

What does HB1280 do?

- Bond setting hearing within 48 hours after an arrestee's arrival at a jail.
- Ensure prompt and fair pretrial liberty:
 - Released from custody within 6 hours after bond is set.
 - Clear notice of rights regarding bond payment and release procedures.
 - Reporting requirement to ensure compliance with law.

The Problem: Presumptively innocent people languish in Colorado's jails waiting for bond setting while families struggle to navigate the bureaucracy of posting bond.

The Due Process Clause requires bond setting within 48 hours of arrest

- *Odonnell v. Harris County* (5th Cir. 2018) (“We conclude that the federal due process right entitles detainees to a [bail] hearing within 48 hours[of arrest].”)
- The ACLU has sued multiple Colorado counties for delayed court appearances that resulted in substantial monetary settlements, yet a statewide problem remains calling out for a statewide legislative fix.

Coloradans often wait in jail 3-15 days just to see a judge for bond setting.

- People arrested on Friday wait in jail until Monday or Tuesday to see a judge. People arrested in a county different than the one that issued the warrant might stay jailed for 2 weeks before bond is set.
- Even short jail stays seriously harm pretrial detainees and their families, because 3-15 days in jail often lead to loss of housing, jobs, and even child custody.

The Solution: HB1280 requires bond setting within 48 hours of arrest while offsetting costs for underfunded counties and improving the bond payment process.

- **Prompt bond setting is feasible.** 3 Colorado counties already hold weekend court – Weld, Jefferson and Denver. At least 7 states and D.C. require bond setting within 48 hours of arrest. To ease the transition, HB1280 allows for delayed implementation.
- **Underfunded counties have a low-cost option.** HB1280 funds a bond hearing officer with statewide jurisdiction to hold weekend bond hearings by videoconference for counties that choose this remote option.
- A system that operates 24/7 to arrest people must provide prompt access to justice for people who are legally innocent.

Our Neighbors' Stories



Michael Bailey was jailed for 52 days without even seeing a judge for his first appearance and bond setting. Mr. Bailey was held in Teller County Jail without bond on a 4-year-old misdemeanor warrant from Pueblo County. When the sheriffs finally transferred him to the Pueblo County Court, he was immediately released on a personal recognizance bond. All of the charges against him were dismissed soon afterward.

52 brutal days in jail cost Mr. Bailey close to everything. He lost two month's pay, his job and his housing — all for nothing. Mr. Bailey filed a lawsuit that resulted in a substantial monetary payment and policy changes in Pueblo and Teller Counties. But weeks long delays in seeing a judge continue across Colorado while people like Mr. Bailey lose precious time.

“ For 52 days I waited in jail to see a judge, I felt powerless and worried about my future. I lost my home and my job during that jail stay. I'm putting my life back together now. But it is time for Colorado Sheriffs to make sure this never happens again in their jails.”

– Michael Bailey



Ms. Reynolds spent 15 days in jail while waiting for a bond setting. In August 2019, Ms. Reynolds was arrested in Mesa County on a no bond warrant out of Boulder County. Her attorney repeatedly contacted the Sheriff's office and the court requesting for transport to Boulder County for the Mesa County judge to set bond, to no avail. Instead, Ms. Reynolds sat in the Mesa County jail for more than two weeks after her arrest, waiting for transport to Boulder.

When Ms. Reynolds, who had no criminal history, finally appeared before a judge in Boulder County, she was immediately released on a PR bond. Soon after the entire case was dismissed, and her arrest was sealed. While in jail, Ms. Reynolds lost her job as a hospice caregiver, and her family continues to be subjected to serious financial hardship as a result of her incarceration. She suffers daily from the emotional trauma of her experience.

“ Before August 23, 2019, I had no first-hand experience with the criminal justice system. Daily, innocent people who have been falsely accused of a crime, are forced to sit in jail for far more than 48 hours, up to weeks before seeing a judge. The justice system is broken, the idea of innocent until proving guilty no longer exists. That is unacceptable, and I'm determined to make a change.”

– Michelle Reynolds

JUSTICE DELAYED IS JUSTICE DENIED