

**CHIEF JUDGE ORDER 2023-2 (AMENDED)**  
**FOURTH JUDICIAL DISTRICT**

Conditions of release and bond are to be set by judicial officers pursuant to C.R.S. 16-4-103. To facilitate equal treatment of those equally situated, the Fourth Judicial District adopts the attached bond schedule as a reference to be used by judicial officers and for use by law enforcement. While the attached may be used as a reference, conditions of release and bond amounts are to be set according to the application of the statutory factors to individual circumstances. All bond amounts for Juvenile matters should be half of the Adult amounts listed below, except any F1 juvenile case which should remain at NO BOND.

**FOURTH JUDICIAL DISTRICT BOND SCHEDULE**

<b>FELONY CLASS:</b>	<b>ADULT BOND REFERENCE AMOUNT:</b>
<b>F1</b> (unless otherwise specified)	\$1,000,000 and surrender of passport
DF1	\$50,000
<b>F2</b> (unless otherwise specified)	\$50,000
Crime of Violence (COV)	\$50,000
<b>DF2</b>	\$10,000
<b>F3</b> (unless otherwise specified)	\$10,000
Second degree burglary of dwelling	\$10,000
Crime of Violence	\$25,000
<b>DF3</b>	\$2,000
<b>F4</b> (unless otherwise specified)	\$3,000
Felony DUI	Monitored abstinence from use of alcohol and illegal drugs shall be additional bond condition
For the following offenses:	\$10,000
Crime of Violence Manslaughter Robbery Incest Child abuse Armed rioters Assault in the second degree Crime in which domestic violence is alleged Bribe receiving by juror Bribing a juror Bribing a witness Retaliation against a judge Escape	Fighting by agreement - dueling - deadly weapon Fourth degree arson Insurrection Intimidating a juror, victim or witness Perjury in the first degree Possession of weapon by previous offender Sexual assault on adult or child Tampering with witness Second degree burglary Unlawful distribution, manufacture or sale of any schedule I or II controlled substance Vehicular homicide Vehicular assault (alcohol or drugs)
<b>DF4</b>	\$1,000
<b>F5</b> (unless otherwise specified)	\$2,000
Crime in which domestic violence is alleged	\$6,000
For the following offenses:	\$4,000
Criminally negligent homicide	Vehicular assault (non-drug/alcohol related)
<b>F6</b> (unless otherwise specified)	\$1,000
Crime in which domestic violence is alleged	\$3,000
Felony violation of bail bond conditions	\$1,500
<b>MISDEMEANOR CLASS:</b>	<b>ADULT BOND REFERENCE AMOUNT:</b>
<b>M1</b> (unless otherwise specified)	\$800
Crime in which domestic violence is alleged	\$3,000; increase by \$1,000 for each prior arrest (increase for prior arrests not applicable to CJC booking)
Violation of restraining order pursuant to CRS 18-1-1001	\$1,000
Subsequent violation of restraining order	\$1,000; increase by \$1,000 for each prior arrest (increase for prior arrests not applicable to CJC booking)
<b>DM1</b>	\$700

<b>M2 (unless otherwise specified)</b>	\$400
Crime in which domestic violence is alleged	\$2,000; increase by \$1,000 for each prior arrest (increase for prior arrests not applicable to CJC booking)
Violation of civil restraining order	\$1,000; increase by \$1,000 for each prior arrest (increase for prior arrests not applicable to CJC booking)
<b>DM2</b>	\$400
<b>M3 (unless otherwise specified)*</b>	\$300
Crime in which domestic violence is alleged	\$2,000; increase by \$1,000 for each prior arrest (increase for prior arrests not applicable to CJC booking)
For the following offenses:	\$500
Reckless endangerment *	
Escape *	
<b>MISDEMEANOR ALCOHOL AND DRIVING OFFENSES:**</b>	<b>ADULT BOND REFERENCE AMOUNT:</b>
DUI	\$1,000
DWAI**	\$800
DUI/DWAI with a prior conviction under CRS 42-4-1301 or similar conviction in any other jurisdiction or state	Monitored abstinence from use of alcohol and illegal drugs shall be additional bond condition
DUS/DUR** (non-infraction)	\$500; increase by \$500 for each prior arrest (increase for prior arrests not applicable to CJC booking)
No Insurance	\$400
DUR (from alcohol conviction)	\$3,000
<b>PETTY OFFENSES:**</b>	<b>ADULT BOND REFERENCE AMOUNT:</b> \$100
<b>WILDLIFE OFFENSES:</b>	<b>ADULT BOND REFERENCE AMOUNT:</b>
All wildlife felonies and any "Samson Violation" as found in C.R.S. 33-6-109(3,4)	\$2,000
For the following offenses:	\$800
Hunting big game without a license	Illegal possession of big game animals
All other classified wildlife misdemeanors**	\$300
<b>JUVENILE:</b>	<b>ADULT BOND REFERENCE AMOUNT:</b>
<b>F1</b>	\$1,000,000 and surrender of any passport
All other felony and misdemeanor offense classes	one-half the amount of bonds set for adults
<b>NO BOND HOLDS:</b>	<b>ADULT BOND REFERENCE AMOUNT:</b>
<b>Domestic Violence per CRS 18-6-800.3(1)</b>	NO BOND until advisement of protection order 18-1-1001(5)
<b>Stalking per CRS 18-3-602</b>	NO BOND until advisement of protection order 18-1-1001(5)
<b>Unlawful sexual behavior per CRS 16-22-102(9)</b>	NO BOND until advisement of protection order 18-1-1001(5)
<b>(If the arrest warrant has a bond amount for one of these sexual offenses, hold NO BOND until protection order advisement.)</b>	
Sexual assault (18-3-402)	Pandering of a child (18-7-403)
1st degree sexual assault (18-3-402) (prior to 7/1/2000)	Procurement of a child (18-7-403.5)
2nd degree sexual assault (18-3-403) (prior to 7/1/2000)	Keeping a place of child prostitution (18-7-404)
Unlawful sexual contact (18-3-404)	Pimping of a child (18-7-405)
3rd degree sexual assault (18-3-404) (prior to 7/1/2000)	Inducement of child prostitution (18-7-405.5)
Sexual assault on a child (18-3-405)	Patronizing a prostituted child (18-7-406)
Sexual assault on a child/position of trust (18-3-405.3)	Engage in sexual conduct-correction institution (18-7-701)
Sexual assault on a client by psychotherapist (18-3-405.5)	Wholesale promotion of obscenity to minor (18-7-102(1.5))
Enticement of a child (18-3-305)	Promotion of obscenity to a minor (18-7-102(2.5))
Incest (18-6-301)	Class 4 felony internet luring of a child (18-3-306(3))
Aggravated incest (18-6-302)	Internet sexual exploitation of a child (18-3-405.4)
Human trafficking of minor for sexual servitude (18-3-504(2))	Public indecency, if 2nd offense w/in 5 years or 3rd or subsequent offense (18-7-301(2)(b))
Sexual exploitation of children (18-6-403)	Invasion of privacy for sexual gratification (18-3-405.6)
Procurement of a child for sexual exploitation (18-6-404)	2nd degree kidnapping 18-3-302(3)(a)
Indecent exposure (18-7-302)	
Soliciting a child for prostitution (18-7-402)	
<b>Fugitive from justice</b>	NO BOND until first appearance in numbered division; bond set per CRS 16-19-117; no constitutional right to bail

**At ADVISEMENT (not applicable to CJC booking): Pursuant to Chief Judge Order 2013-3, arrests alleging the following offenses per CRS 16-4-101(1)(b) shall be held without bond ONLY if requested in writing by Law Enforcement or DA; hearing required within 96 hours of arrest:**

COV while on probation or parole resulting from conviction of COV	Sexual assault per 18-3-402
COV while on bail pending disposition of previous COV	1st degree sexual assault per 18-3-402 (prior to 7/1/2000)
COV after 2 prior felony or 1 prior COV felony convictions	2nd degree sexual assault per 18-3-403 (prior to 7/1/2000)
Possession of weapon by previous offender per C.R.S. 18-12-108(2)(b), (2)(c), (4)(b), (4)(c), or (5)	Sexual assault on a child per 18-3-405
	Sexual assault on a child - position of trust - victim 14 years younger & 7 or more younger than accused 18-3-405.3

\*For Class 3 Misdemeanors or any unclassified offense for a violation of which the maximum penalty does not exceed six months imprisonment, the Legislature amended C.R.S. 16-4-113 in early 2019. That statute now **requires** courts to release the accused on a personal recognizance bond for cases where the charge is a Class 3 Misdemeanor or unclassified misdemeanor with a penalty of less than 6 months unless the Court finds certain exceptions. Those exceptions (from C.R.S. 16-4-113(1)(a)-(f)). NB--this provision, 16-4-113, does not preclude the Court, at least based on the initial understanding of the statute, to issue a no bond hold arrest warrant for a class 3 misdemeanor domestic violence or sex offense case. That is because C.R.S. 18-1-1001(5) requires the defendant to acknowledge the protection order prior to any release. Once the protection order is acknowledged as required by the statute, the Court must release the accused on a personal recognizance bond unless one of the exceptions in C.R.S. 16-4-113(1)(a)-(f) applies.

\*\*Courts may not require a monetary condition of release for traffic or petty offenses. Courts may still issue a monetary warrant for a defendant who fails to appear or who violates a condition of release. However, if the defendant is unable to post the monetary condition prior to the next individualized consideration of bond, the judge must release the person on personal recognizance. The exceptions to the PR requirement include: 1) a traffic offense involving death or bodily injury; 2) eluding or attempting to elude a police officer as defined in C.R.S. 42-4-1413; or 3) operating a vehicle after circumventing an interlock device as described in C.R.S. 42-2-132.5(10).

"Traffic Offenses" are described in C.R.S. 42-4-1701. The term "traffic offense" is not clearly defined, but appears to include class 1 or 2 misdemeanor traffic offenses as well as traffic infractions. A partial list of exceptions to this statute appears to be:

- 42-4-1402(b) Careless resulting in bodily injury
- 42-4-1402(c) Careless resulting in death
- 42-2-138(1)(d)(l) DUR alcohol
- 42-2-206 DUR-HTO
- 42-20-111 conspires/aids transportation of hazardous materials
- 42-20-204(2) and (3) intentional transportation of hazardous materials w/o a permit
- 42-2-132.5(10) evade interlock (per statute)
- 42-4-1413 eluding (per statute)
- 42-4-404(1), (2), (3) driving w/o a CDL
- 42-2-408 unlawful acts relating to acting as a CDL tester
- 42-3-103(c) fail to register w/n 60 days—second offense
- 42-3-125; 18-2-201 failure to pay motor vehicle taxes
- 42-4-1208(5); 42-4-1701(4)(a)(X) fraud in using, making, or trafficking in disability placards
- 42-4-1406(2); (b)(1); 18-1.3-501 dropping burning material from a motor vehicle
- 42-4-1601(1); 18-2-101; 18-2-201; 18-2-301 hit and run involving death, SBI or attempt
- 42-4-238 illegal use/possession of red/blue lights
- 42-4-313(1)(a), (c); (2)(a), (b); make/use/possess counterfeit emissions certificate
- 42-4-611(3) unlawful use of paraplegic distress flag
- 42-4-1705(2); (b)(II) or (III) failing to yield to emergency vehicle resulting in bodily injury or death
- 42-5-103 Tampering w/ a motor vehicle—all offenses are M1 or higher
- 42-5-104 Theft of motor vehicle parts or license plates – M1 or higher
- 42-6-146(1), (2) motor vehicle repossession violation
- 42-6-202(1) odometer altering
- 42-7-505 forging ability to respond in damages (false proof of insurance)
- 42-7-510; 42-7-507 requirement of insurance for commercial trucks
- 42-9-111(1)(j); 42-9-112 installation of false airbag
- 42-3-103(1)(a), (c) failure to register two or more times in five years

\*\*\*Courts may consider whether a case fits the criteria of Bias-motivated Crimes pursuant to 18-9-121, C.R.S. 2022 in setting the bond for an individual.

This Order amends CJO 23-2 from Feb. 2023

Dated this 28th day of July, 2023.



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William Bain, Chief Judge