

HOUSE COMMITTEE OF REFERENCE REPORT

	April 4, 2025
Chair of Committee	Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

HB25-1049 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** 16-3-400.3 as
4 follows:

5 **16-3-400.3. Definitions.** AS USED IN THIS PART 4, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (1) "AUTHORIZED REPRESENTATIVE" MEANS A PROFESSIONAL
8 PERSON WHO IS EMPLOYED BY OR UNDER CONTRACT WITH AN ATTORNEY,
9 THE ATTORNEY'S OFFICE, OR WITH A STATE AGENCY TO ASSIST IN
10 PROVIDING LEGAL REPRESENTATION TO A PERSON COMMITTED,
11 IMPRISONED, OR ARRESTED AND WHO HAS BEEN AUTHORIZED BY THE
12 ATTORNEY TO CONSULT WITH THEIR CLIENTS AND THE AUTHORIZATION
13 CAN BE CONFIRMED BY LAW ENFORCEMENT PRIOR TO ALLOWING THE
14 CONSULTATION.

15 (2) "PLACE OF CONFINEMENT" MEANS A JAIL OR OTHER FIXED
16 PLACE OF CONFINEMENT OPERATED BY THE COUNTY OR OTHER
17 GOVERNMENTAL AUTHORITY TO HOLD PERSONS COMMITTED, IMPRISONED,
18 OR ARRESTED FOR ANY CAUSE, OR A FACILITY OR OTHER FIXED PLACE OF
19 CONFINEMENT OPERATED BY THE DEPARTMENT OF CORRECTIONS OR
20 UNDER CONTRACT WITH THE DEPARTMENT OF CORRECTIONS AT WHICH THE
21 IN-CUSTODY PERSON IS HELD FOR MORE THAN TWENTY-FOUR HOURS.

22 **SECTION 2.** In Colorado Revised Statutes, 16-3-402, **amend** (1),
23 (2), and (3) as follows:

24 **16-3-402. Right to communicate with attorney and family.**

25 (1) ~~Persons who are arrested shall have~~ A PERSON WHO IS ARRESTED HAS
26 the right to communicate with an attorney of ~~their~~ THE PERSON'S choice
27 and a member of ~~their~~ THE PERSON'S family by making a reasonable
28 number of telephone calls or by communicating in any other reasonable

1 manner. ~~Such~~ THE communication ~~shall~~ MUST be permitted at the earliest
2 possible time after arrival at the police station, sheriff's office, jail, or
3 other like confinement facility to which ~~such~~ THE person is first taken
4 after arrest.

5 (2) If the accused PERSON is transferred to a new place of custody,
6 ~~his~~ THE ACCUSED PERSON'S right to communicate with an attorney and a
7 member of ~~his~~ THE ACCUSED PERSON'S family is renewed.

8 (3) (a) Consistent with ~~the provisions of~~ section 21-1-103, ~~C.R.S.~~,
9 if ~~any~~ A person in custody indicates in any manner ~~his~~ THE desire to speak
10 with an attorney, or the court determines that an inquiry into the matter of
11 indigency should occur, ~~the~~ A public defender ~~shall be~~ OR THE PUBLIC
12 DEFENDER'S AUTHORIZED REPRESENTATIVE IS permitted to communicate
13 with that person to determine whether ~~that~~ THE person IN CUSTODY has
14 counsel, ~~and, if~~ WHETHER the person IN CUSTODY desires ~~that~~
15 REPRESENTATION FROM the public defender, ~~represent him,~~ AND to make
16 an initial determination as to whether the person IN CUSTODY is indigent.
17 If the public defender OR THE PUBLIC DEFENDER'S AUTHORIZED
18 REPRESENTATIVE determines that the person IN CUSTODY is indigent, ~~such~~
19 THE person IN CUSTODY shall apply for representation by the public
20 defender in accordance with section 21-1-103. ~~C.R.S.~~

21 (b) The public defender, upon ~~his~~ request and with due regard for
22 reasonable law enforcement administrative AND OPERATIONAL
23 procedures, ~~shall be~~ IS permitted to determine whether or not ~~any~~ A
24 person in custody has been taken without unnecessary delay before the
25 nearest available county or district judge.

26 **SECTION 3.** In Colorado Revised Statutes, **amend** 16-3-403 as
27 follows:

28 **16-3-403. Right to consult with attorney.** ~~Any~~ A person
29 committed, imprisoned, or arrested for any cause, whether or not ~~such~~
30 THE person is charged with an offense, ~~shall be~~ IS allowed to consult with
31 an attorney-at-law of this state OR THE ATTORNEY'S AUTHORIZED
32 REPRESENTATIVE whom ~~such~~ THE person desires to see or consult, alone
33 and in private at the place of custody, as many times and for ~~such~~ A
34 period each time as is reasonable. Except where extradition proceedings
35 have been completed or are not required by law, when ~~any such~~ A person
36 is about to be moved beyond the limits of this state, the person to be
37 moved ~~shall be~~ IS entitled to a reasonable delay for the purpose of
38 obtaining counsel and ~~of availing himself of~~ BENEFITING FROM the laws
39 of this state for the security of personal liberty.

40 **SECTION 4.** In Colorado Revised Statutes, 16-3-404, **amend** (1);
41 and **add** (1.5) as follows:

42 **16-3-404. Duty of officers to admit attorney.** (1) All peace
43 officers or persons having in custody ~~any~~ A person committed,

1 imprisoned, or arrested for any alleged cause shall forthwith admit ~~any~~ AN
2 attorney-at-law in this state OR THE ATTORNEY'S AUTHORIZED
3 REPRESENTATIVE, upon the demand of the ~~prisoner~~ CONFINED PERSON or
4 of a friend, relative, spouse, or attorney of the ~~prisoner~~ CONFINED PERSON,
5 to see and consult the ~~person so imprisoned~~ CONFINED PERSON, alone and
6 in private, at the jail or other place of custody, if ~~such person so~~
7 ~~imprisoned~~ THE CONFINED PERSON expressly consents to see or to consult
8 with the attorney OR THE ATTORNEY'S AUTHORIZED REPRESENTATIVE.

9 (1.5) IN ADDITION TO IN-PERSON COMMUNICATION, A PEACE
10 OFFICER OR PERSON EMPLOYED AT A PLACE OF CONFINEMENT SHALL
11 PROVIDE AN ATTORNEY-AT-LAW IN THIS STATE OR THE ATTORNEY'S
12 AUTHORIZED REPRESENTATIVE THE ABILITY TO INITIATE COMMUNICATION
13 WITH THE CONFINED PERSON THROUGH TELEPHONE CALLS, INTERACTIVE
14 AUDIOVISUAL CONFERENCING, OR ANY OTHER REASONABLE METHOD OF
15 ELECTRONIC COMMUNICATION, AS DETERMINED BY THE JAIL OR
16 CORRECTIONAL FACILITY ADMINISTRATION, THAT ALLOWS THE CONFINED
17 PERSON AND THE ATTORNEY OR AUTHORIZED REPRESENTATIVE TO SPEAK
18 TO EACH OTHER. THE COMMUNICATION MUST BE PRIVATE, UNRECORDED,
19 AND WITHOUT COST TO THE CONFINED PERSON AND ATTORNEY OR THE
20 ATTORNEY'S REPRESENTATIVE. PEACE OFFICERS OR PERSONS HAVING
21 CUSTODY OF THE CONFINED PERSON SHALL ALLOW THE COMMUNICATION
22 DESCRIBED IN THIS SECTION ON A FORTHWITH BASIS, SUBJECT TO ALL
23 REASONABLE ADMINISTRATIVE AND OPERATIONAL PROCEDURES AND IN
24 THE MANNER AS DETERMINED BY THE FACILITY ADMINISTRATION.

25 **SECTION 5. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly; except
28 that, if a referendum petition is filed pursuant to section 1 (3) of article V
29 of the state constitution against this act or an item, section, or part of this
30 act within such period, then the act, item, section, or part will not take
31 effect unless approved by the people at the general election to be held in
32 November 2026 and, in such case, will take effect on the date of the
33 official declaration of the vote thereon by the governor."."

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