



CHIEF JUDGE ORDER 2017- 07
STATE OF COLORADO
FIRST JUDICIAL DISTRICT

IN THE MATTER OF TRAFFIC INFRACTIONS

ORDER

Pursuant to Chief Justice Directive 95-01, regarding authority and responsibility of Chief Judges, it is hereby ORDERED:

Pursuant to C.R.S. 42-4-1708(3), the District Attorney may engage in plea negotiations in traffic infraction cases, but is not required to do so. The current elected District Attorney for 1st Judicial District has recently opted not to engage in plea negotiations of traffic infractions.

Pursuant to C.R.S. 42-2-127(5.5), the points associated with traffic infractions are reduced if payment is made to the Department of Motor Vehicles within a particular time frame. When that deadline passes, without the benefits associated with plea bargaining, the citizens of this judicial district would not have similar opportunities. Further, without plea bargaining, law enforcement officers will be removed from their street duties and/or may be required to come in on their days off. This may require overtime or additional expense to law enforcement agencies.

Whereas, in that these matters are civil in nature pursuant to C.R.S. 42-4-1701(1) and pursuant to the Colorado Rules of Traffic Infractions, parties may negotiate among themselves in civil matters.

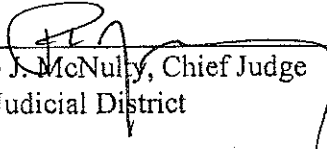
THE COURT CONCLUDES that, pursuant to C.R.S. 13-6-212(2)(f), the Chief Judge of a judicial district, upon approval of the Chief Justice of the Supreme Court, may authorize the clerks of the combined court, with consent of the defendant, to accept pleas of guilty and admissions of liability and impose penalties pursuant to a schedule approved by the Chief Judge and the Presiding Judge of the County Court in traffic infraction cases

involving the regulation of vehicles and traffic for which the penalty specified in C.R.S 42-4-1701, or elsewhere in Articles 2 to 4 of Title 42 C.R.S., in cases which the fine is less than \$300. This includes Traffic Infraction cases issued pursuant to Jefferson and Gilpin County Traffic Codes. The clerks shall not levy a fine over \$300.00, nor sentence any person to jail.

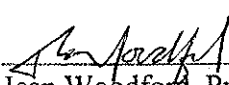
IT IS THEREFORE ORDERED that, pursuant to C.R.S.13-6-212(2)(f), the Clerks of the Combined Court of the 1st Judicial District, and any deputy clerk thereunder, are hereby ASSIGNED AND AUTHORIZED, in all traffic infraction cases involving the regulation of vehicles and traffic for which the penalty specified in C.R.S. 42-4-1701, or elsewhere in Articles 2, 3 and 4 of C.R.S. Title 42, with fines or penalty assessments of less the \$300.00, as follows:

- a) To advise Defendants of their procedural and constitutional rights, pursuant to Colorado Rules of Traffic Infractions Rule 7;
- b) Accept pleas of not guilty or denial of liability in such cases, and set for Final Hearings; and
- c) With consent of the defendant, accept pleas of guilty and admissions of liability and impose penalties pursuant to a schedule approved by the Chief Judge and the Presiding Judge of the County Court. The clerks shall not levy a fine over \$300.00 nor sentence any person to jail. To facilitate judicial economy, the clerks may also enter dismissals pursuant to guidelines approved by the Chief Judge and the Presiding Judge of the County Court.

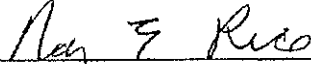
Approved this 7th day of November, 2017.


Philip J. McNulty, Chief Judge
First Judicial District

Approved this 7th day of November, 2017.


Jean Woodford, Presiding
County Court Judge
First Judicial District

Approved this 7 day of November, 2017.


Nancy E. Rice
Chief Justice
Colorado Supreme Court