



**CHIEF JUDGE ORDER 2022-07
STATE OF COLORADO
FIRST JUDICIAL DISTRICT**

**ORDER REGARDING 1st JUDICIAL DISTRICT PROCEDURES FOR
SCHEDULING BOND HEARINGS UNDER C.R.S. § 16-4-102(2)(a)
FOR PERSONS ARRESTED IN ANOTHER COUNTY ON A
WARRANT ISSUED BY A JUDICIAL OFFICER IN THE 1st JUDICIAL
DISTRICT**

The purpose of this order is to establish consistent and uniform procedures in the 1st Judicial District for scheduling bond hearings within 48 hours of arrest for adults arrested in another county on a bench or arrest warrant issued by a judge of the 1st Judicial District. In particular, this order sets forth the 1st Judicial District's interpretation of the requirements of C.R.S. § 16-4-102(2), frequently referred to as the "48 Hour Bill," H.B. 21-1280. A summary of the procedures flowing from this interpretation is set forth in the final section of this order.

ANALYSIS OF C.R.S. §§ 16-4-102(1) AND (2)(a)

In 2021, the Colorado General Assembly passed HB 21-1280, which amended Colorado's statute concerning the right to bail before conviction, C.R.S. § 16-4-102. The amendment at issue requires arresting agencies to bring in-custody arrestees before a court for bond setting as soon as practicable, but no later than 48 hours after the arrestee arrives at a jail or a holding facility. The relevant portions of C.R.S. §§ 16-4-102(1) and (2)(a) are:

- (1) Any person who is in custody, and for whom the court has not set bond and conditions of release pursuant to the applicable rule of criminal procedure, and who is not subject to the provisions of section 16-4-101(5), has the right to a hearing to determine bond and conditions of release. A