

**CHIEF JUDGE ORDER 2022-10
STATE OF COLORADO
FIRST JUDICIAL DISTRICT**

ORDER RE: TRAFFIC AND CIVIL INFRACTIONS

Pursuant to Chief Justice Directive 95-01, regarding the authority and responsibility of Chief Judges, the court enters this order, which supersedes and replaces CJO 2017-07 (November 7, 2017).

The District Attorney may engage in plea negotiations in traffic and civil infraction cases, but is not required to do so. See C.R.S. § 42-4-1708(3), C.R.S. § 16-2.3-101, Rule 5 of the Colorado Rules of Civil Infractions. The current elected District Attorney for the First Judicial District has opted not to engage in plea negotiations of traffic and civil infractions.

Pursuant to C.R.S. § 42-2-127(5.5), the points associated with traffic infractions are reduced if payment is made to the Department of Motor Vehicles within a particular time frame. When that deadline passes, without the benefits associated with plea bargaining, the citizens of this judicial district would not have similar opportunities. Further, without plea bargaining, law enforcement officers will be removed from their street duties and/or may be required to come in on their days off. This may require overtime or additional expense to law enforcement agencies.

These matters are civil in nature pursuant to C.R.S. §§ 42-4-1701(1), 16-2.3-101, and, pursuant to the Colorado Rules of Traffic Infractions and the Colorado Rules of Civil Infractions, the parties may negotiate among themselves in civil matters.

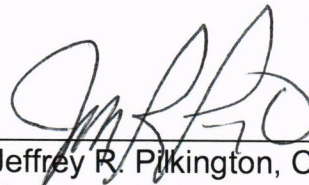
The court concludes that, pursuant to C.R.S. § 13-6-212(2)(f), the Chief Judge of a judicial district, upon approval of the Chief Justice of the Supreme Court, may authorize the clerks of the combined court, with consent of defendant, to accept pleas of guilty and admissions of liability and impose penalties pursuant to a schedule approved by the Chief Judge and the Presiding Judge of the County Court in traffic infraction cases

involving the regulation of vehicles and traffic and civil infractions for which the penalty specified in C.R.S §§ 42-4-1701 and 16-2.3-101, or elsewhere in Articles 2 to 4 of Title 42 C.R.S., in cases which the fine is less than \$300. This includes traffic Infraction cases issued pursuant to Jefferson and Gilpin County Traffic Codes. The clerks shall not levy a fine over \$300.00, nor sentence any person to jail.

It is therefore ordered that, pursuant to C.R.S. § 13-6-212(2)(f), the Clerks of the Combined Court of the First Judicial District, and any deputy clerk thereunder, are hereby assigned and authorized, in all 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 C.R.S. Title 42, and civil infractions, with fines or penalty assessments of less the \$300.00, as follows:

- a) To advise defendants of their procedural and constitutional rights, pursuant to the Colorado Rules of Traffic Infractions and Colorado Rules of Civil Infractions;
- b) Accept pleas of not guilty or denial of liability in such cases, and set for final headings; and
- c) With consent of defendant, accept pleas of guilty and admissions of liability and impose penalties pursuant to a schedule approved by the Chief Judge and the Presiding Judge of the County Court. The clerks shall not levy a fine over \$300.00 nor sentence any person to jail. To facilitate judicial economy, the clerks may also enter dismissals pursuant to guidelines approved by the Chief Judge and the Presiding Judge of the County Court.

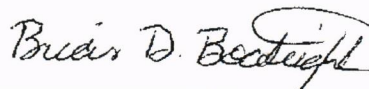
September 28, 2022.



Jeffrey R. Pilkington, Chief Judge
First Judicial District



K.J. Moore, Presiding County Court Judge
First Judicial District



Brian D. Boatright, Chief Justice
Colorado Supreme Court