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| DISTRICT COURT, LARIMER COUNTY, COLORADO 201 Laporte Avenue, Suite 100 Fort Collins, CO 80521 Telephone: (970) 494-3500 | COURT USE ONLY |
| THIRD AMENDED ADMINISTRATIVE ORDER CONCERNING CRIMINAL BONDING PROCEDURES TO BE USED BY PRETRIAL INTAKE UNIT (BOND COMMISSIONERS) FOR PRETRIAL RELEASE PRE- ADVISEMENT AND BOND APPLICATION (Replacing Administrative Orders No. 2005-001, 2008-001, 2009-001 and the first and second Amendments to that Order, all versions 2014-1, and 2017-4) | |
| THIRD AMENDED ADMINISTRATIVE ORDER 2021-15 | |

Pursuant to authority granted to Chief Judges of the judicial districts of the State of Colorado by Chief Justice Directive 95-01, “Authority and Responsibility of Chief Judges,” the following Administrative Order is hereby entered:

This Order is the only Administrative Order Concerning Criminal Bonding Procedures and Pretrial Release Bond Commissioners in the Eighth Judicial District. This Order supersedes and replaces Administrative Order No. 2014-1 as amended and any predecessor to that order. Further this Order incorporates the 2013 revision and any amendments thereto of the Colorado Revised Statutes requiring the use of an empirically developed risk assessment tool in determining bond and the conditions of bond. Finally, this Order replaces Administrative Order 2017-4, Administrative order 2021-15, Second Amended Administrative Order 2021-15.

The Court finds this Order will enhance the efficient administration of justice and the efficient operation of the courts, assist to alleviate jail overcrowding, allow criminal defendants eligible for appropriate release on bail to be released more quickly, reduce the number of hearings on motions for bond reduction, and enhance the already existing use of pretrial release Bond Commissioners.

BOND COMMISSIONERS

The Eighth Judicial District will continue to utilize pretrial release Bond Commissioners. Bond Commissioners are, and will continue to be, sworn in by the Chief Judge as deputy clerks, and the Chief Judge will continue to delegate to them the authority to act in a ministerial capacity consistent with this Administrative Order. The Bond Commissioners will be employees of Larimer County Criminal Justice Services, Alternative Sentencing Department, Pretrial Services Program, and will be hired, paid, trained, supervised, and overseen by that Program.

In certain criminal cases Bond Commissioners will have the authority to take and screen bond applications of persons who have been arrested in Larimer County to determine if they come within the terms of this Order authorizing them to post bond, subsequent to arrest but before appearing

before a judge or magistrate. In such cases, the Bond Commissioners shall have the authority to authorize the posting of such bonds, to determine the amounts and conditions and, if applicable, to enter the mandatory protection order per C.R.S. §18-1-1001, consistent with this Order.

EXCLUSIONS

On all felony cases the recommended bond and conditions, if any, shall be reviewed and approved or modified by a Judicial Officer prior to the pre-advisement release of the defendant. Upon approval of the Judicial Officer, the Bond Commissioners will provide authorization to the Sheriff to admit such persons to bond pursuant to this Order.

Bond Commissioners shall not set a bond, nor allow an arrestee to post a pre-advisement release bond, pursuant to this Order in the following types of cases, based upon the charge(s) or offense(s) for which the arrestee is being held in custody, or based upon certain circumstances listed below:

1. Felony offenses designated as Class 1, 2, or DF-1.
2. Sex offenses, against either adults or children.
3. Offenses involving Crimes of Violence [C.R.S. §18-1.3-406 (2)] or the use of a weapon or threat of the use of a weapon or possession of a weapon.
4. Felony drug offenses involving distribution or sale, possession with intent to distribute or sell, or manufacture.
5. Conspiracy, or attempt, to commit a crime coming within 2-4 above.
6. Victims' Rights cases, as defined by C.R.S. §24-4.1-302.
7. Domestic violence, Stalking, Violation Protection Order cases.
8. If current investigation is for DUI/DUID/DWAI and:
 - a. the arrestee is currently on probation for DUI/DUID/DWAI case;
 - b. the arrestee is currently pending DUI/DUID/DWAI charges;
 - c. the arrestee has 3 or more prior convictions; or
 - d. the arrestee has a prior conviction of Vehicular Assault or Vehicular Homicide.
9. Vehicular Homicide
10. Vehicular Assault
11. Felony eluding.
12. Any cases in which the bond was previously set by a judge or magistrate upon issuance of an arrest warrant.
13. The arrestee is on bond for another pending offense. [C.R.S. §16-4-104 (3); however, this exclusion does not apply if the new offense is a petty offense, Class 2 misdemeanor, Class 3 misdemeanor, or Class 2 traffic misdemeanor C.R.S. §16-4-113].
14. The arrestee currently has a warrant for arrest for another pending offense that is a felony or Class 1 or Class 2 misdemeanor.
15. The arrestee is on parole.
16. Any individual determined to have no or minimal ties to this community, or to be a flight risk, or to pose a risk of harm to a victim or themselves.
17. Any offenses for which the defendant's risk assessment score is Category 4 (High).

DETERMINATION OF ELIGIBILITY TO POST PERSONAL RECOGNIZANCE BOND

The Bond Commissioners shall determine the defendant’s eligibility to post bond under C.R.S. §16-4-101 and Section 19 of Article II of the Colorado Constitution. Bond Commissioners are authorized to interview all arrestees eligible for a bond under this Order to determine if they are eligible to post a personal recognizance (PR) bond. Bond Commissioners shall determine from verifiable information contained in the bond application the defendant’s qualification for a PR bond under C.R.S. §16-4-104.

If the Bond Commissioners determine an arrestee in custody for a felony offense is eligible for a PR bond pursuant to statute and pursuant to the Courts’ qualifications for a PR bond, they may recommend such bond and the Sheriff may release the person on such bond after the appropriate Judicial Officer has approved that bond. The Bond Commissioners may recommend cosigner(s) when indicated and may attach designated conditions, determined by the court per this Administrative Order and consistent with C.R.S. §16-4-103 (4) (5) and C.R.S. §16-4-105, to the bond in order to assure future court appearances and reduce a perceived risk of danger to the defendant or to the community.

The amount of such **PR/PRCO bonds** on felony matters shall be as follows:

| FELONY CLASS | DRUG OFFENSE CLASS | BOND AMOUNT |
|--|---------------------------|--------------------|
| Class 3 Felony (F-3) | | \$7,500 |
| Class 4 Felony (F-4) (Including Felony DUI/DUID/DWAI) | DF-2 | \$5,000 |
| Class 5 Felony (F-5) | DF-3 | \$2,500 |
| Class 6 Felony (F-6) | DF-4 | \$1,500 |

An unsecured PR bond without any non-monetary conditions, as identified in C.R.S. §16-4-104 (1) (a) may **not** be authorized under this Administrative Order, i.e., prior to the arrestee’s appearance before a judicial officer, in a matter governed by C.R.S. §16-4-104 (2). **Specifically, an unsecured PR bond is not authorized under the following circumstances (C.R.S. §16-4-104 (2) (a-c), unless the District Attorney consents or the court imposes certain additional non-monetary conditions of release to the bond:**

1. The person is at liberty on another bond of any kind in another criminal action involving a felony or a Class 1 misdemeanor;
2. The person has a record of conviction of a Class 1 misdemeanor within two years or a felony within five years prior to the bail hearing; or
3. The person failed to appear on bond in any case involving a felony or Class 1 misdemeanor charge in the preceding five years.

If an eligible Defendant is currently on a Surety Bond:

A person may not be released on an unsecured personal recognizance bond if, at the time of such application, the person is presently on release under a surety bond for felony or Class 1 misdemeanor charges unless:

1. The surety thereon is notified and afforded an opportunity to surrender the person into custody on such terms as the court deems just under provisions of C.R.S. §16-4-108.
2. Notification of the surety and the receipt of consent of surety are the arrestee's responsibility – the Bond Commissioners and other pretrial services personnel are neither required nor expected to assist the arrestee in this effort.

BOND TYPE: RISK ASSESSMENT SCORE

Bond Commissioners shall utilize the risk assessment instrument attached hereto, which has been developed in compliance with the requirement of C.R.S. §16-4-103 (3) (b) mandating Courts utilize empirically developed risk assessment instruments that classify a person in custody based upon predicted level of risk of pretrial failure in making decision regarding bonds, and in compliance with C.R.S. §16-2-111 regarding admission to bail pending appearance for any person charged with a misdemeanor or petty offense. Any bond authorized or recommended by a Bond Commissioner is subject to review and modification by a judicial officer at pre-advisement release or by the court on the person's first appearance in court, if the court so desires.

Individuals assessed in the following risk assessment risk categories are eligible for the associated types of bonds per C.R.S. §16-4-104 (1) (a) and (1) (b) so long as concerns for the pretrial misconduct can be addressed by imposition of additional conditions on the conduct of the person released that will assist in obtaining the appearance of the person in court and preserving the safety of any person or persons and the community:

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| CPAT-R Risk Category 1 low risk score 0-7 | PR or PR with conditions |
| CPAT-R Risk Category 2 low risk score 8-11 | PRCO or PRCO with conditions |
| CPAT-R Risk Category 3 medium risk score 12-14 | Cash or Cash/Surety with conditions |
| CPAT-R Risk Category 4 higher risk score 15-20 | Cash or Cash/Surety with conditions Not eligible for Pre-Advisement Release |

For all arrestees eligible for pre-advisement release, the risk assessment score determines eligibility for the type of initial bond regardless of the type or class of charges or offenses listed for the arrestee.

**JUDICIAL REVIEW OF FELONY BOND PRE-ADVISEMENT RELEASE
RECOMMENDATIONS BY BOND COMMISSIONERS**

During normal work weeks, the felony pre-advisement release requests shall be forwarded to the Magistrate in charge of Courtroom 1A for review and approval or modification of the recommended bond and/or conditions during business hours.

Bond Commissioners shall not authorize a bond when a previously issued warrant based on a finding of probable cause by a judicial officer contains bonding instructions. In such an instance, the judicial officer issuing the warrant may determine what, if any, bond is appropriate, and endorse the same on the warrant. However, in these circumstances, upon arrest of the defendant, the Bond Commissioners shall still complete the bond investigation report and make a recommendation for conditions of bond based upon that investigation for use by the judicial officer at the first court appearance. **All other provisions of this Administrative Order apply only to warrantless arrests where bond has not otherwise been set.**

BOND AMOUNTS - FELONIES

The following base bond amounts are intended to facilitate the release of arrestees by the Bond Commissioners prior to the first court appearance and are binding only upon such Commissioners for their recommendations to judicial officers. Judicial officers are not bound by these bond amounts. Amounts indicated apply to arrestees whose risk assessment score would require the recommendation of a cash or cash/surety bond.

“Ineligible” means the Bond Commissioners may not recommend the person to post bond per this Administrative Order. Such person must have bond set by a judicial officer as otherwise provided by law.

BASE BOND AMOUNTS FOR CASH/PROPERTY/SURETY BONDS:

| FELONY CLASS | DRUG OFFENSE CLASS | BOND AMOUNT |
|--|---------------------------|--------------------|
| Class 1 Felony (F-1) | | Ineligible |
| Class 2 Felony (F-2) | DF-1 | Ineligible |
| Class 3 Felony (F-3) | | \$7,500 |
| Class 4 Felony (F-4) | DF-2 | \$2,500 |
| This Class 4 Felony base bond amount applies to a fourth offense DUI/DUID/DWAI (3 prior convictions). For 4 or more prior DUI/DUID/DWAI convictions, see section 3 of Increases to Base Bond Amounts table. | | |
| Class 5 Felony (F-5) | DF-3 | \$1,250 |
| Class 6 Felony (F-6) | DF-4 | \$750 |

If there are multiple counts or charges, the most serious charge controls the determination of where the arrestee falls in the application of these base bond amounts. A bond authorized under this Administrative Order may be personal recognizance, personal recognizance with co-obligor, cash, certified check, cashier’s check, or corporate or commercial surety (bail bondsman) validly licensed. If the factors listed below are found to exist, the schedule amount of the bond shall be increased by the following amounts:

INCREASES TO BASE BOND AMOUNTS:

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| 1 | If there are multiple counts, including one or more additional felonies – increase bond amount by (Total only, not per count) | \$2,500 |
| | Unless all felonies are F-6’s or DF-4’s – increase by | \$1,200 |
| | Multiple counts, but no additional felonies – increase by | \$1,000 |
| 2 | Prior felony conviction(s), where the prior(s) is/are F-4 or DF-2 or above – increase by | \$2,500 |
| | Prior felony conviction(s), where the prior(s) is/are F-5 or DF-3 – increase by | \$1,500 |
| | Prior felony conviction(s), where the prior(s) is/are F-6 or DF-4 – increase by | \$1,000 |
| 3 | For a fourth prior and for each DUI/DUID/DWAI conviction above four priors – increase by | \$500 |
| 4 | The arrestee is on felony probation, parole, currently serving a community corrections sentence, or a deferred sentence for a felony – increase by | \$2,500 |
| In addition, if on probation, the arrestee cannot be released on bond per this Administrative Order unless probation is notified . | | |

MATTERS FOR DETERMINATION OF BOND FOR MISDEMEANOR, TRAFFIC, UNCLASSIFIED, AND PETTY OFFENSES

Notwithstanding any other provisions in this Order, a PR bond is required, without exception, for those charged with a traffic offense, a petty offense, or a comparable municipal offense [C.R.S. §16-4-113 (2) (a)]. All defendants so charged are eligible for pre-advisement release.

Effective for crimes occurring on or after March 1, 2022 and pursuant to C.R.S §16-4-113, Unclassified Offenses in which the maximum penalty does not exceed 6 months’ imprisonment require a PR bond unless one or more of the following facts are found to be present:

- (a) The arrested person fails to sufficiently identify themselves; or
- (b) The arrested person refuses to sign a personal recognizance; or
- (c) The continued detention or posting of a surety bond is necessary to prevent imminent bodily harm to the accused or to another; or
- (d) The arrested person has no ties to the jurisdiction of the court reasonably sufficient to assure appearance and there is substantial likelihood that they will fail to appear for court; or
- (e) The arrested person has previously failed to appear for trial for an offense concerning which they had given written promise to appear; or
- (f) There is outstanding a warrant for their arrest on any other charge or there are pending proceedings against them for suspension or revocation of parole or probation.

Pursuant to C.R.S. §16-2-111, any person charged with a Misdemeanor or Petty Offense by complaint in the County Court of Larimer County may be admitted to bail or pretrial release as set forth herein. For all persons charged in County Court with misdemeanors or petty offenses, but no felonies, the Bond Commissioners may authorize the posting of such a bond. The type of bond shall be determined pursuant to the risk assessment instrument, and conditions of bond shall be

determined consistent with the requirements of this Administrative Order and consistent with C.R.S. §16-4-103 (4) (5) and C.R.S. §16-4-105, in order to assure future court appearances and reduce a perceived risk of danger to the defendant or to the community.

COUNTY COURT LARIMER COUNTY – BOND AMOUNTS AND ORDERS

The following indicated bond amounts are intended to facilitate the release of arrestees by the Bond Commissioners prior to the first court appearance. These bond amounts are binding only upon such Commissioners. Judicial officers are not bound by these amounts. The following bond amounts shall be utilized for all bonds authorized by the Bond Commissioners:

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| Class 1 Misdemeanor (M-1 or DM-1) | \$1,000 | |
| Class 2 Misdemeanor (M-2 or DM-2) | \$500 | |
| Class 3 Misdemeanor (M-3) | \$250 | |
| Petty Offense | \$150 PR | |
| FOR ALL DUI/DUID/DWAI: If on probation for DUI/DUID/DWAI or if any pending DUI/DUID/DWAI charges, then NO PRE-ADVISEMENT RELEASE ALLOWED and must be brought before the Court. | | |
| DUI/DUID – FIRST OFFENSE (no prior similar offenses) | \$1,000 | * |
| DUI/DUID – SECOND OFFENSE or Deferred Sentence within 5 years | \$1,500 | * |
| DUI/DUID – THIRD OFFENSE | \$2,000 | * |
| DWAI – FIRST OFFENSE | \$750 | * |
| DWAI – SECOND OFFENSE or Deferred Sentence within 5 years | \$1,000 | * |
| DWAI – THIRD OFFENSE | \$1,500 | * |
| Class 1 & Class 2 Traffic Misdemeanor (MT1 and MT2) | \$500 | * |
| HIT & RUN, Leaving Scene of Accident Personal Injury (Misdemeanor) | \$2,000 | * |
| HIT & RUN, Leaving Scene of Accident Property Damage Only | \$500 | * |
| ELUDING AN OFFICER (Misdemeanor, Misdemeanor Traffic Only) | \$1,000 | * |
| RECKLESS DRIVING, DARP & HTO, DUR Alcohol | \$750 | |
| NO PROOF OF INSURANCE | \$350 | |
| SPEED CONTEST | \$500 | |
| SPEEDING 25 mph or more over posted speed limit | \$100 | |
| TRAFFIC OTHER THAN LISTED ABOVE | \$100 | |

If additional charges are alleged, increase the bond amount above by \$250.

*Requires bond conditions – see below and attached Praxis

No person shall be held or be required to post a bond if the most serious charge is a Traffic Infraction.

CASH-ONLY BONDS AS AN OPTION

Bond Commissioners are authorized to inquire of arrestees whether, if a monetary bond is required or recommended, the arrestee would prefer that bond be set at the full cash or surety amount indicated by this Order or otherwise set by judicial officer, or that bond be set in a cash only amount of ten percent of the indicated cash or surety amount. For arrestees whose cases involve felony offenses, the Bond Commissioners will note the arrestee's preference in the bond application presented to the judicial officer for approval. For arrestees whose cases involve only misdemeanor charges, who are eligible to be released pre-advisement pursuant to this Order, and who score a risk assessment value of three, the Bond Commissioners are authorized to set the arrestee's bond at either the cash or surety value required by this Order, or a cash only amount set at ten percent (10%) of the cash or surety value required by this Order, according to the arrestee's preference.

CONDITIONS OF BOND IN ALL CASES: PRAXIS

Certain bond conditions are mandated by this Administrative Order. For example, for all arrestees released on a bond of any type, conditions shall include the following:

1. The arrestee shall appear in court on a time and date certain;
2. The arrestee shall not commit a new law violation while free on bond;
3. The arrestee shall not leave the State of Colorado unless permitted to by the Court; and
4. In felony cases, the arrestee shall execute a waiver of extradition in which the arrestee consents to extradition to the State of Colorado in the event that the arrestee is arrested in another state while at liberty on bond in the felony case from this state, [C.R.S. §16-4-105].

These conditions shall be made conditions on every bond authorized by the Bond Commissioners pursuant to this Order. Additionally, if the defendant has been arrested for any offenses involving the possession, use, sale, manufacture, cultivation or distribution of a controlled substance or the offense is alleged to have occurred while defendant was under the influence of, or impaired by, the use of alcohol and/or substances and the risk category is greater than 1 OR the offense is classified as a DF2, DF3, or DF4, additional conditions of the bond shall be: No consumption of alcohol, marijuana only with a valid medical marijuana card and no illegal drugs; and random substance use monitoring by Pretrial Services.

Certain conditions mandated by statute are offense specific. For example, a person arrested for Driving Under Revocation (DUR) related to an alcohol restraint on the license is required as a condition of bond not to drive during the period of such restraint pursuant to C.R.S. §16-4-105 (5). Pursuant to C.R.S. §16-4-105 (6) (a) a person arrested for Driving Under the Influence or Driving While Ability Impaired pursuant to C.R.S. §42-4-1301, and the person has one or more previous convictions for an offense in C.R.S. §42-4-1301, as a condition of any bail bond, the court shall order that the defendant abstain from the use of alcohol or the illegal use of drugs and such abstinence shall be monitored.

The court has authority under C.R.S. §16-4-105 (8) to impose additional conditions upon the conduct of the defendant that will assist in obtaining the appearance of the person in court and the

safety of any person or persons and the community. These additional conditions may include requiring the defendant to be supervised by Pretrial Services Program established pursuant to C.R.S. §16-4-106.

Attached to this Order is a Praxis which sets forth appropriate discretionary conditions of bond according to case types and offense categories. This Praxis has been reviewed by the Chief Judge and approved for use by the Bond Commissioners in the determination of appropriate conditions of bond for which the Bond Commissioners may authorize. For the safety of the public and to ensure compliance by defendants with other bond conditions, the Court hereby **requires** and authorizes the Bond Commissioners to impose other bond conditions that are set forth in the attached Praxis. The Chief Judge reserves the right to amend and adjust the Praxis as may be necessary to improve the effectiveness of the Praxis instrument in achieving its intended purposes.

Effective immediately - dated this 10th day of May 2022.



Susan Blanco
Chief Judge, Eighth Judicial District