

CHAPTER 43

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 25-1015

BY REPRESENTATIVE(S) Mabrey and Zokaie, Bacon, Boesenecker, Brown, Camacho, Clifford, Duran, Espenoza, Garcia, Gilchrist, Hamrick, Joseph, Lieder, Lindsay, Marshall, Martinez, Phillips, Rutinel, Rydin, Sirota, Stewart R., Titone, Velasco, Woodrow, McCluskie;
also SENATOR(S) Rodriguez and Gonzales J., Amabile, Jodeh, Kipp, Sullivan, Weissman.

AN ACT**CONCERNING CLARIFYING CHANGES TO ENSURE THAT BOND CAN BE POSTED ONLINE.**

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

SECTION 1. In Colorado Revised Statutes, 16-4-102, **amend** (2)(b), (2)(c), (2)(d), (2)(e), (2)(f), (2)(h)(I)(A), (2)(i)(I), (2)(i)(II), (2)(j)(I), and (2)(j)(II) as follows:

16-4-102. Right to bail - before conviction. (2) (b) (I) A judge, judicial officer, or bond hearing officer shall not require a monetary bond to be ~~paid~~ POSTED in the defendant's name. Bond may be ~~paid~~ POSTED, at a minimum, by cash, money order, or cashier's check. BOND MAY BE POSTED ONLINE, AT A MINIMUM, BY CREDIT CARD. If bond is ~~paid~~ POSTED by money order or cashier's check, the money order or cashier's check may be payable to the holding county. Before bond is posted, the sheriff shall provide the defendant and surety OR THIRD-PARTY PAYER, if any, a copy of the notice described in subsection (2)(h)(I) of this section. When the bond is posted, the sheriff shall provide the defendant and surety OR THIRD-PARTY PAYER, if any, a copy of the bond paperwork and information regarding the defendant's next court date. The individual processing the bond shall certify, in writing, that the ~~payor~~ DEFENDANT AND SURETY OR THIRD-PARTY PAYER, IF ANY, received a copy of the bond paperwork, the notice described in subsection (2)(h)(I) of this section, and information regarding the defendant's next court date and shall place a copy of the certification in the defendant's file. Notwithstanding the provisions of this section, a sheriff may allow an individual to choose to stay in jail overnight after release when extenuating circumstances exist, including inclement weather, lack of transportation, or lack of shelter.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(II) By ~~January 1, 2022~~ OCTOBER 1, 2025, each jail shall establish a means to ~~pay~~ POST bond online without the need for the ~~payor~~ SURETY OR THIRD-PARTY PAYER to go to the jail in person to ~~pay~~ POST bond. EACH SHERIFF SHALL POST INSTRUCTIONS ON THE SHERIFF'S WEBSITE DESCRIBING HOW TO POST BOND ONLINE. ALL BONDS OF ANY AMOUNT THAT ARE POSTABLE IN PERSON MUST BE POSTABLE ONLINE. DEFENDANTS AND SURETIES OR THIRD-PARTY PAYERS THAT POST BOND ONLINE HAVE THE SAME RIGHTS THAT ARE AFFORDED TO A PERSON WHEN POSTING IN PERSON, SPECIFICALLY:

(A) THE SHERIFF SHALL PROVIDE THE DEFENDANT AND SURETY OR THIRD-PARTY PAYER, IF ANY, A COPY OF THE NOTICE DESCRIBED IN SUBSECTION (2)(h)(I) OF THIS SECTION; AND

(B) THE SHERIFF SHALL PROVIDE THE DEFENDANT AND SURETY OR THIRD-PARTY PAYER, IF ANY, A COPY OF THE BOND PAPERWORK AND INFORMATION REGARDING THE DEFENDANT'S NEXT COURT DATE.

(c) The custodian of a jail shall ensure the defendant, a surety on behalf of the defendant, or another third party on behalf of the defendant is not charged more than a ten-dollar bond processing fee, INCLUDING WHEN BOND IS POSTED ONLINE.

(d) The custodian of a jail shall also ensure the defendant, a surety on behalf of the defendant, or another third party on behalf of the defendant is not charged any additional transaction fees, including kiosk fees, INCLUDING WHEN BOND IS POSTED ONLINE; except that the standard credit card processing fee that the credit card company charges may be charged when a credit card is used, or, when a third-party vendor provides defendants the option to ~~pay~~ POST monetary bond with a credit card, the defendant ~~can~~ MAY be required to pay ~~up to~~ NOT MORE THAN a three-and-one-half percent credit card payment processing fee.

(e) Unless extraordinary circumstances exist, the custodian of a jail shall release a defendant who is granted a personal recognizance bond as soon as practicable but no later than six hours after the defendant is physically present in the jail. Unless extraordinary circumstances exist, the custodian of a jail shall release a defendant who is granted a cash bond as soon as practicable but no later than six hours after bond is set, after the defendant is physically present in the jail, and after the defendant, ~~or~~ surety, OR THIRD-PARTY PAYER notifies the jail that the defendant, ~~or~~ surety, OR THIRD-PARTY PAYER is prepared to post bond. If BOND IS POSTED ONLINE, THE SIX-HOUR RELEASE TIMELINE BEGINS WHEN THE DEFENDANT, SURETY, OR THIRD-PARTY PAYER SUBMITS PAYMENT FOR A BOND ONLINE OR ELECTRONICALLY FILES A POWER OF ATTORNEY PURSUANT TO SECTION 10-2-418. If the custodian fails to release the defendant within six hours, the custodian shall inform the defendant and any person posting bond on behalf of the defendant the reason for the delay and shall document the reason for the delay in the defendant's file. A supervisory condition of release does not serve as a legal basis to continue to detain the defendant; except that, if the defendant is ordered released upon condition of being subject to electronic monitoring, the defendant may be held up to as long as practicable but no longer than twenty-four hours after the defendant is physically present in the jail and the defendant's bond has been posted, if such delay is necessary to ensure the defendant is fitted with electronic monitoring and the court has authorized the defendant to be held until the electronic monitor is fitted. If the

court orders electronic monitoring for the protection of a specific individual, and the defendant is ordered to have no contact with that specific individual, and the judge orders that the defendant not be released without electronic monitoring based on finding that the electronic monitoring is necessary for public safety, then the time limits regarding release of the defendant in this subsection (2)(e) do not apply. However, if a defendant is held more than twenty-four hours after posting bond awaiting electronic monitoring fitting, the sheriff shall bring the defendant to the court the next day the court is in session and explain the reason for the delay.

(f) A defendant ~~who~~ WHOSE BOND HAS BEEN posted, ~~bond~~, INCLUDING WHEN BOND HAS BEEN POSTED ONLINE, must be released regardless of whether the defendant has paid any outstanding fee, cost, or surcharge, including bond processing fees, booking fees, pretrial supervision fees, or electronic monitoring supervision fees.

(h) (I) (A) Each sheriff shall post the following notice of rights on the sheriff's website and information about how to file a complaint about violations of ~~subsections (2)(b) to (2)(g)~~ SUBSECTIONS (2)(b) TO (2)(f) of this section:

**Legal Rights Related to Posting Money Bond
Pursuant to Section 16-4-102, Colorado Revised Statutes**

1. **Bond fees, booking fees, and other fees or debts never need to be paid to secure a person's release on money bond, INCLUDING WHEN BOND IS POSTED ONLINE.** A ~~payor~~ DEFENDANT, SURETY, OR ANOTHER THIRD-PARTY PAYER need only pay the bond amount in order to secure release.

2. While never a basis to hold a defendant in jail, the following fees are chargeable as a debt to the defendant after release if the ~~payor~~ SURETY OR ANOTHER THIRD-PARTY PAYER chooses not to pay the fees at the time of bonding: A \$10 bond fee and a maximum 3.5% credit card payment fee. No other bond-related fees may be charged at any time, including any kiosk fees or fees for payment by cash, check, or money order, INCLUDING WHEN BOND IS POSTED ONLINE.

3. Bond payments are to be made out to the holding county and are never to be made out in the name of the incarcerated person.

4. **A sheriff must release a defendant within six hours after a personal recognizance bond is set and the defendant has returned to jail or within six hours after a cash bond has been set and the defendant has returned to jail and the defendant, or surety, OR THIRD-PARTY PAYER notified the jail that bond is prepared to be posted,** unless extraordinary circumstances exist. If BOND IS POSTED ONLINE, THE SIX-HOUR RELEASE TIMELINE BEGINS WHEN THE DEFENDANT, SURETY, OR THIRD-PARTY PAYER SUBMITS PAYMENT FOR A BOND OR ELECTRONICALLY FILES A POWER OF ATTORNEY. In the event of a delay of more than six hours, a surety OR THIRD-PARTY PAYER and the defendant have a right to know what, if any, extraordinary circumstance is causing the delay. Supervisory conditions of release do not justify a delay in release; except that a sheriff may hold a

defendant for up to 24 hours if necessary to ensure a defendant is fitted with required electronic monitoring.

5. Anyone who posts a money bond, INCLUDING BOND POSTED ONLINE, has the right to receive a copy of the bond paperwork, including documentation of the next upcoming court date.

6. **A surety OR THIRD-PARTY PAYER may never be asked to use posted bond money to pay a defendant's debts.** Only when defendants have posted their own money bond may they be asked if they would like to voluntarily relinquish bond money to pay their debts, INCLUDING WHEN BOND IS POSTED ONLINE. Relinquishment of bond money by a defendant to pay a debt is never required and is entirely a voluntary choice by the defendant.

(i) Each sheriff shall post a notice both in the common area of the jail in a location clearly visible to the inmates and in the public portion of the jail where a person posts bond, clearly visible to a person posting bond, that contains the following information:

(I) Bond fees, booking fees, and other fees or debts never need to be paid to secure a person's release on money bond, INCLUDING WHEN BOND IS POSTED ONLINE. A ~~payor~~ DEFENDANT, SURETY, OR OTHER THIRD-PARTY PAYER need only pay the bond amount in order to secure release.

(II) The sheriff shall release a defendant within six hours after a personal recognizance bond is set and the defendant has returned to jail or within six hours after a cash bond has been set and the defendant has returned to jail and the defendant or surety OR THIRD-PARTY PAYER notified the jail that bond is prepared to be posted, unless extraordinary circumstances exist. IF BOND IS POSTED ONLINE, THE SIX-HOUR RELEASE TIMELINE BEGINS WHEN THE DEFENDANT OR SURETY OR THIRD-PARTY PAYER SUBMITS PAYMENT FOR A BOND OR ELECTRONICALLY FILES A POWER OF ATTORNEY. However, a sheriff may hold a defendant for up to twenty-four hours if necessary to ensure a defendant is fitted with required electronic monitoring.

(j) (I) Each sheriff shall create written policies to comply with this subsection (2) by ~~October 1, 2021~~ OCTOBER 1, 2025. The sheriff shall post the policies on the sheriff's website and distribute them to all staff. The sheriff shall train all staff who process bonds or interact with inmates on the policies.

(II) Each sheriff shall review and update the sheriff's website, signage, paperwork, and forms related to bonding to reflect current law by ~~October 1, 2021~~ OCTOBER 1, 2025, and update the sheriff's website, signage, paperwork, and forms related to bonding as necessary thereafter.

SECTION 2. In Colorado Revised Statutes, 16-4-111, **amend** (1) as follows:

16-4-111. Disposition of security deposits upon forfeiture or termination of bond. (1) (a) If a defendant is released upon deposit of cash in any amount or upon deposit of any stocks or bonds and the defendant is later discharged from all liability

under the terms of the bond, the clerk of the court shall return the deposit to the person who made the deposit, INCLUDING WHEN BOND IS POSTED ONLINE.

(b) (I) If the depositor of the cash bond is the defendant and the defendant owes court costs, fees, fines, restitution, or surcharges at the time the defendant is discharged from all liability under the terms of the bond, the court may apply the deposit toward any amount owed by the defendant in court costs, fees, fines, restitution, or surcharges if the defendant voluntarily agrees in writing to the use of the deposit for such purpose. A defendant ~~shall not be~~ IS NOT required to agree to apply the deposit toward any amount owed by the defendant as a condition of release, INCLUDING WHEN BOND IS POSTED ONLINE. If any amount of the deposit remains after paying the defendant's outstanding court costs, fees, fines, restitution, or surcharges, the court shall return the remainder of the deposit to the defendant.

(II) If the depositor of the cash bond is not the defendant but the defendant owes court costs, fees, fines, restitution, or surcharges at the time the defendant is discharged from all liability under the terms of the bond, the court shall not apply the deposit toward the amount owed by the defendant in court costs, fees, fines, restitution, or surcharges. The court shall return the deposit to the depositor, INCLUDING WHEN A BOND IS POSTED ONLINE.

(III) A depositor of a cash bond who is not the defendant may deposit bond funds directly with the jail. The depositor ~~shall not be~~ IS NOT required to pay any additional fees, costs, or surcharges other than the bond amount and bond processing fee. The depositor ~~shall not be~~ IS NOT required to apply bond funds to the defendant's inmate account for payment of the bond and ~~shall not be~~ IS NOT required to deposit money in the defendant's name, INCLUDING WHEN A BOND IS POSTED ONLINE.

SECTION 3. 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; 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 31, 2025