

Sixth Judicial District, State of Colorado

Establishment of a standardized bond schedule

Administrative Order 2015-7

(Amending 2000-5, Revised 2006-8, Revised 2007-4)(2011 - 2)
(Amending 2014-2)

Whereas, there is a need to reestablish a standardized bond schedule for use in all of the jurisdictions within the Sixth Judicial District so that defendants may be released from jail prior to a court hearing.

Therefore, it is hereby ordered that:

I. The following schedule of bond amounts shall be effective immediately throughout the Sixth Judicial District:

Class 1 Felonies	Bail, if any, to be set by Judge (fn1)
Class 2 Felonies	\$50,000
Class 3 Felonies	\$25,000
Class 4 Felonies	\$10,000
Class 5 Felonies	\$ 5,000
Class 6 Felonies	\$ 3,000

DF1:	\$50,000
DF2:	\$20,000
DF3:	\$ 3,000
DF4:	\$ 1,500
DM1:	\$ 500
DM2:	\$ 500

Note: The foregoing bond schedule does not apply to certain felony sex offenses. See below for provisions applicable to such offenses.

Class 1 Misdemeanors	\$1,500
Class 2 Misdemeanors	\$ 500
Class 3 Misdemeanors	\$ 250 (fn 2)
Level 1 Drug Misdemeanors	\$ 500

Unclassified Misdemeanors (Except Violations of Quarantine, see below)	\$ 250 (fn 3)
Petty Offenses	\$ 100 (fn 4)
Violations of Quarantine Orders, 25-1-114 or 25-4-509	No bond (bond set at first court appearance)
Violation of Bond Conditions 18-8-212	No bond (bond to be set at first court appearance,

	or by judge after review of probable cause affidavit
DRIVING OFFENSES:	
DUI/DWAI/PER SE	\$ 750
DUS/DUR/DUD (When conviction for DUI, DWAI, or PER SE has resulted in loss of license)	\$10,000
DUS/DUR/DUD (all others)	\$ 500
Class 1 Misdemeanor Traffic	\$ 750
Class 2 Misdemeanor Traffic	\$ 500
Other Traffic	Summons

WILDLIFE OFFENSES:

Felonies	See Schedule Above
Misdemeanors with fines above \$500	\$500
Misdemeanors with fines below \$500	Amount of fine listed on complaint
Petty Offenses	See schedule above

FELONY SEXUAL OFFENSES

People arrested for the following offenses shall not be allowed to post bond until they have been advised by a judge who has set bond for that person: The mandatory restraining order under 18-1-1001 shall also be issued at this appearance. (Note-these offenses carry indeterminate to life prison sentences, indeterminate to life parole supervision, and, if probation eligible, indeterminate to life probation supervision):

- (a)(I) Sexual assault, in violation of section 18-3-402, C.R.S.; or
- (II) Sexual assault in the first degree, in violation of section 18-3-402, C.R.S., as it existed prior to July 1, 2000;
- (b) Sexual assault in the second degree, in violation of section 18-3-403, C.R.S., as it existed prior to July 1, 2000;
- (c)(I) Unlawful sexual contact, in violation of section 18-3-404, C.R.S.; or
- (II) Sexual assault in the third degree, in violation of section 18-3-404, C.R.S., as it existed prior to July 1, 2000;
- (d) Sexual assault on a child, in violation of section 18-3-405, C.R.S.;
- (e) Sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3, C.R.S.;
- (f) Sexual assault on a client by a psychotherapist, in violation of section 18-3-405.5, C.R.S.;
- (g) Enticement of a child, in violation of section 18-3-305, C.R.S.;
- (h) Incest, in violation of section 18-6-301, C.R.S.;
- (i) Aggravated incest, in violation of section 18-6-302, C.R.S.;
- (j) Human trafficking of a minor for sexual servitude, as described in section 18-3-504(2), C.R.S.;
- (k) Sexual exploitation of children, in violation of section 18-6-403, C.R.S.;
- (l) Procurement of a child for sexual exploitation, in violation of section 18-6-404, C.R.S.;
- (m) Indecent exposure, in violation of section 18-7-302, C.R.S.;
- (n) Soliciting for child prostitution, in violation of section 18-7-402, C.R.S.;
- (o) Pandering of a child, in violation of section 18-7-403, C.R.S.;
- (p) Procurement of a child, in violation of section 18-7-403.5, C.R.S.;
- (q) Keeping a place of child prostitution, in violation of section 18-7-404, C.R.S.;
- (r) Pimping of a child, in violation of section 18-7-405, C.R.S.;
- (s) Inducement of child prostitution, in violation of section 18-7-405.5, C.R.S.;

- (t) Patronizing a prostituted child, in violation of section 18-7-406, C.R.S.;
- (u) Engaging in sexual conduct in a correctional institution, in violation of section 18-7-701, C.R.S.;
- (v) Wholesale promotion of obscenity to a minor, in violation of section 18-7-102(1.5), C.R.S.;
- (w) Promotion of obscenity to a minor, in violation of section 18-7-102(2.5), C.R.S.;
- (x) Class 4 felony internet luring of a child, in violation of section 18-3-306(3), C.R.S.;
- (y) Internet sexual exploitation of a child, in violation of section 18-3-405.4, C.R.S.;
- (z) Public indecency, committed in violation of section 18-7-301(2)(b), C.R.S., if a second offense is committed within five years of the previous offense or a third or subsequent offense is committed;
- (aa) Invasion of privacy for sexual gratification, in violation of section 18-3-405.6, C.R.S.; or
- (bb) Second degree kidnapping, if committed in violation of section 18-3-302(3)(a), C.R.S.

Criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses if such attempt is a Class 4 felony or higher.

Following offenses may be subject to indeterminate sentencing (see 18-1.3-1004(4)(b) and 18-3-414.S(1)(a)(II) and (III)) and will also have bail set by judge:

- (I) Trafficking in children, as described in section 18-6-402;
- (II) Felony sexual exploitation of children, as described in section 18-6-403;
- (III) Procurement of a child for sexual exploitation, as described in section 18-6-404;
- (IV) Soliciting for child prostitution, as described in section 18-7-402;
- (V) Pandering of a child, as described in section 18-7-403;
- (VI) Procurement of a child, as described in section 18-7-403.5;
- (VII) Keeping a place of child prostitution, as described in section 18-7-404;
- (VIII) Pimping of a child, as described in section 18-7-405;
- (IX) Inducement of child prostitution, as described in section 18-7-405.5.

Note: When a person is charged with a crime punishable by fine only, bail shall not exceed the maximum fine set for that crime. C.R.S. §16-4-105(1)(b).

Violation Of Bond Conditions: In the event a defendant is to be charged with violation of bond conditions, bond in the new bond-violation case shall be set at twice the amount of the bond which is alleged to have been violated.

Fugitives: All fugitives arrested in this jurisdiction and wanted in another state will be held without bail until they can be brought before a District Court Judge (or County Court Judge acting by special appointment). The Office of the District Attorney is to be notified as soon as practicable of such an arrest and that office can then arrange with an available District Court Judge for an advisement to take place. All fugitives from other judicial districts within this state shall, where bail has been set, be permitted to post a cash or surety bond in the amount named returnable in the jurisdiction where the matter is pending on the date and time indicated on the warrant. In the absence of a warrant setting bail, or upon failure of the defendant to post the required bail, the defendant will be brought before a County Court judge as available for advisement and setting of a bond amount and return date.

No Bond: No defendant shall be released on bond prior to his or her first appearance in court when arrested for an alleged violation of restraining order or a domestic violence offense or stalking. (See ¶8 below). Bond in such cases shall be set in the discretion of the court at the defendant's first

appearance before a judge.

Any person arrested without a warrant and incarcerated shall be released from custody 48 hours following their arrest, UNLESS there has been a determination of probable cause to support the arrest by a judge or magistrate within said 48-hour period. Any person released pursuant to this provision shall be placed on a personal recognizance bond and commanded to appear in the appropriate Court on the next regularly scheduled advisement day. Bond conditions shall be imposed pursuant to paragraph 3 below as appropriate.

Conditions of bond: All bonds shall contain the following conditions:

1. Released person must appear at a place and date certain;
2. Accused is not to commit any felony while on bond; and
3. Court has the power to revoke bond, increase amount, or change conditions if court has probable cause to believe felony has been committed.

Additionally:

A person accused of any domestic violence offense, as defined C.R.S. §18-6-800.3(1), shall have the following bond condition: no contact with the victim. In addition, before being released on bail, the court will issue the restraining order in open court and the defendant must acknowledge same as provided for by C.R.S. §18-1-1001(5). C.R.S. §16-4-103(2).

Accused arrested under §42-2-138(1)(d)(I) and restrained under §42-4-1301(1) or (2)(a) shall not drive any motor vehicle during bond period. C.R.S. §16-4-103(2).

All bonds for any defendant arrested on suspicion of any of the following crimes shall include a condition that the defendant shall have no contact with the alleged victim. The alleged victim must be identified by name and the condition shall be clearly written on the bonding document. The "no contact" bond condition shall be clearly written on the face of the bonding document and the Defendant shall acknowledge the bond condition in writing by initialing the bond condition.

Assault

Menacing Sexual Assault

Unlawful Sexual Contact Stalking

Harassment

The bond amounts set forth above shall be met by the defendant posting a cash or surety bond. Property bonds and bonds met by deposit of stocks and bonds shall be approved by a judge on a case by case basis.

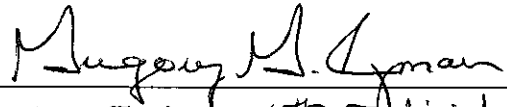
Bond shall be set in accordance with the above schedule and pursuant to the following procedure:

1. If a person charged with more than one offense as a result of one course criminal conduct, bail shall be set in accordance with the most serious offense to be charged and shall not be cumulative.
2. When any individual is arrested on a warrant, the bond amount stated on the warrant shall control unless thereafter changed by Court Order.
3. When a defendant is arrested without a warrant and booked into jail, bond shall be set in the amount indicated in this schedule at the time of the defendant's arrest, and shall remain set at such amount unless thereafter changed by Court Order.

4. In the event any law enforcement officer believes a bond higher than bond schedule is necessary in an individual case during the period prior to the defendant's first appearance in court, the bond schedule or warrant shall control unless the law enforcement officer contacts a judge and obtains authorization for a bond set in a greater amount.
5. In the event any law enforcement officer believes a bond lower than bond schedule is necessary in an individual case or believes that a personal recognizance bond is necessary during the period prior to the defendant's first appearance in court, the bond schedule or warrant shall control unless the law enforcement officer contacts a judge and obtains authorization for a bond set in a lesser amount.
6. Any person arrested for driving under the influence or driving while ability impaired pursuant to C.R.S. 42-4- 1301, who has one or more previous convictions for DUI or DWAI, must be ordered to abstain from the use of alcohol or illegal drugs and be monitored for abstinence.
7. Any person who does not post bond must be taken to the appropriate court for the next scheduled advisement session.
8. The Sheriffs of each of the three counties in the District, or their authorized deputies, may release the arrested person only upon the posting of the required bond, unless authorized by the judge of the affected court or one of the District Court judges.
9. Where the underlying offense is a domestic violence offense as defined in §18- 1-800.3(1) or stalking, the arrested person may be released on bail only after the accused accepts service of the restraining order provided for by C.R.S. § 18-1-1001(5)-i.e., after first court appearance. Such defendants shall not be placed in the general population (i.e., have unlimited phone access) until they have been served with this restraining order.
10. Alternatives to Incarceration personnel shall interview each arrestee who is unable to bond so as to complete the CPAT questionnaire prior to the individual's first court appearance.
11. The foregoing schedule is to be used as a guide by judges setting bond on arrest warrants or in court. Each judge in each county shall, however, be free to use his or her individual discretion to increase or decrease bond in specific cases using the guidelines found in C.R.S. §16-4-105.
12. Bonds posted under this schedule shall command the person charged with the offense to appear before the appropriate court on the court's next regularly scheduled advisement day or on such other date as the affected court may direct.
13. All prior bond schedules are hereby rescinded.

Amended this 17th day of November, 2015.

By the Court:


Chief Judge - 6th Judicial District

Footnotes:

1. If capital offense and proof is evident or presumption great then no bond is to be given. See other exceptions to bailable offenses in C.R.S. §16-4-101.
2. Accused shall be released upon personal recognizance if the charge is a class 3 misdemeanor, petty offense, or any unclassified offense for a violation of which the maximum penalty does not exceed six months' imprisonment unless the following are found to be present: (a) accused fails to sufficiently identify himself; or (b) refuses to sign personal recognizance; or (c) bond is necessary to prevent imminent bodily harm to the accused or another; or (d) accused has no ties to jurisdiction sufficient to assure appearance and there is substantial likelihood that he will fail to appear; or (e) accused has previously failed to appear; or (f) there is outstanding warrant for his arrest on any other charge or there are pending proceedings against him for suspension or revocation of parole or probation. C.R.S. § 16-4-111.
3. Id.
4. "If a person is arrested under section 42-2-138(1)(d)(I), C.R.S., for driving while such person's driver's license or privilege to drive, either as a resident or nonresident, is restrained solely or partially because of a conviction of driving offense pursuant to section 42-4-1301(1) or (2)(a), C.R.S., then the bail for such person shall be ten thousand dollars or such amount as set at a bail hearing." C.R.S. § 16-4-103(1)(b) .

xc: 6th Judicial District Judges, Clerks of Court, Deputy Clerks; Sheriff Offices; Bail Bonding Agencies; District Attorney, Public Defender