

# HOUSE BILL [HB25-1276](#) : Official City Position

Approved by Westminster City Council on March 24, 2025

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REPRESENTATIVES: Soper, Bird; SENATORS: Roberts, Frizell:

Concerning defendants who fail to appear in court, and, in connection therewith, permitting certain conditions on pre-trial release for defendants who have previously failed to appear.

## **Official City Position: SUPPORT, If Amended**

Status: **Active** – This bill was introduced in the House on February 20, 2025, assigned to the Judiciary Committee.

### Description:

The bill would expand the ability of municipal courts to respond to repeat failures to appear by returning bond discretion to the courts in certain circumstances.

City Comments: This legislation is in support to the following principles as set forth in the City's [2025 Legislative Policy Statement](#):

#### PUBLIC SAFETY

The City of Westminster recognizes the critical importance of maintaining public order, providing a safe environment, and protecting the lives and property of the citizens of Westminster.

When an individual is arrested on new criminal charges or after a failure to appear for a scheduled court date, the court sets a bond to ensure their return and law-abiding behavior while at liberty. Bonds fall into two categories:

- **Personal Recognizance (PR):** Release based on a signed promise to appear.
- **Secured Bond:** Requires cash or surety to ensure court attendance.

### **Legislative Changes to Court Discretion Regarding Bond Setting:**

- **2019 (HB19-1225):** Restricted municipal courts from setting secured bonds in many cases, requiring PR bonds even for repeat failures to appear.
- **2024 (HB24-1241):** Expanded the mandatory PR bond rule to include higher value property crimes.
- **Current Law (C.R.S. § 16-4-113(2)):** Municipal courts must grant PR bonds for:
  - Municipal Ordinance violations with no state equivalent charge;
  - Property crimes under \$300;
  - Trespass and other petty offense equivalents.

The mandatory PR bond rule applies regardless of criminal history, victim safety, or repeated failures to appear, leading to frequent re-arrests without resolution. Defendants understand they can avoid secured bonds by keeping thefts under \$300, and have no incentive to appear in court as they are guaranteed another PR bond if re-arrested.

#### Proposed Reform: HB25-1276

- Allows courts the discretion to set secured bonds after:
  - **Two failures to appear** for property crimes with a value of less than \$300 (i.e. petty-theft, petty-criminal mischief, and petty-arson).
  - **Three failures to appear** for other municipal petty offense equivalents and municipal charges with no state court equivalent, if the defendant is also charged again with the same offense (i.e. trespass, public nuisance).
- Requires courts to offer options for defendants to resolve failures to appear without arrest and seek continuances prior to missing a court appearance.
- Aims to curb repeat offenders and failures to appear while balancing concerns about jailing unhoused individuals.

While the bill still mandates initial PR bonds, it restores some court discretion for those consistently evading the legal process.

Supported Amendments to the proposed bill include:

- Exception to the PR Bond rule for all domestic violence cases.
- Removal of reference to municipal courts in Section (1) of the bill.
- Cleaning up language that describes requirements in Section (3) to specifically include that court's maintain discretion over procedural requests.