



**ADMINISTRATIVE ORDER 2024-2**

For the 9<sup>th</sup> Judicial District of Colorado

GARFIELD COUNTY – PITKIN COUNTY – RIO BLANCO COUNTY

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**ADMINISTRATIVE ORDER AMENDING BOND SCHEDULE AND  
BONDING PROCEDURES**

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**Effective:** September 19, 2024

This administrative order establishes a bond procedure and schedule for all counties in the 9<sup>th</sup> Judicial District. For counties that have a pretrial services program, Garfield County and Pitkin County, the provisions relating to pretrial services apply. For Rio Blanco County, those pretrial services provisions are inapplicable. This Administrative Order supersedes all previously entered Orders relating to the bond schedule.

Only persons being held on new charges may be released by the Sherriff pursuant to this Administrative Order. Persons being held on Failure to Appear, Failure to Comply, Probation Violation, Parole Violation warrants, and warrants where the bond amount has already been set by the issuing judicial officer may be released by posting the bond required by the warrant. The Pretrial Services Report procedure does not apply to these types of warrants.

**ELIGIBILITY FOR RELEASE IN COUNTIES WITH PRETRIAL SERVICES:** In counties with a pretrial services program established by the 9<sup>th</sup> Judicial District's Pretrial Services Board, for persons being held for new charges, to be eligible for release on bond without first seeing a judge or magistrate, the defendant must provide the information necessary for the pretrial services supervisor, or his or her designee, to complete the Pretrial Services Report (including the CPAT (the Colorado Pretrial Assessment Tool)), and a CPAT Risk Category designation must be available. Unless superseded by a court order, the jail shall release a defendant if he or she posts the bond indicated by the bond schedule after applying the level of the most serious offense for which the defendant was taken into custody and the individualized CPAT risk category.

If the bond schedule indicates that the person is automatically eligible for a PR bond, the Jail may issue a PR bond and the person may be released with a scheduled court date. However, it is a condition of any such bond that the person must report to pretrial services at the earliest opportunity and provide the information necessary to prepare a CPAT report prior to the next appearance date.

**WEEKEND BOND HEARINGS AND WHEN PRETRIAL SERVICES UNAVAILABLE:**

For weekend appearances, appearances in any county without pretrial services, and for 48 hour bond setting hearings where the pretrial services program is unable or unavailable to perform CPAT risk assessments, individuals will be eligible for release without first providing the information necessary to complete a CPAT unless they are ineligible for bond under the schedule below. For such individuals, the presumptive CPAT Risk Category will be Category 2 for purposes of setting the initial bond, subject to modification by the judicial officer or bond hearing officer. If a CPAT risk assessment (whether from this jurisdiction or another jurisdiction) becomes available for such an individual before the bond is posted, then the individualized CPAT risk category must be applied. For weekend bond hearings, the provisions of Administrative Order 22-05 apply.

Unless superseded by a court order, the following bond schedule shall be applied by the Sheriff of counties with a pretrial services program with respect to releasing on bond any person arrested in that county. For counties without a pretrial services program, the Sheriff will use a presumptive Category 2 for the purpose of setting bond.

**USE BY JUDICIAL OFFICERS AND BOND HEARING OFFICERS:** When a judicial officer or bond hearing officer sets bond in an individual case on a warrant or upon an appearance, the judicial officer may use this bond schedule as a guide. However, the judicial officer is not bound by this schedule and shall exercise his or her independent judgment to set the amount, type and conditions of bond in the manner determined to be appropriate by that judicial officer under the law and taking into consideration those factors listed in § 16-4-104, C.R.S. Whether or not a bond previously has been posted under the provisions of this schedule, whenever the issue of bond is considered or reconsidered at an appearance of a defendant before a court of record, the Court shall determine the type of bond and conditions of release according to the standards and appropriate factors required by §§ 16-4-101 - 117, C.R.S. Bond shall be set for the most serious offense for which the arrestee has been taken into custody.

## BOND SCHEDULE<sup>1</sup>

FOR THE FOLLOWING CHARGES HOLD DEFENDANT WITHOUT BOND UNTIL DEFENDANT SEES A JUDGE OR MAGISTRATE:

- Class 1 felony
- Sex Assault as Class 2, 3, 4, or 5 felony
- Domestic Violence Offenses or Stalking<sup>2</sup>
- Fugitive From Another State<sup>3</sup>
- CAVOP, if defendant's probation was transferred to another state<sup>4</sup>
- All other felonies, drug felonies, with CPAT score in Risk Category 4 or Category 3
- All cases in which defendant fails to sufficiently identify himself or herself
- All cases in which defendant refuses to sign bond or submit to fingerprinting
- Community Corrections revocation after acceptance
- Out of county non-48 hour rule warrants, where the presiding judge has set a no bond hold

FELONIES	SCHEDULED BOND AMOUNT
CPAT Risk Categories 3 and 4	
All felonies	Hold without bond until appearance before judge or magistrate. Defendant shall be brought to court on next available advisement docket.
CPAT Risk Category 2	
Class 2 and Drug Felony 1	\$25,000
Class 3 and Drug Felony 2	\$10,000
Class 4 and Drug Felony 3	\$ 5,000
Class 5, Class 6 and Drug Felony 4	\$ 2,500
Unclassified	\$ 2,500
CPAT Risk Category 1	
Class 2 and Drug Felony 1	\$12,500
Class 3 and Drug Felony 2	\$ 5,000
Class 4 and Drug Felony 3	\$ 2,500
Class 5, Class 6 and Drug Felony 4	\$ 1,250
Unclassified	\$ 1,250

<sup>1</sup> All non-PR bonds are cash or surety unless otherwise indicated.

<sup>2</sup> See C.R.S. §16-4-105(4) and 18-1-1001(5). Defendant must acknowledge protection order.

<sup>3</sup> See C.R.S. § 16-19-117.

<sup>4</sup> See C.R.S. § 16-19-117.

<b>MISDEMEANORS</b>	<b>SCHEDULED BOND AMOUNT</b>
CPAT Risk Categories 3 and 4	
Class 1 and Drug Misd. 1	\$2,000
Class 2 and Drug Misd. 2	\$1,000 PR <sup>5</sup>
Unclassified involving maximum potential imprisonment over six months	\$1,250
DUI / DWAI	\$1,000 <sup>6</sup>
DUR-Alcohol Related	\$1,000 <sup>7</sup>
CPAT Risk Categories 1 and 2	
Class 1 and Drug Misd. 1	\$1,000
Class 2 and Drug Misd. 2	\$1,000 PR
DUI / DWAI	\$1,000 <sup>8</sup>
DUR-Alcohol Related	\$1,000 <sup>9</sup>
CPAT All Risk Categories	
Unclassified misdemeanors involving maximum potential imprisonment of six months or less	\$1,000 PR

<sup>5</sup> If the charge is a Class 2 misdemeanor, a petty offense, or an unclassified offense for a violation of which the maximum penalty does not exceed six months in jail, the arrestee shall be released upon personal recognizance unless one of the following applies: (1) failure to sufficiently identify him/herself (2) refusal to sign personal recognizance (3) bond is necessary to prevent imminent bodily harm to the arrestee or another (4) arrestee has no ties to Colorado sufficient to assure appearance and there is substantial likelihood of failure to appear (5) arrestee has previously failed to appear (6) there is an outstanding warrant for any other charge or there are pending proceedings for revocation of parole or probation; or (7) arrestee is charged with a crime of domestic violence. § 16-4-113(1), C.R.S.; § 16-4-105(4), C.R.S.

<sup>6</sup> If a defendant has one or more prior convictions for DUI/DWAI or their equivalent from another state, the bond shall have attached to it the conditions set forth on the attached Exhibit A. See C.R.S. §16-4-105(6)(a). In addition, a defendant charged with DUI/DWAI may not attend bail hearing until sober and “shall be held in custody until the person may safely attend the bail hearing.” C.R.S. § 16-4-104(4).

<sup>7</sup> Bond must include the following condition: No driving a motor vehicle while license is under restraint. C.R.S. § 16-4-105(5).

<sup>8</sup> If defendant has one or more prior convictions for DUI/DWAI or their equivalent from another state, the bond shall have attached to it the conditions set forth on the attached Exhibit A. See C.R.S. §16-4-105(6)(a). In addition, defendant charged with DUI/DWAI may not attend bail hearing until sober and “shall be held in custody until the person may safely attend the bail hearing.” C.R.S. § 16-4-104(4).

<sup>9</sup> Bond must include the following condition: No driving a motor vehicle while license is under restraint. C.R.S. § 16-4-105(5).

<b>TRAFFIC OFFENSES</b> (Misdemeanor Traffic Offenses—MTO and Traffic Infractions—TI)	<b>SCHEDULED BOND AMOUNT</b>
CPAT All Risk Categories	
MTO Classes 1 and 2 if death, injury, eluding or attempting to elude a police officer or circumventing an interlock device involved	\$ 500 cash or \$1,500 surety
MTO Classes 1 and 2 not involving death, injury, eluding or attempting to elude a police officer or circumventing an interlock device involved	\$300 PR – Class 1 <sup>10</sup> \$100 PR – Class 2
TI Class A	\$100 PR
TI Class B	\$75 PR
Petty Offenses	\$50 PR – if the offense is punishable by a fine only, any monetary condition of release shall not exceed the maximum amount of the fine. <sup>11</sup>
<b>WILDLIFE VIOLATIONS</b>	For all non-felony wildlife violations with maximum penalties exceeding 120 days jail, bail is the total amount of any mandated fine, victim’s assistance fee and court costs. For all violations with non-mandated fines and maximum possible penalties exceeding 120 days jail, bail for misdemeanor offenses is \$500 and felony violations are bailable under the felony schedule above. For any violations where the penalty is less than 120 days in jail, the bond is \$1,000 PR, subject to the exceptions listed in the MISDEMEANORS section above

The Sheriff shall promptly deliver to the clerk all surety bonds or bond monies received for the release of the arrestees.

No attorney or officer of the Court or employee of the Court shall be accepted as a bonding agent or professional surety in any cause, civil or criminal, except by order of the Court.

<sup>10</sup> For a person charged with a traffic offense, a petty offense, or a comparable municipal offense, a court shall not impose a monetary condition of bond unless the offense involves death, injury, eluding, or avoiding an interlock device. § 16-4-113, C.R.S.

<sup>11</sup> § 16-4-103(6), C.R.S.

**REQUIRED BOND CONDITIONS:**

For new charges, all bonds posted without first seeing a judge or magistrate shall include the following condition:

AT YOUR FIRST APPEARANCE BEFORE A JUDGE OR MAGISTRATE, YOUR CASE WILL BE REVIEWED FOR PRETRIAL SERVICES. IF YOU ARE ORDERED TO PARTICIPATE IN ANY PRETRIAL SERVICES, THE JUDGE OR MAGISTRATE MAY MAKE COMPLIANCE WITH THOSE PRETRIAL SERVICES A CONDITION OF YOUR BOND.

This condition is mandatory whether the bond amount and type are established by an arrest warrant or, for warrantless arrests, by the schedule above.

All persons released under this Bond Schedule shall be scheduled for an appearance on bond within 2 weeks preferably on the next first appearance docket of the judge assigned to the case.

Persons arrested without a warrant 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 within the 48 hour period. Any person released pursuant to this provision shall be placed on a personal recognizance bond and scheduled to appear on the next regularly scheduled advisement day.

For the Drug Petty Offense of possession, a defendant not being arrested on any other charges shall be released on a written summons and promise to appear so long as the defendant signs the promise to appear.

For all domestic violence charges, the bond shall contain the requirement that the arrestee must comply with the mandatory protection order that requires the arrestee to not harass, molest, intimidate, retaliate against or tamper with any witness to or victim of the acts alleged.

For persons who would not otherwise be eligible for bond until seen by a judge, the personal recognizance bond shall have a condition that the arrestee shall have no contact with any alleged victim and the victim shall be identified by name on the bond if the name is part of the information available.

**DISCRETIONARY BOND CONDITIONS:**

In addition to the conditions specified in this Order, the court may impose any additional conditions on the conduct of the person released that will assist in obtaining the appearance of the person in court and the safety of any person or persons and the community. These conditions may include, but are not limited to, supervision by a qualified person or organization or supervision by a pretrial services program established pursuant to section 16-4-106. While under the supervision of a qualified organization or pretrial services program, the conditions of release imposed by the court may include, but are not limited to:

- (a) Periodic telephone contact with the program;

- (b) Periodic office visits by the person to the pretrial services program or organization;
- (c) Periodic visits to the person's home by the program or organization;
- (d) Treatment of the person's behavioral, mental health, or substance use disorder, if applicable, including residential treatment if the defendant consents to the treatment;
- (e) Periodic alcohol or drug testing of the person;
- (f) Domestic violence counseling for the defendant if the defendant consents to the counseling;
- (g) Electronic or global position monitoring of the person;
- (h) Pretrial work release for the person; and
- (i) Other supervision techniques shown by research to increase court appearance and public safety rates for persons released on bond.

All non-PR bonds are \$1,000 minimum cash or surety unless otherwise indicated. Property bonds shall not be accepted unless previously approved in writing by the court.

All persons released under this Bond Schedule shall be scheduled for an appearance on bond within 2 weeks preferably on the next first appearance docket.

Persons arrested without a warrant 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 within the 48 hour period. Any person released pursuant to this provision shall be placed on a personal recognizance bond for the next regularly scheduled advisement day.

**PAROLEES ARRESTED FOR CERTAIN OFFENSES:** When a parolee is arrested for a crime of violence, for an offense alleging the use or possession of a deadly weapon, for an offense that caused bodily injury to another person or for the possession of a weapon by a previous offender, the law enforcement agency making the arrest shall notify the Department of Corrections within twenty-four hours, and the arrestee shall not be eligible for bail to be set for a least seventy-two (72) hours after the time of the arrest. C.R.S. § 16-4- 101(5).

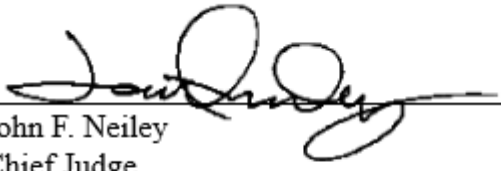
For the Drug Petty Offense of possession, a defendant not being arrested on any other charges shall be released on a written summons and promise to appear so long as the defendant signs the promise to appear.

For all domestic violence charges, the bond shall contain the requirement that the arrestee must comply with the mandatory protection order that requires the arrestee to not harass, molest, intimidate, retaliate against or tamper with any witness to or victim of the acts alleged.

For persons who would not otherwise be eligible for bond until seen by a judge, the personal recognizance bond shall have a condition that the arrestee shall have no contact with any alleged victim and the victim shall be identified by name on the bond if the name is part of the information available.

**OOOT OF COUNTY NON-48 HOUR RULE WARRANTS:** Out of county warrants where bond has already been set by the presiding judicial officer and that are not subject to the 48 hour bond rule, should not be modified except in extraordinary circumstances. If the case is a VRA case, no modification shall be made if the victim has not first been contacted.

Dated: September 19, 2024.



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John F. Neiley  
Chief Judge  
Ninth Judicial District



**EXHIBIT**

**A**

**BOND CONDITIONS THAT MUST BE IMPOSED ON DEFENDANTS ARRESTED FOR  
DUI OR DWAI AND THE DEFENDANT HAS ONE OR MORE PREVIOUS CONVICTIONS  
FOR DUI, DWAI OR ITS EQUIVALENT FROM ANOTHER STATE**

Defendant shall put his or her initials next to each condition to acknowledge that defendant is aware of these conditions of bond. This form shall be attached to the bond.

\_\_\_\_\_ YOU MAY NOT CONSUME ALCOHOL OR ILLEGAL DRUGS

\_\_\_\_\_ YOU MUST PARTICIPATE IN A PROGRAM THAT MONITORS YOU FOR  
THE USE OF ALCOHOL OR ILLEGAL DRUGS

\_\_\_\_\_ Within 5 business days from your release from jail, you must enroll in a drug and alcohol monitoring program. The Clerk's Office in the County Courthouse has a list of businesses that provide drug and alcohol monitoring programs.

\_\_\_\_\_ You must pay for your participation in the drug and alcohol monitoring program.

\_\_\_\_\_ You shall maintain records of your enrollment in a drug and alcohol monitoring program and maintain records of your testing results. You shall produce those records upon request of the court.

NOTICE: You have a right to ask the Court to eliminate these conditions of your bond. To do so, you must file a request IN WRITING asking that the Court eliminate these conditions and also asking the Court to set a hearing on your request.