

Colorado bill would make it very difficult for some immigrants to get bonds

By [Joseph Boven](#) | 01.21.11 | 11:50 am

Immigrants who are determined on reasonable grounds to be illegally in the country by law enforcement would likely find attaining a bail bond considerably more difficult if legislation sponsored by Rep. Mark Barker, R-Colorado Springs, and Sen. Kent Lambert, R-Colorado Springs, finds its way into law. The bill would remove current exemptions that allow bail bond agents to reclaim their bond money if an immigrant is found to be illegally in the country and is deported.

Current law states that bond agents are exempt from forfeiture of bond money if their client is removed from the country before reaching trial. [This bill, HB11-1088 \(pdf\)](#), removes that exemption.

“The bill requires the bail bond agent to execute a waiver that states he or she understands that if the defendant is removed from the country the bond is forfeited and requires the bond of the bail bond agent to be forfeited if the defendant is removed from the country,” the bill’s summary states.

From the bill:

A defendant or OTHER person, INCLUDING a professional bonding agent, who posts bond on a felony or a class 1 or class 2 misdemeanor, either pretrial or post-conviction, for a defendant who is illegally present in the country shall not be entitled to recover the posted bond or fees if the defendant is removed from the country, and the bond or fees shall be forfeited.

Law enforcement agencies would be required to inform bond agents of the possibility a client may be deported before the agent issues a bond if there is reasonable grounds they are in the country illegally and are guilty of a class 1 or 2 misdemeanor or a felony.

Barker did not respond to call for comment.

The bill could reduce the number of bail bond agents who are willing to write bonds for people they believe may be in the country illegally.

The bill is headed to the House Judiciary Committee which is chaired by Rep. Bob Gardner, a co-sponsor of the bill.

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