



December 20, 2023

SENT VIA ELECTRONIC MAIL: Elias.Diggins@DenverGov.org

Sheriff Elias Diggins
490 W. Colfax Avenue
Denver, CO 80204

cc: City Attorney Kerry Tipper, Kerry.Tipper@DenverGov.org

Re: Mandatory Release Provisions for People Detained on Municipal Holds (HB22-1067)

Dear Sheriff Diggins:

We write to notify your department about the requirements of [HB22-1067](#), enacted at [C.R.S. § 13-10-111.5](#), mandating that **any person incarcerated solely on a municipal hold must see a judge or be released by the sheriff within 48 hours**. HB22-1067 went into effect January 1, 2023 and requires jail operators to follow specific procedures when the sole basis for detaining someone is a municipal hold. Given a recent experience by Colorado Freedom Fund (CFF) when posting bond at the Denver jail, we want to be sure Denver Sheriff Department has the information it needs to consistently follow this relatively new law.¹

HB22-1067 directs jail operators and municipal courts to follow a two-step procedure when someone is detained solely on a municipal charge (whether arrested on a municipal charge, held on a municipal charge after state charges are dropped, or all other bonds are posted):

1. The sheriff must notify the municipal court that someone is jailed solely because of the municipality's hold within four hours. C.R.S. § 13-10-111.5 (1).
2. Then, one of two things must happen: either the municipal court holds a hearing within 48 hours of receiving the notice, or if there is no hearing, the sheriff must release the defendant on an unsecured personal recognizance bond with no other conditions. C.R.S. § 13-10-111.5 (4).

In sum, it is the sheriff's obligation to ensure notification of the municipal court and, if the court fails to hold a timely hearing, ensure timely release from jail.

¹ There has been confusion on this topic in multiple jurisdictions. We intend to send notification letters to other sheriff departments about HB22-1067's requirements in the near future.

The incident that motivated this letter occurred in October 2023 when CFF posted bond for an individual held in Denver’s custody. The person was held on two bonds: one in state court and a second in Aurora municipal court. CFF posted the state bond, leaving only the municipal bond holding the individual. Under C.R.S. § 13-10-111.5 (2), they should have then either received a hearing or been released from jail within 48 hours. Neither of these events occurred. Instead, the individual remained in Denver’s custody for three days solely on a municipal hold without a hearing. Denver Sheriff Department released this person on the third day only after advocacy by CFF staff. We understand in allowing this extended hold, Denver Sheriff Department was honoring Aurora’s request for a “courtesy hold.” Any “courtesy hold” that goes beyond the 48-hour limit in C.R.S. § 13-10-111.5 (2) violates the law.²

We hope this information is helpful. Please confirm that your department will no longer detain people on municipal courtesy holds. We look forward to reviewing the procedures facilitating compliance with mandatory 48-hour release requirements for municipal holds. We are available for your questions, comments, and continued dialogue.

Sincerely,



Dana Steiner
Policy Counsel
COLORADO FREEDOM FUND
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² There are only very limited exceptions to HB22-1067’s release provisions, none of which allow for extended holds as a courtesy or convenience. Sheriffs may only continue to detain someone after the 48-hour time limit has expired when the defendant refuses to cooperate with the court’s attempts to hold the hearing or in the event of an emergency. C.R.S. §§ 13-10-111.5 (2) & (4). When delays occur, sheriffs must report and document those delays. C.R.S. § 13-10-111.5 (2).