

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 16-1104

BY REPRESENTATIVE(S) Roupe, Carver, Fields, Hamner, Lee, Melton, Moreno, Pettersen, Rosenthal, Saine;
also SENATOR(S) Cooke, Roberts, Woods.

CONCERNING THE ISSUANCE OF A SUMMONS IN LIEU OF A WARRANT FOR CERTAIN NON-VIOLENT OFFENDERS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 16-5-206, **amend** (2) introductory portion and (2) (e); and **add** (1.5) as follows:

16-5-206. Summons in lieu of warrant. (1.5) (a) EXCEPT IN CLASS 1, CLASS 2, CLASS 3, AND CLASS 4 FELONIES; IN CRIMES DESCRIBED IN SECTION 24-4.1-302 (1), C.R.S.; AND IN UNCLASSIFIED FELONIES PUNISHABLE BY A MAXIMUM PENALTY OF MORE THAN TEN YEARS, A LAW ENFORCEMENT OFFICER MAY ISSUE A SUMMONS COMMANDING THE APPEARANCE OF THE DEFENDANT IN LIEU OF A WARRANT FOR HIS OR HER ARREST BASED ON PROBABLE CAUSE IF:

(I) THE LOCAL DISTRICT ATTORNEY CONSENTS TO SUCH PROCEDURE AND HAS DEVELOPED AND APPROVED CRITERIA FOR THE ISSUANCE OF SUCH A SUMMONS PURSUANT TO THIS SUBSECTION (1.5);

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(II) THERE IS A REASONABLE LIKELIHOOD THAT THE DEFENDANT WILL APPEAR;

(III) THE DEFENDANT HAS HAD NO FELONY ARRESTS DURING THE PRECEDING FIVE YEARS;

(IV) THERE IS NO ALLEGATION THAT THE DEFENDANT USED A DEADLY WEAPON AS DEFINED IN SECTION 18-1-901 (3) (e), C.R.S., IN THE COMMISSION OF THE CRIME; AND

(V) THERE ARE NO OUTSTANDING WARRANTS FOR THE DEFENDANT'S ARREST.

(b) NO LATER THAN TEN DAYS AFTER A LAW ENFORCEMENT OFFICER ISSUES A SUMMONS PURSUANT TO THIS SUBSECTION (1.5), HE OR SHE SHALL DELIVER A COPY TO THE COURT AND TO THE OFFICE OF THE DISTRICT ATTORNEY WHERE JURISDICTION LIES.

(c) WHEN THE PROCEDURE DESCRIBED IN THIS SUBSECTION (1.5) IS USED, AN INFORMATION OR COMPLAINT MAY BE FILED IN OPEN COURT ON THE DATE SPECIFIED IN THE SUMMONS.

(2) If a summons is issued in lieu of a warrant under ~~subsection (1)~~ of this section:

(e) It shall be signed by the judge or clerk of the court with the title of his office OR BY THE LAW ENFORCEMENT OFFICER WHO ISSUED THE SUMMONS.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO

2013 Colo. Legis. Serv. Ch. 333 (S.B. 13-250) (WEST)

COLORADO 2013 LEGISLATIVE SERVICE

Sixty-Ninth General Assembly, First Regular Session

Additions are indicated by Text; deletions by

Text.

Vetoed are indicated by Text;

stricken material by Text.

CHAPTER 333

S.B. 13-250

CRIMINAL LAW AND PROCEDURE—DRUG CRIMES—SENTENCE AND PUNISHMENT

AN ACT CONCERNING CHANGES TO SENTENCING OF PERSONS CONVICTED OF DRUG
CRIMES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it Enacted by the General Assembly of the State of Colorado:

SECTION 38. In Colorado Revised Statutes, 16-5-206, **amend** (1) as follows:

<< CO ST § 16-5-206 >>

16-5-206. Summons in lieu of warrant. (1) Except in class 1, class 2, and class 3 felonies, level 1 and level 2 drug felonies, and in unclassified felonies punishable by a maximum penalty of more than ten years, if an indictment is returned or an information, felony complaint, or complaint has been filed prior to the arrest of the person named as defendant therein, the court has power to issue a summons commanding the appearance of the defendant in lieu of a warrant for his or her arrest unless a law enforcement officer presents in writing a basis to believe there is a significant risk of flight or that the victim or public safety may be compromised.

2009 Colo. Legis. Serv. Ch. 104 (H.B. 09-1262) (WEST)

COLORADO 2009 LEGISLATIVE SERVICE
Sixty-Seventh General Assembly, First Regular Session

Additions are indicated by Text; deletions by
~~Text~~. Changes in tables are made but not highlighted.
Vetoed provisions within tabular material are not displayed.

CHAPTER 104
H.B. 09-1262
CRIMES AND OFFENSES—SUMMONS—ARREST

AN ACT CONCERNING THE ISSUANCE OF A SUMMONS INSTEAD OF AN ARREST WARRANT IN CERTAIN CIRCUMSTANCES.

Be it Enacted by the General Assembly of the State of Colorado:

SECTION 1. 16-5-206(1), Colorado Revised Statutes, is amended to read:

<< CO ST § 16-5-206 >>

16-5-206. Summons in lieu of warrant. (1) Except in class 1, class 2, and class 3 felonies and in unclassified felonies punishable by a maximum penalty of more than ten years, if an indictment is returned or an information, felony complaint, or complaint has been filed prior to the arrest of the person named as defendant therein, the court ~~with the consent of the prosecuting attorney,~~ has power to issue a summons commanding the appearance of the defendant in lieu of a warrant for his or her arrest unless a law enforcement officer presents in writing a basis to believe there is a significant risk of flight or that the victim or public safety may be compromised.

SECTION 2. Act subject to petition—effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1(3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved April 3, 2009.

CO LEGIS 104 (2009)