

District Court, Weld County, State of Colorado Court Address: 901 9 <sup>th</sup> Avenue, Greeley, CO 80631 Mailing Address: P.O. Box 2038, Greeley, CO 80632-2038	DATE FILED: February 25, 2022 5:33 PM  <b>▲ COURT USE ONLY ▲</b>
<b>ADMINISTRATIVE ORDER NO. 2022-03</b>	Case Number: 2022 CV 01 Division 1
<p style="text-align: center;"> <u><b>ORDER (1) CLARIFYING THAT THE PROVISIONS OF ADMINISTRATIVE ORDER 2021-06, ORDER AUTHORIZING THE CLERK OF THE COMBINED COURTS OF THE 19<sup>TH</sup> JUDICIAL DISTRICT TO PERFORM CERTAIN DUTIES IN MISDEMEANOR TRAFFIC OFFENSE AND TRAFFIC INFRACTION CASES, DO NOT APPLY TO CIVIL INFRACTIONS</b></u>  <b>AND</b>  <u><b>(2) APPOINTING AND DESIGNATING ALL 19<sup>TH</sup> JUDICIAL DISTRICT MAGISTRATES AS COUNTY COURT MAGISTRATES TO PRESIDE OVER CIVIL INFRACTION CASES AND COUNTY COURT JUDGES TO ACT AS A MAGISTRATE TO PRESIDE OVER CIVIL INFRACTION CASES</b></u> </p>	

On June 18, 2021, I issued Administrative Order 2021-06, *Order Authorizing the Clerk of the Combined Courts of the 19<sup>th</sup> Judicial District to Perform Certain Duties in Misdemeanor Traffic Offense and Traffic Infraction Cases*, with written approval of Chief Justice Brian Boatright. *See* C.R.S. §13-6-212(2) (“upon approval of the chief justice of the supreme court, the chief judge of a judicial district may authorize, either generally or in specific cases, the clerk of the county court to [take certain actions as authorized by this statute]”).

After I issued Administrative Order 2021-06, the Colorado General Assembly passed Senate Bill 21-271 on June 25, 2021, which was signed into law by Governor Polis on July 6, 2021. This bill made significant changes to the classification of certain offenses, including removing Class 3 misdemeanors for offenses committed after March 1, 2022, C.R.S. §18-1.3-501(1)(a.5), and adding a new classification of

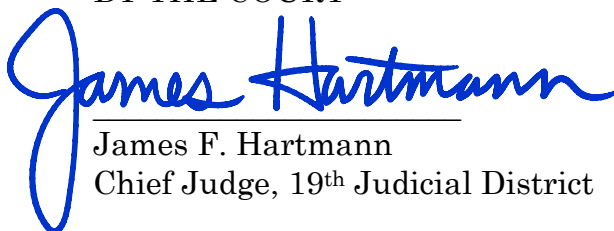
civil infraction for certain offenses classified by statute as a civil infraction. C.R.S. §18-1.3-503(1.6)(a).

The procedures for adjudication of civil infractions are set forth at C.R.S. §16-2.3-101, and such adjudication must be held before a county court magistrate or a county court judge acting as a magistrate. Pursuant to my authority as chief judge of the 19<sup>th</sup> Judicial District, I hereby appoint and designate all full and part-time magistrates of the 19<sup>th</sup> Judicial District to preside over civil infractions as a county court magistrate, and further clarify that all Weld County Court judges are authorized to act as a magistrate to preside over civil infractions. By its terms, C.R.S. §16-2.3-101 applies to civil infractions and not traffic infractions, as these are different classifications of offenses.

As currently written, C.R.S. §13-6-212(2)(f) does not include or apply to civil infractions. As such, I further clarify and order that the provisions of Administrative Order 2021-06, *Order Authorizing the Clerk of the Combined Courts of the 19<sup>th</sup> Judicial District to Perform Certain Duties in Misdemeanor Traffic Offense and Traffic Infraction Cases*, do not presently apply to civil infractions. Unless and until C.R.S. §13-6-212 is modified to include civil infractions, persons appearing before the court for a civil infraction must appear before a county court magistrate or county court judge acting as a magistrate when the person is charged only with a civil infraction(s), or before a judge or magistrate having jurisdiction over the matter if the same summons and complaint contains both a crime(s) and a civil infraction(s). If the General Assembly amends C.R.S. §13-6-212 to include civil infractions, I will address such statutory changes through either an amended Administrative Order 2021-06 or a new administrative order.

Dated: February 25, 2022.

BY THE COURT:



James F. Hartmann  
Chief Judge, 19<sup>th</sup> Judicial District