

**Amended Administrative Order – Regarding Bail Bond Hearings as Required by HB 21-1280
22-6**

House Bill 21-1280, which became effective April 1, 2022, has substantially modified the timing of initial advisements and bond settings in Colorado. This Order is meant to clarify who is entitled to a hearing under the bill, and the procedures to be followed to implement the provisions of the bill.

The undersigned notes that House Bill 21-1280 amended CRS§ 16-4-102 (2)(a)(I) to require persons arrested who have not had a bond set to be brought before a judge within 48 hours of arriving at a jail or holding facility. CRS§ 16-4-102 (2)(a)(II) specifically exempts cases in which a judge has already set an amount of bond from the 48-hour bond requirement. Existing statutes also provided that certain defendants are not eligible for bond such as those arrested for capital offenses and certain other offenses. See, CRS §16-4-101.

When interpreting the different provisions of HB 21-1280 and in order to implement the legislative intent of HB 21-1280 in the scheduling of hearings for newly arrested individuals, the undersigned has attempted to give effect to all the “. . . [w]ords and phrases . . . according to their plain and ordinary meaning . . .” to interpret the statute “. . . in such a way as to give sensible effect to all its parts.” *People v. Harvey*, 819 P.2d 1087, 1088 (Colo. App. 1991) citing *People v. District Court*, 713 P.2d 918 (Colo.1986). With these rules of statutory construction in mind, this Court interprets HB-21-1280 to require a bond hearing with 48 hours only for those defendants, who are entitled to bond under CRS 16-4-101 and who are arrested on a warrantless arrest or on a warrant issued that sets no bond on a bail eligible offense.

The Court finds that an arrest on any warrant that sets an individualized bond, based upon the reviewing judicial officer’s discretion would not require such a bond hearing within 48 hours under C.R.S.§16-4-102.

In Order to meet the requirements of HB 21-1280 the Court orders the following:

1. Individuals who are arrested on an out-of-state warrant shall not be subject to the provisions of this order. Such individuals will be brought before a judicial officer within a reasonable period of time on a day that the Courts are open for business, generally Monday through Friday.
2. Individuals who are arrested in the 10th Judicial District on an arrest warrant issued by counties that are located outside of the 10th Judicial District but within the state of Colorado (hereinafter the “demanding county”), and where a bond hearing is not required under HB21-1280, shall receive a courtesy advisement pursuant to Crim. P. 5 (a)(3) at the first available criminal advisement Monday through Friday, if they have not previously been

advised by the demanding county. The judicial officer conducting the courtesy advisement shall not modify the terms or conditions of bond and any written motion to modify bond pursuant to C.R.S. 16-4-107(1) shall be filed in the criminal case in the demanding county.

3. When individuals are arrested and held within the 10th Judicial District on a no-bond arrest warrant issued by a county outside of the 10th Judicial District, the Pueblo County Sheriff shall, as part of the booking process, notify the jail of the demanding county. The Pueblo County Sheriff shall make the defendant available by WebEx or other appropriate remote means for an initial bond hearing by the court of the demanding county, at a date and time requested by the demanding county. If the court of the demanding county does not schedule a bond hearing or other advisement within 48 hours of the defendant's arrest, the Pueblo County Sheriff shall again contact the demanding county to confirm that the demanding county still requests that the Defendant be held on the no-bond warrant, without the benefit of a bond hearing within 48 hours of the Defendant's arrival at the Pueblo County jail intake unit. If the demanding jurisdiction confirms the request to hold the defendant, and if the defendant remains in the Pueblo County jail, she or he will then be given a courtesy advisement as set forth above in paragraph number 2 of this order, on the next regular business day for the Court, normally Monday through Friday.
4. When defendants are arrested in the 10th Judicial District on an arrest warrant issued by the 10th Judicial District on a bail eligible offense under HB 21-1280 for which no bond is set, such defendant shall be advised and have a bond hearing within 48 hours of arriving at the Pueblo jail intake unit. The District Attorney and Public Defender will be notified of the hearing. At these hearings, the Court will set individualized bonds and issue appropriate protection orders.
5. Individuals arrested in other counties over the weekend, who have charges in the 10th Judicial District and not had bond set, will appear virtually within 48 hours of their arrest, assuming proper notification by the arresting county. As of this writing bond hearings are held at 2:30 p.m. on Tuesday through Friday; at 1:30 p.m. on Saturday; and 11:30 a.m. on Monday. At these hearings, the Court will set individualized bonds and issue appropriate protection orders. Should individuals arrested out of county on Pueblo County warrants not be advised within 48 hours as required by HB 21-1280, the presiding judicial officer at the first advisement of that individual shall have the discretion to determine whether that individual shall continue to be held in custody.
6. The hearing times set forth in Paragraph 5 of this Order may be changed as needed, and in compliance with HB 21-1280.

Amended this 16th day of May, 2022.

BY THE COURT:



DEBORAH EYLER, CHIEF JUDGE