their release on bond; if a defendant is unable to post the monetary bond, they must be released on personal recognizance.
 - Effective April 25, 2019.
- **House Bill 22-1067: Clarifying Changes to Ensure Prompt Bond Hearings**
 - Starting Jan. 1, 2023, this act required municipal courts to hold a bond hearing within 48 hours for a person jailed only on a municipal hold, regardless of whether the deadline falls on a weekend or holiday. The 48-hour clock begins once the jail notifies the municipal court that a person is being held solely on the basis of a municipal hold, and the jail must ensure that the person is made available for the hearing. There are exceptions if the defendant refuses or is unable to attend the hearing in certain circumstances.
 - Effective May 26, 2022.
- **House Bill 23-1151: Clarifications to 48-hour Bond Hearing Requirement**
 - This act clarifies the circumstances when the 48-hour hearing requirement does not apply because the individual is unable to attend court. When an arrestee is unable to attend court within the 48-hour requirement, the sheriff must create a

list of those individuals, the date of the individual's arrest, and the location where the individual is in custody. The sheriff must document the length of the delay, the reason for the delay, and the efforts to abate a delay caused by an emergency. The act requires the sheriff to make the in-custody arrestee available to appear as soon as an emergency has sufficiently abated. The act also clarifies that the 48-hour requirement applies regardless of whether:

- the individual is held in custody in a jurisdiction other than the one that issues the arrest warrant;
 - money bond was previously set ex parte; or
 - the in-custody arrestee did not appear for a first appearance.
- Effective Oct. 1, 2023.

- **House Bill 23-1182: Remote Public Access to Criminal Court Proceedings**

- This act requires all courts to provide real time remote access for the public to observe any criminal court proceeding conducted in open court, unless:
 - the court does not have the technology available to do so;
 - the court has ordered that the public is excluded from the proceeding;
 - technology, staffing, or internet issues limit or prevent remote observation; or
 - after a request, the court makes findings that:
 - the remote observation of live proceedings risks compromising the safety of any person, the defendant's right to a fair trial, or the victim's rights; and
 - there is no less restrictive alternative that preserves the public interest in remote observation.

This act also requires the court to post links on its website for remote observation and to take reasonable steps to ensure that no audio or visual transmission of privileged, confidential communications occurs, to include posting an on-screen warning. If a proceeding is subject to a sequestration order, the court should take reasonable steps to ensure compliance with the sequestration order. If a court does not have sufficient existing staff or technology to allow remote observation to the public but later obtains such, the court must comply with the act within 90 days.

- Effective Sept. 1, 2023.

- **House Bill 23-1222: Cases of Domestic Violence in Municipal Court**

- Beginning Jan. 1, 2024, a municipality with a municipal ordinance that criminalizes an act of domestic violence must adopt an ordinance establishing:
 - protections and rights for victims, victims' families, and witnesses equivalent to certain protections under the Victim Rights Act;
 - sentencing guidelines;
 - conditions of probation;
 - conditions of release on bond;

- guidelines and standards consistent with the guidelines and standards adopted by the domestic violence offender management board; and
- a requirement that the prosecuting attorney who initially meets with the victim after the charges are filed makes a reasonable effort to remain the prosecuting attorney throughout the proceeding.

For cases of domestic violence, a municipal court must issue a protection order and report the issuance of the order to the Colorado Bureau of Investigation (CBI). The court must also enter the information into the Colorado Crime Information Center (CCIC) database and the National Crime Information Center (NCIC) database and search the CBI, CCIC database, and the NCIC database to determine if a defendant has a history of domestic violence. The act states that a municipal domestic violence offense is a misdemeanor for the purposes of complying with federal law and authorizes any affected person to enforce compliance with the act by notifying the crime victim services advisory board of any noncompliance by a municipal court. If the board determines that the report of noncompliance has a basis in fact and cannot be resolved, the board must refer the report to the governor, who shall request that the attorney general file suit to enforce compliance.

- Effective Jan. 1, 2024.

- **House Bill 24-1437: Prohibit Flat Fees for Defending Indigent Clients**

- This act prohibits municipalities that prosecute acts of domestic violence from using a fixed or flat-fee payment structure for indigent defense services and instead requires those municipalities to use the same payment structure and rates paid by the state to attorneys contracted by the Office of Alternate Defense Counsel and that are consistent with Chief Justice Directive 04-04. The term “fixed or flat-fee payment structure” does not include an amount paid on a salary basis.
- Effective July 1, 2025.

- **Senate Bill 25-062: Failure to Appear Charges in Municipal Court**

- This act amends Article 10 of Title 13 to prohibit a municipal criminal charge from being based on a failure to appear on a court date, regardless of how the failure to appear is referred to in an ordinance. The act expressly preserves a municipal court’s inherent judicial contempt power and authority to issue a bench warrant for failure to appear. A municipal court can consider a failure to appear for purposes of setting an appropriate bond.
- Effective April 17, 2025.