





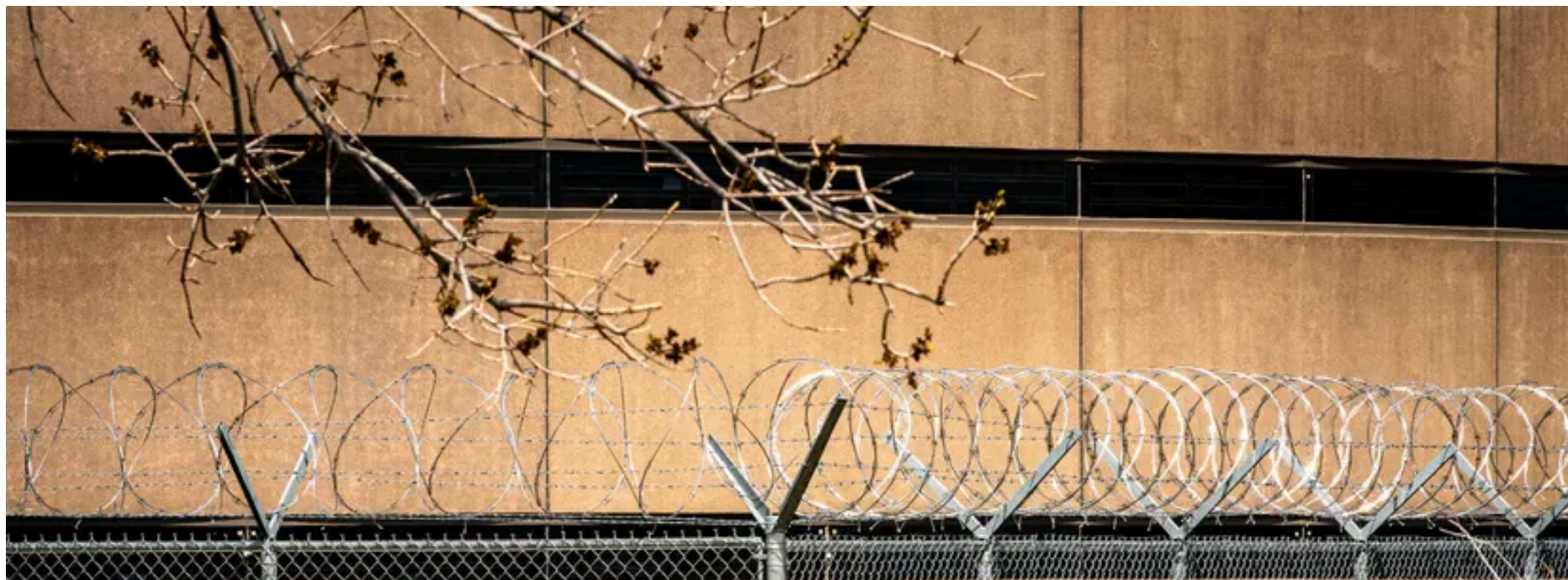
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# Amendment I: No bail for first degree murder in Colorado, explained

 By Megan Verlee · Oct. 3, 2024, 4:00 am

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Hart Van Denburg/CPR News

*The Jefferson County Detention Facility, April 24, 2024.*

This amendment, which was added to the ballot by state lawmakers, would once again allow judges to order defendants in first-degree murder cases to be held without bail ahead of trial.

The state constitution says that the court must set a bond for defendants in all criminal cases *except* for “capital cases.” A “capital” case is one potentially punishable by death, which first degree murder was, until 2020, when lawmakers [abolished Colorado’s death penalty](#). That change led the state supreme court [to conclude](#) last year that first degree murder no longer meets the criteria for denying bail.

The ruling led to [bipartisan outrage among lawmakers](#), who voted overwhelmingly to ask Coloradans to change the constitution to once again deny bail in murder cases where prosecutors have shown they have enough evidence to go to trial and a reasonable chance of getting a conviction.

Because this is an amendment to the state constitution, it will require at least 55 percent support from voters to pass.

ready!

## Here's the language you'll see on your ballot:

*Shall there be an amendment to the Colorado constitution concerning creating an exception to the right to bail for cases of murder in the first degree when proof is evident or presumption is great?*

## How would Amendment I work?

The concept of bail serves two purposes in the judicial system. If a defendant can post bond, it puts them on a financial hook to show up for their court dates. But if a judge sets the bond high enough, it can also be a defacto route to keep someone they believe is dangerous behind bars until trial.

That's exactly what many judges have done in first degree murder cases in the year since that supreme court ruling. Bail for the three teens accused of a fatal-rock throwing spree in Jefferson County was set at \$2 million each. An Arapahoe County man accused of [shooting his soon-to-be-ex-wife](#) was given a \$100 million bond. However, high bond amounts are potentially [vulnerable to court challenges](#) from defense attorneys.

Under Amendment I, the judge presiding over a first degree murder case would hold what's called a "proof evident, presumption great" hearing, in which prosecutors would give the bare outlines of their case. If the judge agrees there's enough evidence to move forward, the defendant would automatically remain in jail until their trial.

## Who's for Amendment I?

Lawmakers who put this amendment on the ballot say they're just fixing an unintentional consequence of the death penalty repeal and returning the courts to a practice that has been in place since statehood.

actually be able to meet the court's requirements. And in those cases, they argue public safety could also be put at risk.

The change is supported by Colorado's district attorneys. During hearings on the bill, prosecutors said setting bail for these defendants, no matter the amount, increases the stress and uncertainty for victims' families.

## Who's against Amendment I?

The amendment has no organized opposition. However, some justice reformers argue that creating an entire class of crime for which people can be denied bail violates the principle of "innocent until proven guilty."



### Further coverage

- [First-degree murder suspects can now post bond in Colorado — some politicians want to change that](#)
- [How Colorado issues bonds and assesses suspect risk can endanger communities. Is there a better way?](#)

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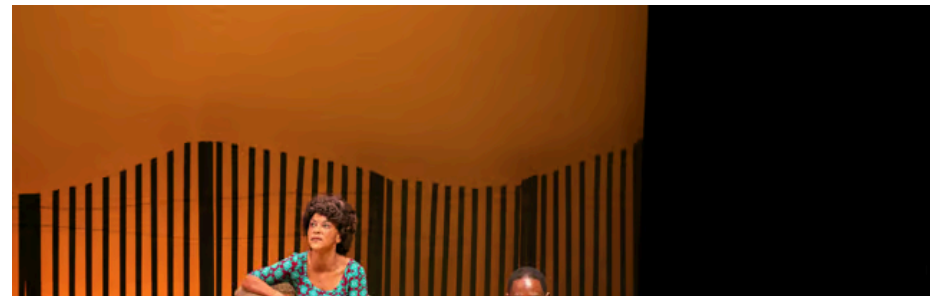
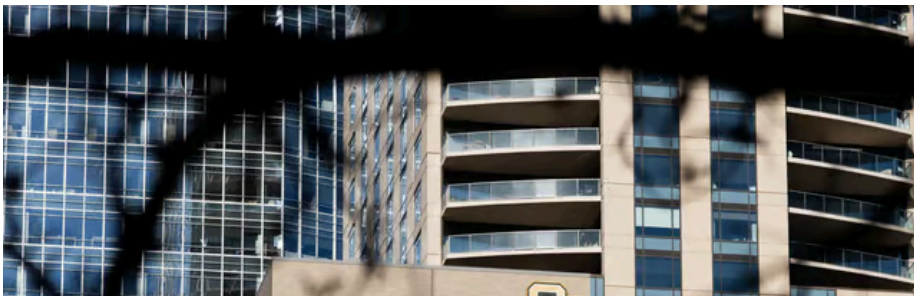
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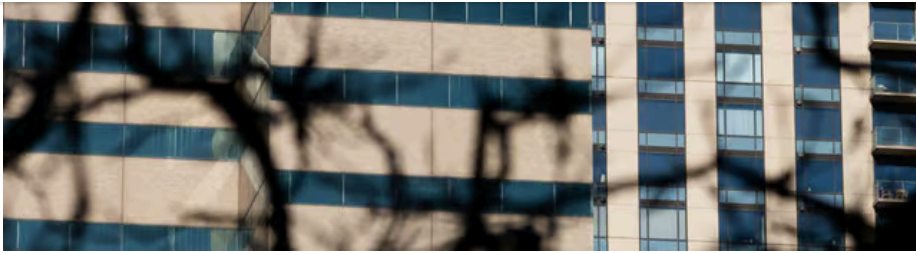
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