

HOUSE BILL 21-1309

**CONCERNING MEASURES RELATED TO PERMITTING CONTINUING
A CRIMINAL TRIAL BECAUSE OF THE COVID-19 PANDEMIC**



Report Date: Jan 31, 2022

SUMMARY:

Under existing law, a criminal defendant must be brought to trial within 6 months after the date of the entry of a plea of not guilty. However, there are circumstances that exclude a period of time when computing the time within which a defendant must be brought to trial. These exclusions extend the length of time within which the defendant must be brought to trial.

The act permits the court to exclude a period of delay caused by the COVID-19 pandemic, not to exceed 6 months if the defendant is not in custody for the case pending a jury trial or not to exceed 3 months if the defendant is in custody for the case pending a jury trial, if certain considerations are satisfied. The court may grant only one continuance due to a period of delay caused by the COVID-19 pandemic.

REPORT INFORMATION:

The Judicial Department shall collect the following data for each continuance granted:

- (I) The judicial district where the continuance was granted; and
- (II) The highest class offense charged in the defendant's case that was continued.

Denver County Court is not included in this report.

**Number of Jury Trials Continued
Due to COVID-19 by Judicial District
as of December 31, 2021**

Judicial District	Number of Jury Trials Continued Due to COVID-19
2	<i>15</i>
4	<i>26</i>
6	<i>24</i>
8	<i>1</i>
9	<i>6</i>
10	<i>1</i>
11	<i>1</i>
14	<i>9</i>
17	<i>10</i>
18	<i>8</i>
22	<i>1</i>
Grand Total	<i>102</i>

**Number of Jury Trials Continued due to COVID-19 as of December 31, 2021
By the Highest Class Offense Charged in the Defendant's Case that was Continued**

Judicial District	Law Class														Grand Total
	DF2	F1	F2	F3	F4	F5	F6	M	M1	M2	M3	T1	T2	TIA	
2	1	1	2	4	2	4	1	0	0	0	0	0	0	0	15
4	0	1	0	1	6	3	1	5	6	1	2	0	0	0	26
6	0	0	0	2	2	1	0	9	7	2	0	0	1	0	24
8	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
9	0	0	0	0	3	1	0	1	1	0	0	0	0	0	6
10	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
11	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
14	0	0	0	0	2	3	0	2	0	0	1	0	1	0	9
17	0	0	0	2	0	2	1	0	3	0	0	1	0	1	10
18	0	0	0	1	1	1	0	0	5	0	0	0	0	0	8
22	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Grand Total	1	2	3	10	16	15	3	17	25	3	3	1	2	1	102

**Number of Jury Trials Continued due to COVID-19 as of December 31, 2021
By the Highest Class Offense Charged in the Defendant's Case that was Continued**

Judicial District	Law Class	Law Number	Law Description	Number of Cases
2	DF2	18-18-405(1),(2)(b)(I)(A)	CONTROLLED SUB-POSS W/I-SCH 1/2 14-225G	1
	F1	18-3-102(1)(a)	MURDER 1-AFTER DELIBERATION	1
	F2	18-3-102(1)(a)	MURDER 1-AFTER DELIBERATION-ATT	1
		18-3-302(1),(3)	KIDNAPPING 2-VIC-SEX OFFNSE &/OR ROBBERY	1
	F3	18-3-202(1)(a)	ASSAULT 1-SBI W/ DEADLY WEAPON	2
			ASSAULT 2-CAUSE INJURY W/ DEADLY WEAPON	1
		18-3-402(1)(a),(4)	SEX ASSLT-SUBMIT-FORCE/THREAT/OTHER	1
	F4	18-3-203(1)(b)	ASSAULT 2-CAUSE INJURY W/ DEADLY WEAPON	1
		18-3-203(1)(g)	ASSAULT 2-CAUSE SERIOUS BODILY INJURY	1
	F5	18-3-203(1)(b)	ASSAULT 2-CAUSE INJ W/ DEADLY WEAP-ATT	1
		18-3-206(1)(a)/(b)	FELONY MENACING-REAL/SIMULATED WEAPON	3
	F6	18-12-108(1)	WEAPON-POSS/PREVIOUS OFFEND-ANY PRIOR FE	1
	4	F1	18-3-102(1)(a)	MURDER 1-AFTER DELIBERATION
F3		18-4-302(1)(d)	ROBBERY-AGG-POSSESS REAL/SIMULATED WEAPN	1
F4		18-3-203(1)(b)	ASSAULT 2-CAUSE INJURY W/ DEADLY WEAPON	1
		18-3-203(1)(c)	ASSAULT 2-PEACE OFFICER	1
		18-3-203(1)(g)	ASSAULT 2-CAUSE SERIOUS BODILY INJURY	1
		18-3-203(1)(i)	ASSAULT 2-STRANGULATION	1
		18-6-403(3)(b.5),(5)	SEX EXPLOIT CHILD-VIDEO/20+ ITEMS	1
		42-4-1601(1),(2)(b)	LEAVING SCENE/ACCIDENT INVOLVING SBI	1
		F5	18-3-206(1)(a)/(b)	FELONY MENACING-REAL/SIMULATED WEAPON
		18-6.5-103(5);18-4-401(1)	AT-RISK-THEFT-LESS THAN \$500	1
F6		18-8-610(1)(a)	TAMPERING W/ PHYSICAL EVIDENCE-DESTROY	1
M		42-4-1301(1)(a)	DRIVING UNDER THE INFLUENCE	5
M1		18-3-204(1)(a)	ASSAULT 3-KNOW/RECKLESS CAUSE INJURY	3
		18-6-401(1)(a),(7)(a)(V)	CHILD ABUSE-KNOWING/RECKLESS-BODILY INJ	1
		18-6-803.5(1)(a)	VIOLATION P/O-CRIMINAL	1
		18-9-306.5	TELEPHONE-OBSTRUCT SERVICE	1
M2		18-4-501(1),(4)(b)	CRIMINAL MISCHIEF-\$300-\$750	1
M3		18-4-501(1),(4)(a)	CRIMINAL MISCHIEF-UNDER \$300	1
		18-9-111(1)(a)	HARASSMENT-STRIKE/SHOVE/KICK	1
F3		18-3-405(1),(2)(d)	SEX ASSAULT/CHILD-PATTERN OF ABUSE	1
	18-8-706	WITNESS/VICTIM-RETALIATION AGAINST	1	
	F4	18-3-203(1)(i)	ASSAULT 2-STRANGULATION	1
		42-4-1301(1)(a)	DRIVING UNDER THE INFLUENCE-W/ 3+PRIORS	1

6	F5	18-4-409(2),(3)(a)	MOTOR VEHICLE THEFT/AGG 1-LESS \$20K	1	
	M	42-2-138(1)(a)	DRIVING UNDER RESTRAINT	1	
		42-2-138(1)(d)	DRIVING UNDER RESTRAINT-ALCOHOL-RELATED	1	
		42-4-1301(1)(a)	DRIVING UNDER THE INFLUENCE	7	
	M1	18-3-204(1)(a)	ASSAULT 3-KNOW/RECKLESS CAUSE INJURY	3	
		18-3-404(1)(a)	SEXUAL CONTACT-NO CONSENT	1	
		18-6-803.5(1)(a)	VIOLATION P/O-CRIMINAL	2	
		18-9-111(1)(h),(2)	HARASSMENT-INSULTS/TAUNTS-ETHNIC INTIMID	1	
	M2	18-12-106(1)(a)	WEAPON-PROHIBITED USE-AIM FIREARM	1	
		18-8-104(1)(a)	OBSTRUCTING A PEACE OFFICER	1	
	T2	42-4-1413	ELUDING A POLICE OFFICER	1	
	8	M1	18-3-204(1)(a)	ASSAULT 3-KNOW/RECKLESS CAUSE INJURY	1
	9	F4	18-3-203(1)(c)	ASSAULT 2-PEACE OFFICER	1
42-4-1301(1)(a)			DRIVING UNDER THE INFLUENCE DRIVING UNDER THE INFLUENCE-W/ 3+PRIORS	1 1	
F5		18-9-116.5	VEHICULAR ELUDING	1	
M		42-4-1301(1)(a)	DRIVING UNDER THE INFLUENCE	1	
M1		18-3-204(1)(a)	ASSAULT 3-KNOW/RECKLESS CAUSE INJURY	1	
10		F2	18-3-102(1)(a)	MURDER 1-AFTER DELIBERATION-ATT	1
11	M1	18-7-302(1)(a)	INDECENT EXPOSURE-EXPOSE GENITALS	1	
14	F4	18-3-203(1)(i)	ASSAULT 2-STRANGULATION	1	
		18-3-602(1)(c),(5)	STALKING-EMOTIONAL DISTRESS-PROT ORDER	1	
	F5	18-3-206(1)(a)/(b)	FELONY MENACING-REAL/SIMULATED WEAPON	2	
		18-5-102(1)(d)	FORGERY-PUBLIC RECORD/FILED W/PUBLIC OFF	1	
	M	42-4-1301(1)(a)	DRIVING UNDER THE INFLUENCE	2	
	M3	18-9-111(1)(e)	HARASSMENT-TELEPHONE-THREAT/OBSCENE	1	
	T2	42-4-1402(1),(2)(a)	CARELESS DRIVING	1	
17	F3	18-3-202(1)(a)	ASSAULT 1-SBI W/ DEADLY WEAPON	1	
		18-3-402(1)(h)	SEX ASSAULT-VICTIM HELPLESS	1	
	F5	18-4-409(4)(a)	MOTOR VEHICLE THEFT/AGG 2-OVER \$20,000	1	
		18-9-116.5	VEHICULAR ELUDING	1	
	F6	18-4-501(1),(4)(d)	CRIMINAL MISCHIEF-\$1000-\$5000	1	
	M1	18-3-204(1)(a)	ASSAULT 3-KNOW/RECKLESS CAUSE INJURY	2	
		18-7-302(1)(a)	INDECENT EXPOSURE-EXPOSE GENITALS	1	
	T1	42-4-1402(1),(2)(b)	CARELESS DRIVING RESULTING IN INJURY	1	
	TIA	42-4-1007(1)(a)	LANE USAGE VIOLATION	1	

18	F3	18-6.5-103(5);18-4-401(1)	AT-RISK-THEFT-\$500/MORE	<i>1</i>
	F4	18-3-202(1)(a)	ASSAULT 1-SBI W/ DEADLY WEAPON-ATT	<i>1</i>
	F5	18-3-206(1)(a)/(b)	FELONY MENACING-REAL/SIMULATED WEAPON	<i>1</i>
	M1	18-3-204(1)(a)	ASSAULT 3-KNOW/RECKLESS CAUSE INJURY	<i>2</i>
		18-6-401(1)(a),(7)(a)(V)	CHILD ABUSE-KNOWING/RECKLESS-BODILY INJ	<i>1</i>
		18-6-803.5(1)(a)	VIOLATION P/O-CRIMINAL	<i>1</i>
		42-2-206(1)(a)	DRIVING AFTER REVOCATION PROHIBITED (HTO	<i>1</i>
	22	M1	18-3-204(1)(a)	ASSAULT 3-KNOW/RECKLESS CAUSE INJURY
Grand Total				<i>102</i>