

22 <sup>nd</sup> Judicial District – State of Colorado Dolores <i>and</i> Montezuma Counties	
<b>ADMINISTRATIVE ORDER NO. 2024-05</b>	
<b>↑ COURT USE ONLY ↑</b>	
<b>ADMINISTRATIVE ORDER CONCERNING REQUIRED SOBRIETY MONITORING</b>	

WHEREAS, Colorado Revised Statute § 16-4-105(6)(a) states:

If a person is arrested for driving under the influence or driving while ability impaired, pursuant to section 42-4-1301, C.R.S., and the person has one or more previous convictions for an offense in section 42-4-1301, C.R.S., or one or more convictions in any other jurisdiction that would constitute a violation of section 42-4-1301, C.R.S., as a condition of any bond, the court shall order that the person abstain from the use of alcohol or illegal drugs, and such abstinence shall be monitored;

WHEREAS, Colorado Revised Statute § 16-4-105(6)(b) states:

A person seeking relief from any of the conditions imposed pursuant to subsection (6)(a) of this section shall file a motion with the court, and the court shall conduct a hearing upon the motion. The court shall consider whether the condition from which the person is seeking relief is in the interest of justice and whether public safety would be endangered if the condition were not enforced. When determining whether to grant relief pursuant to this subsection (6)(b), the court shall consider whether the person has voluntarily enrolled and is participating in an appropriate substance use disorder treatment program;

WHEREAS, Montezuma County no longer has a pretrial services program to be used for the purpose of administering such monitoring;

EFFECTIVE IMMEDIATELY,

Judges in the 22<sup>nd</sup> Judicial District, including Montezuma and Dolores Counties shall order that any defendants required to have sobriety monitored as set forth above in § 16-4-105(6)(a), as a condition of bond, must comply as follows:

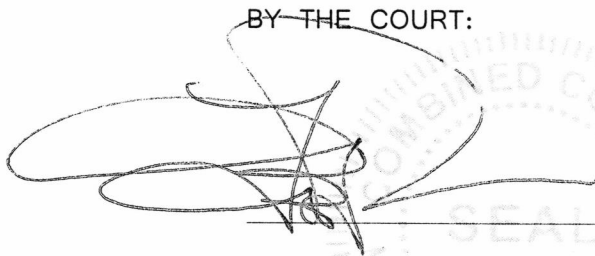
1. Enroll with any sobriety monitoring testing center that is approved by the 22<sup>nd</sup> Judicial District - which will generally require that the center provide a random call in system for scheduling sobriety monitoring, follows monitored and observed testing protocols and makes testing

available 7 days a week. An approved testing center must also agree to provide reporting to the courts as agreed.

2. Provide proof to the court of enrollment at a qualified testing center as indicated above within 48 hours of the court ordering sobriety monitoring as a condition of bond.
3. Provide proof to the court of testing and the outcome of the testing and at every scheduled court appearance, or if appearances are not occurring monthly then on the first Tuesday of each month.
4. Failure to enroll in and/or provide proof of testing and/or proof of maintaining sobriety may result in the District Attorney seeking a warrant and/or revocation of bond.
5. Defendants who elect to engage in treatment, and are testing due to having a prior conviction for DUI, may request a hearing as indicated above in § 16-4-105(6)(b), and may, pursuant to that statute, be relieved of sobriety testing requirements subject to any conditions the judicial officer may impose.
6. A judicial officer may order defendants with charges other than DUI or DWAI to submit to sobriety monitoring as a condition of bond as set forth above, if appropriate.

DONE AND SIGNED this June 28, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Todd Jay Plewe', is written over a horizontal line. The signature is somewhat stylized and overlaps with a faint circular seal in the background.

**Todd Jay Plewe**

**Chief Judge of the 22<sup>nd</sup> Judicial District**

## SOBRIETY MONITORING ORDER

As conditions of bond, Defendant is required to:

- maintain sobriety by not consuming alcohol, recreational marijuana or illegal substances.
- enroll in and engage in sobriety monitoring via:
  - \_\_\_ random UA testing at a testing center approved by the Court.
  - \_\_\_ continuous electronic alcohol monitoring with a testing center approved by the Court.
  - \_\_\_ continuous drug patch monitoring.
- Provide proof to the Court of the results of the sobriety monitoring by bringing test results to every court appearance, or if appearances are not set at least once a month, filing a copy of the sobriety test results with the court on the first Tuesday of every month.

**Failure to comply may result in the District Attorney seeking a warrant and/or asking to revoke bond.**

Approved Test Centers:

Porch Light Health, 35 North Ash Street, Cortez, CO 81321 (970) 409-1235