



COLORADO
MUNICIPAL
LEAGUE



YES
HB25-1276



CML requests your **YES** vote on HB25-1276

Court Actions Related to Failure to Appear in Court

Justice requires a way to bring those who ignore lawful authority before the courts. The required use of personal recognizance (PR) bonds in most low-level criminal cases, instead of cash bonds, has resulted in defendants repeatedly failing to appear (FTA) in municipal courts, creating a pervasive issue for municipalities. Without the accountability that HB25-1276 will provide, the law effectively only applies to those who voluntarily appear in court and there is no expectation of safety or justice for victims, witnesses, and the broader community.

HB25-1276 provides a reasonable mechanism to ensure cases are resolved in a timely manner while providing appropriate flexibility for defendants.

WHY THIS BILL IS CRITICAL

- Repeat FTAs on low-level crimes have serious negative impacts on community safety and businesses. This bill ensures judges have a reasonable tool to demand a minimum amount of responsiveness and bring timely resolution to cases.
- An FTA means the defendant must be arrested, transported, and appear in court merely for scheduling. Frequently, defendants fail to show up again or they commit more crimes when they are released. This repeat behavior wastes municipal resources.
- Municipal courts need a way to ensure that the most egregious FTA offenders actually appear in court without disrupting the broad use of PR bonds.

BY THE NUMBERS

23%

Average increase in FTAs per year recorded by one front range city between 2021 and 2024

116%

Increase in FTAs reported by one metro area municipality between 2021 and 2024. 62% of their 2024 FTAs were for theft or shoplifting cases, up 34% from 2023. The average amount stolen in 2023 and 2024 was \$279, considered a petty offence.

1,413

Estimated number of FTAs on PR bond warrants issued in one metro area city, representing about three FTAs for every PR bond issued in 2024



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WHAT THE BILL DOES

HB25-1276 only affects defendants who repeatedly ignore court dates by giving courts discretion to require a cash or surety bond instead of a PR bond for an extremely narrow class of defendants who are charged with:

- An offense with a maximum penalty that does not exceed six months' jail, when the defendant previously failed to appear two or more times in the present case;
- A petty offense for theft, criminal mischief, or arson, or a comparable municipal offense, if the defendant previously failed to appear two or more times in the present case; or
- Any other petty offense, traffic offense, comparable municipal offense, or municipal offense with no comparable state offense if the defendant has previously failed to appear three or more times in the present case and has another pending charge for the same offense in the same jurisdiction.

The bill sets a high bar before these new exceptions can be utilized, requiring courts to establish multiple safeguards including ensuring all defendants can easily request new court dates and excusal of prior inadvertent FTAs. Only those who repeatedly and deliberately ignore their obligations would be affected.

CML respectfully requests a **YES vote on HB25-1276.**

CONTACT

Jeremy Schupbach | CML legislative and policy advocate | 303-229-5434 | jschupbach@cml.org



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