

<p>TWENTY SECOND JUDICIAL DISTRICT in and for DOLOROS AND MONTEZUMA COUNTIES</p> <p>STATE OF COLORADO</p>	
<p><b>ADMINISTRATIVE ORDER 2022-09</b> <b>ESTABLISHING AN AMENDED BOND SCHEDULE</b> <b>EFFECTIVE December 23, 2022</b></p>	

**WHEREAS**, Colorado Revised Statute §16-4-103 (3)(a) and (4)(a) indicates that the court is to consider all persons eligible for release on bond with the appropriate and least-restrictive conditions, that are sufficient to reasonably ensure the appearance of the person and to protect the safety of the community.

**WHEREAS**, Colorado Revised Statute §16-4-103(4)(b) allows the court to use a bond schedule so long as the bond schedule incorporates conditions for release and factors that consider individualized risk, circumstances of persons in custody and not solely the level of offense.

**WHEREAS**, the Court finds that there is a need to update all previously issued bond schedule orders.

**WHEREAS**, the Court finds that a bond schedule for the jail’s use only that allows defendants to be released prior to arraignment for low risk offenses would honor the presumption of release and would assist the jail in releasing defendants who do not need to remain in custody.

**WHEREAS**, Rule 4 of the Colorado Rules of Criminal Procedure directs that, with noted exceptions, the general policy is to issue a summons for offenses other than Class, 1, 2, or 3 Felonies.

The Court adopts the following bond schedule for the 22<sup>nd</sup> Judicial District. This order supersedes and replaces all previous Administrative Orders, in this district, which establish a bond schedule including specifically, Administrative orders 2021-01 and 2021-18 which are hereby repealed. All provisions of this schedule apply to those arrested in both Montezuma and Dolores Counties and applies to all persons who are booked into the Montezuma County jail as of 12:01 Midnight on December 23, 2022.

**ARRESTS PURSUANT TO AN ARREST WARRANT**

Any person arrested on an outstanding arrest warrant shall be released from custody only upon posting the amount and type of bond and with such conditions as may be set forth in the warrant, returnable as stated in the warrant or if no return date is set, then to Montezuma County Court on any Wednesday the court is session at 9:00 a.m. Nothing in this bond schedule limits the bond to be set on an arrest warrant to the schedule here. The issuing judge shall use her/his discretion to set an appropriate bond on any arrest warrant or to provide for no bond until the person is brought before the court. Any bond set in an arrest warrant controls and is to be followed notwithstanding any other provision of this bond schedule.

## WARRANTLESS ARRESTS

Any person with no other holds and who is not arrested pursuant to an arrest warrant, who is arrested on any charge not listed below in the No Bond Arrest Section, is to be released on a \$500 personal recognizance bond, returnable to Montezuma County Court on any Wednesday the court is in session at 9:00 a.m. with conditions as set forth below:

- (I) Consume no alcohol, recreational marijuana or illegal substances.
- (II) Commit no new violations of the law.
- (III) Have no contact with named victim or witnesses.

(b) In addition, all personal recognizance bonds for any person arrested for Driving Under the Influence of Drugs or Alcohol or Both or who is arrested for Driving While Ability Impaired by Drugs or Alcohol or Both; will include as conditions of that bond that the defendant is to:

- (I) Meet with the Pretrial Services Program of the Montezuma County Sheriff's Department within one business day of their release and
- (II) Be subject to supervision by that program at Level 1 supervision.

## NO BOND ARRESTS UNTIL BROUGHT BEFORE A JUDICIAL OFFICER

No person charged with or being held for investigation of the following offenses may be released on bond until bond is specifically set by a judicial officer:

- a. Class 1, 2 or 3 Felony
- b. Class 1, 2 or 3 Drug Felony
- c. Any act of Domestic Violence
- d. A third or subsequent DUI offense
- e. The following offenses:
  - C.R.S. §18-3-104, Manslaughter
  - C.R.S. §18-3-106, Vehicular Homicide
  - C.R.S. §18-3-202, Assault in the First Degree
  - C.R.S. §18-3-203, Assault in the Second Degree
  - C.R.S. §18-3-204, Assault in the Third Degree
  - C.R.S. §18-3-205, Vehicular Assault
  - C.R.S. §18-3-206 Felony Menacing
  - C.R.S. §18-3-302, Second Degree Kidnapping
  - C.R.S. §18-3-402, Sexual Assault
  - C.R.S. §18-3-404, Unlawful Sexual Contact
  - C.R.S. §18-3-405, Sexual Assault on a Child
  - C.R.S. §18-3-405.3, Sexual Assault on a Child by one in a Position of Trust

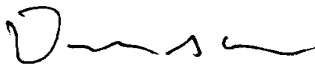
- C.R.S. §18-3-405.4, Internet Exploitation of a Child
- C.R.S. §18-3-405.5, Sexual Assault on a Child by a Psychotherapist
- C.R.S. §18-3-602, Stalking
- C.R.S. §18-4-301, Robbery
- C.R.S. §18-6-301, Incest
- C.R.S. §18-6-302, Aggravated Incest
- C.R.S. §18-6-401(7) Child Abuse
- C.R.S. §18-6-403(5)(b)(I) or (II), Sexual Exploitation of a Child
- C.R.S. §18-6.5-103, Crime Against At-Risk Person
- C.R.S. § 18-6-803.5, Violation of Protection Order
- C.R.S. § 18-8-212, Bond violation
- C.R.S. § 18-8-103, Resisting Arrest
- C.R.S. § 18-8-208, Escape

#### GENERAL PROVISIONS

Where a person is arrested on multiple offenses the most serious offense that the person is arrested on will control which provision of this order applies.

No person will be released on a bond until they are sober.

APPROVED AND SIGNED this 22<sup>nd</sup> day of December, 2022.



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Douglas S. Walker  
Chief Judge, 22<sup>nd</sup> Judicial District