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| District Court, Weld County, State of Colorado <u>Court Address:</u> 901 9 th Avenue, Greeley, CO 80631 <u>Mailing Address:</u> P.O. Box 2038, Greeley, CO 80632-2038 <u>Telephone:</u> (970) 475-2400 | DATE FILED: November 28, 2022 |
| ADMINISTRATIVE ORDER NO. 2022-08 | ▲ COURT USE ONLY ▲ |
| | Case Number: 2022 CV 01 Division 1 |
| ORDER AUTHORIZING THE CLERK OF THE COMBINED COURTS OF THE 19TH JUDICIAL DISTRICT TO PERFORM CERTAIN DUTIES IN MISDEMEANOR TRAFFIC OFFENSE, TRAFFIC INFRACTION, AND CIVIL INFRACTION CASES | |

Whereas, C.R.S. §16-2.3-102(1)(b)(VII) permits a person charged with a civil infraction (other than Title 33 civil infractions) on or after September 1, 2022, to appear before the clerk of court within twenty days of issuance to execute a signed acknowledgement of liability and agreement to pay the specified fine and surcharges.

Whereas, for civil infractions occurring on or after September 1, 2022, C.R.S. §16-2.3-102(2)(b) authorizes the clerk of court to accept payment of the fine and surcharge paid for a civil infraction (other than Title 33 civil infractions) in person or by mail within twenty days of the date the penalty assessment notice is served on a person.

Whereas, for civil infractions occurring on or after September 1, 2022, C.R.S. §16-2.3-102(3) authorizes the clerk of court, after twenty days have elapsed from the date the civil infraction notice was served, to accept payment of the fine, surcharges, and docket fees prior to the date of appearance specified in the notice (other than Title 33 civil infractions).

Whereas, Colorado Rules for Traffic Infractions Rule 7(c) requires at the first hearing when the defendant appears in person, that “the referee shall advise him in open court” of his rights provided therein.

Whereas, Colorado Rules for Traffic Infractions Rule 7(e) provides that if the defendant admits guilt or liability, “the referee shall enter judgment and assess the appropriate penalty and a docket fee, after determining that the defendant understood the matters set forth in Rule 7(c) and has made a voluntary, knowing, and intelligent waiver of rights.”

Whereas, if the defendant denies the allegations the matters shall be set for final hearing and the defendant and officer shall be notified. Colorado Rules of Traffic Infractions Rule 7(f).

Whereas, procedural matters for traffic infraction first hearings and final hearings heard by a magistrate shall be determined by statute, rules promulgated by the Colorado Supreme Court, and by local rules. C.R.S. §13-6-501(7).

Whereas, the chief judge of a judicial district, upon approval of the Chief Justice of the Supreme Court, may authorize the clerk of the county court to perform certain functions in certain traffic cases and civil infractions. C.R.S. §13-6-212(2). Such duties may include:

- Advising defendants in criminal cases of their procedural and constitutional rights, C.R.S. §13-6-212(2)(b);
- Accepting pleas of not guilty in all criminal cases and setting dates for hearings or trials in such cases, C.R.S. §13-6-212(2)(c);
- Under the direction of a judge, granting continuances, setting motions for hearing and setting cases for trial, C.R.S. §13-6-212(2)(e); and
- With the consent of the defendant, accepting pleas of guilty and admissions of liability and imposing penalties pursuant to a schedule approved by the presiding judge of the county court in misdemeanor traffic and traffic infraction cases involving the regulation of vehicles and traffic for which the penalty specified in §42-4-1701 C.R.S. or elsewhere in Articles 2-4 of Title 42 C.R.S., in each case is less than \$300, and in civil infraction matters, C.R.S. §13-6-212(2)(f).

THE COURT FINDS as follows:

- I. The ends of justice will be achieved when the courts operate more efficiently in traffic infraction matters for violations of misdemeanor traffic and traffic infraction cases involving 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 Title 42, C.R.S. in which less than \$300 may be assessed as a fine or civil penalty, and in civil infraction matters.
- II. Efficient case management requires setting final hearings for such cases in and efficient and expedited manner.
- III. The clerk of court, which shall include the deputy clerks of the Weld County Court, have the greater capacity than a judicial officer to process such cases at the first hearing and/or arraignment, to advise the defendant of procedural and constitutional rights, to accept pleas of not guilty and set dates for hearings, final hearings, or trials in such cases, to accept guilty pleas and admissions of liability and imposing penalties pursuant to a fixed schedule approved by the presiding judge of the county court, and in certain limited circumstances to dismiss cases when authorized by statute.
- IV. For certain traffic infractions, the Weld County Board of County Commissioners re-adopted the Model Traffic Code for Colorado, pursuant to Weld County Code Ordinance 2020-18. The Model Traffic Code for Colorado has standard plea bargains approved as part of that Code.

- V. For traffic infractions governed by Title 42 of Colorado Revised Statutes, the District Attorney for the 19th Judicial District has proposed “standard plea bargains” for a variety of traffic infractions. Generally, the charge with the highest point value will be reduced as outlined in the “standard plea bargains” and any subsequent charges will be sentenced as charged on the ticket with associated fines and costs. In the event there are multiple charges with matching points, they will be plead in the order as written on the ticket. Forms explaining these “standard plea bargains” are attached to this Administrative Order.
- VI. The 19th Judicial District does not approve of plea bargains in cases involving construction zone infractions or school zone infractions.
- VII. For cases involving some minor-driver license or seatbelt infractions under C.R.S. §§42-4-116 or 42-2-105.5(3), the 19th Judicial District does not approve of plea bargains; however, the District Attorney has proposed a standard fine and hours of community service (“UPS”) within the ranges authorized by statute. In those cases the District Attorney has proposed that the clerk of court rely on the summons and complaint to determine if the allegation is a first, second or subsequent offense and to impose the following amounts for any plea to the following charges: a plea to violating C.R.S. §42-4-116 1st offense 8 hrs UPS and \$50; 2nd offense 16 hrs UPS and \$100; and a 3rd or subsequent offense 24 hrs UPS and \$150; and a plea to violating C.R.S. §42-2-105.5(3) 1st offense 8 hrs UPS and \$65; 2nd offense 16 hrs UPS and \$135; and a 3rd or subsequent offense 24 hrs UPS and \$195.
- VIII. There is statutory authority for the clerk of court to dismiss charges of failing to provide proof of insurance pursuant to C.R.S. §42-4-1409(6). The District Attorney for the 19th Judicial District recommends that the clerk of court may discharge the court’s responsibility when presented with information satisfying the statutory requirements for dismissal. The undersigned approves that upon presentation of the qualifying proof to the clerk, the case shall be dismissed.
- IX. The fine, surcharge, and docket fees when applicable, for a civil infraction shall be as set forth by the statutory section describing the civil infraction, which will be listed in a spreadsheet created by the State Court Administrator’s Office and available to all clerks processing civil infraction payments.
- X. For civil infractions where the General Assembly provides for a range of the fine, the Weld County District Attorney’s Office consents to the clerk of court to imposing the minimum fine set forth by statute. By providing this limited consent to the clerk of court to impose the minimum fine within the range set forth by statute, the District Attorney is not entering an appearance on a civil infraction matter and the District Attorney will not be negotiating a plea to a lesser offense in the matter. *See* C.R.S. §16-2.3-105(3)
- XI. Payments for civil infractions for Title 33 violations are payable to the Colorado Division of Parks and Wildlife.

- XII. The provisions of this order for the receipt of payment by the clerk of court for civil infractions prior to the appearance dates applies to cases where only a civil infraction is alleged on the notice, and not to cases where a non-civil infraction charge is included in the charging document.
- XIII. The chief judge, county court judges and magistrates have reviewed this Administrative Order and the provisions described and approve of them. The undersigned has sought and received approval from the Chief Justice of the Colorado Supreme Court.

IT IS THEREFORE ORDERED as follows:

- A. The Clerk of the Combined Courts of the 19th Judicial District and any deputy or assistant clerk thereof, is hereby ASSIGNED AND AUTHORIZED, in all misdemeanor traffic offenses, and 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 Title 42, C.R.S., with fines or penalty assessments of less than \$300, and civil infractions as follows:
1. To advise defendants of their procedural and constitutional rights, pursuant to Colorado Rules of Criminal Procedure Rule 5, and Rule 11, and Colorado Rules of Traffic Infractions Rule 7;
 2. To accept pleas of not guilty or denials of liability in such cases, to grant continuances, and to set such cases for final hearings, hearings, or trial;
 3. With the consent of the defendant, to accept pleas of guilty and admissions of liability and to impose penalties pursuant to a schedule approved herein.
 4. To accept payment of fines and surcharges, and docket fees when applicable, for civil infractions prior to the person's appearance date.
- B. The Standard Plea Bargain or Standard Plea Agreement forms attached hereto are hereby approved.
- C. The penalty schedule as set forth in C.R.S. §42-4-1701, as currently adopted, and as it may be amended from time to time, is hereby approved as the penalties to be imposed by the clerks hereunder.
- D. Upon admissions of liability, the clerk shall impose the penalty, pursuant to the approved schedule, assigned to the charges to which the defendant pleads guilty. The approved schedule includes the fine and hours outlined above for pleas to violating C.R.S. §42-4-116 or §42-2-105.5(3).
- E. The charge of failing to provide proof of insurance pursuant to C.R.S. §42-4-1409(3) shall be dismissed by the clerk upon a showing of qualifying proof pursuant to C.R.S. §42-4-1409(6).

F. This Administrative Order will be reviewed annually by the chief judge of the 19th Judicial District, in consultation with the presiding county court judge at the conclusion of each legislative session.

G. This Order replaces Chief Judge Administrative Order 2021-06. Chief Judge Administrative Order 2021-06 issued June 18, 2021 is vacated.

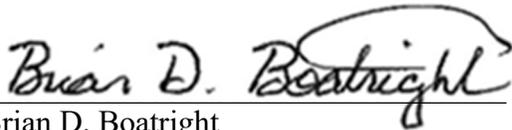
Date: November 28, 2022

BY THE COURT



Julie C. Hoskins
Chief Judge, 19th Judicial District

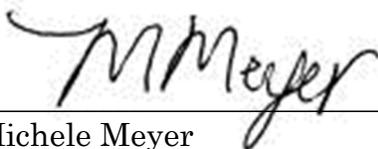
Approved by:



Brian D. Boatright
Chief Justice, Colorado Supreme Court

11/28/2022

Date



Michele Meyer
Presiding Judge, Weld County Court

11/28/2022

Date

STANDARD PLEA AGREEMENT FOR TITLE 42 TRAFFIC INFRACTIONS
CONSTRUCTION ZONE

CASE #: _____ NAME: _____ Court Date _____

Pro Se with Parent / Guardian _____
 with Counsel _____

Pursuant to AO 2022-08, no plea bargain can be offered on this case. Any charges will be sentenced as charged on the ticket with associated points, fines and costs. See attached *Register of Action Worksheet* for complete list of original charges.

Count _____ TRAF _____ CZOF _____ VAST _____ CRTG 19 FAMF 1 CSCF 5 GTSC 2.50 BRAI _____
Count _____ TRAF _____ CZOF _____ VAST _____ FAMF _____
Count _____ TRAF _____ CZOF _____ VAST _____ FAMF _____
Count _____ TRAF _____ CZOF _____ VAST _____ FAMF _____
Count _____ TRAF _____ CZOF _____ VAST _____ FAMF _____

TOTAL: \$ _____

ADMISSION OF GUILT OR LIABILITY OR DENIAL

I have read and understand the Advisement of Rights. I hereby:

- Waive these rights and voluntarily admit my guilty or liability to the original or amended charge and consent that the plea may be received by a Deputy Clerk of the Court.
- Deny the allegations and request that the matter be set for final hearings. If you consent, the final hearing will be by WebEx video conference / virtual courtroom. Information about appearing via WebEx will be provided when the matter is set for a final hearing.

Date: _____ Defendant's Signature: _____

STANDARD PLEA AGREEMENT FOR TITLE 42 TRAFFIC INFRACTIONS
W/ COMMUNITY SERVICE HOURS PURSUANT TO 42-4-116/42-2-105.5(3)

CASE #: _____ NAME: _____ Court Date _____

- Pro Se with Parent / Guardian _____
 with Counsel _____

Pursuant to AO 2022-08, no plea bargain can be offered on this case. Any charges will be sentenced as charged on the ticket with associated points, fines, and costs. See attached *Register of Action Worksheet* for complete list of original charges.

Count _____ SEAT/TRAF _____ VAST _____ CRTS 19 FAMF 1 CSCF 5 GTSC 2.50 BRAI _____
 Count _____ SEAT/TRAF _____ VAST _____ FAMF _____

On count _____, fine is suspended (S) upon successful completion of _____ hours of community service.
 Appear for **review date** on: _____ at _____ in division _____

TOTAL: \$ _____

| THE FOLLOWING ARE THE STANDARD SENTENCING RANGES PURSUANT TO AO 2021-06 | | |
|---|--------------------------------|--------------------------------|
| | 42-4-116 | 42-2-105.5 (3) |
| 1 ST OFFENSE | TRAF: \$50.00 CMSV: 8 HRS | TRAF: \$65.00 CMSV: 8 HRS |
| 2 ND OFFENSE | TRAF: \$100.00 CMSV: 16 HRS | TRAF: \$135.00 CMSV: 16 HRS |
| 3 RD OR SUBSEQUENT OFFENSE | TRAF: \$150.00 CMSV: 24 HRS | TRAF: \$195.00 CMSV: 24 HRS |

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- Deny the allegations and request that the matter be set for final hearings. If you consent, the final hearing will be by WebEx video conference / virtual courtroom. Information about appearing via WebEx will be provided when the matter is set for a final hearing.

Date: _____ Defendant's Signature: _____

STANDARD PLEA BARGAINS FOR TITLE 42 TRAFFIC INFRACTIONS

CASE #: _____ NAME: _____ Court Date _____

Pro Se with Parent / Guardian _____ with Counsel _____

Pursuant to AO 2022-08, the charge with the highest point value will be reduced as outlined below. Any subsequent charges will be sentenced as charged on the ticket with associated fines and costs. In the event there are multiple charges with matching points, they will be plead in the order as written on the ticket. See attached *Register of Action Worksheet* for complete list of original charges.

Count _____ SEAT/TRAF _____ VAST _____ CRTC 19 FAMF 1 CSCF 5 GTSC 2.50 BRAI _____
 Count _____ SEAT/TRAF _____ VAST _____ FAMF _____

TOTAL: \$ _____

| Original Charge | Plea Offer | Fines/Costs |
|---------------------------------|--|-----------------------------|
| 6 points Dismissing Ct _____ | 4 points – Speeding 42-4-1101 (10-19 mph over limit) Adding Ct _____ | \$135 fine plus court costs |
| 4 points Dismissing Ct _____ | 2 points – Defective Vehicle 42-4-202(1) Adding Ct _____ | \$50 fine plus court costs |
| 3 points Dismissing Ct _____ | 1 point – Defective Headlight 42-4-202(1) Adding Ct _____ | \$35 fine plus court costs |
| 2 points Dismissing Ct _____ | 1 point – Defective Headlight 42-4-202(1) Adding Ct _____ | \$35 fine plus court costs |
| 1 point Dismissing Ct _____ | 0 point – Permitting an Unlicensed Driver to Drive 42-2-140 Adding Ct _____ | \$20 fine plus court costs |

ADMISSION OF GUILT OR LIABILITY OR DENIAL

I have read and understand the Advisement of Rights. I hereby:

- Waive these rights and voluntarily admit my guilty or liability to the original or amended charge and consent that the plea may be received by a Deputy Clerk of the Court.
- Deny the allegations and request that the matter be set for final hearings. If you consent, the final hearing will be by WebEx video conference / virtual courtroom. Information about appearing via WebEx will be provided when the matter is set for a final hearing.

Date: _____ Defendant's Signature: _____
STANDARD PLEA AGREEMENT WELD COUNTY MODEL TRAFFIC CODE VIOLATIONS
CONSTRUCTION / SCHOOL ZONE

CASE #: _____ NAME: _____ Court Date _____

Pro Se with Parent / Guardian _____
 Counsel _____

Pursuant to AO 2022-08, no plea bargain can be offered on this case. Any charges will be sentenced as charged on the ticket with associated points, fines, and costs. See attached *Register of Action Worksheet* for complete list of original charges.

Count _____ CNTT _____ CZOF _____ VAST _____ CRTC 19 FAMF 1 CSCF 5 BRAI _____

Count _____ CNTT _____ CZOF _____ FAMF _____

Count _____ CNTT _____ VAST _____ FAMF _____

Count _____ CNTT _____ VAST _____ FAMF _____

Count _____ CNTT _____ VAST _____ FAMF _____

TOTAL \$ _____

ADMISSION OF GUILT OR LIABILITY OR DENIAL

I have read and understand the Advisement of Rights. I hereby:

- Waive these rights and voluntarily admit my guilty or liability to the original or amended charge and consent that the plea may be received by a Deputy Clerk of the Court.
- Deny the allegations and request that the matter be set for final hearings. If you consent, the final hearing will be by WebEx video conference / virtual courtroom. Information about appearing via WebEx will be provided when the matter is set for a final hearing.

Date: _____ Defendant's Signature: _____

STANDARD PLEA BARGAINS FOR WELD COUNTY MODEL TRAFFIC CODE VIOLATIONS

CASE #: _____ NAME: _____ Court Date _____

Pro Se with Parent / Guardian _____
 with Counsel _____

Pursuant to AO 2022-08, the charge with the highest point value will be reduced as outlined below. Any subsequent charges will be sentenced as charged on the ticket with associated fines and costs. In the event there are multiple charges with matching points, they will be plead in the order as written on the ticket. See attached *Register of Action Worksheet* for complete list of original charges.

Count _____ CNTT _____ VAST _____ CRTC 19 FAMF 1 CSCF 5 BRAI _____
 Count _____ CNTT _____ VAST _____ FAMF _____
 Count _____ CNTT _____ VAST _____ FAMF _____
 Count _____ CNTT _____ VAST _____ FAMF _____

TOTAL: \$ _____

| Original Charge | Plea Offer | Fines/Costs |
|---------------------------------|--|---|
| 6 points Dismissing Ct _____ | 4 points – Speeding Section 3-2 (10-19 mph over limit) 1101 Adding Ct _____ | The penalty assessed on your Summons and Complaint, including a surcharge, docket fee and \$1 as required by law. |
| 4 points Dismissing Ct _____ | 2 points – Defective Vehicle 202 Adding Ct _____ | The penalty assessed on your Summons and Complaint, including a surcharge, docket fee and \$1 as required by law |
| 3 points Dismissing Ct _____ | 1 point – Defective Headlight 202(1) Adding Ct _____ | The penalty assessed on your Summons and Complaint, including a surcharge, docket fee and \$1 as required by law |
| 2 points Dismissing Ct _____ | 1 point – Defective Headlight 202(1) Adding Ct _____ | The penalty assessed on your Summons and Complaint, including a surcharge, docket fee and \$1 as required by law |

ADMISSION OF GUILT OR LIABILITY OR DENIAL

I have read and understand the Advisement of Rights. I hereby:

- Waive these rights and voluntarily admit my guilty or liability to the original or amended charge and consent that the plea may be received by a Deputy Clerk of the Court.
- Deny the allegations and request that the matter be set for final hearings. If you consent, the final hearing will be by WebEx video conference / virtual courtroom. Information about appearing via WebEx will be provided when the matter is set for a final hearing.

Date: _____ Defendant's Signature: _____

ACKNOWLEDGEMENT OF LIABILITY- CIVIL INFRACTION

I have read and understand the advisement of right, and I waive these rights. If you are under the age of 18, your parent or guardian must sign this acknowledgement form below.

I hereby acknowledge liability for the civil infraction(s) listed in the penalty assessment form issued by _____ (law enforcement agency) on _____ (date of penalty assessment).

I agree to pay the following fine(s), surcharges, and docket fees (docket fees, which include the court security cash fund surcharge, must be assessed if you did not pay the fine and surcharge within twenty days of the date the penalty assessment notice was issued).

_____ Fine

_____ Surcharge

_____ Docket fee

_____ Court Security Cash Fund Surcharge

_____ Total

Date: _____ Signature: _____

Printed Name _____

Date: _____ Signature of Parent/Guardian _____