



COUNTY OF PUEBLO, STATE OF COLORADO, TENTH JUDICIAL DISTRICT

CHIEF JUDGE ADMINISTRATIVE ORDER

23-13

REGARDING INDIVIDUALIZED BOND HEARINGS
PURSUANT TO C.R.S. § 16-4-102

- I. **Authority.** Pursuant to the authority granted to chief judges of the judicial districts of the State of Colorado by Chief Justice Directive 95-01, the undersigned enters the following Chief Judge Administrative Order (“CJAO”) 23-13, Regarding Individualized Bond Hearings Pursuant to C.R.S. § 16-4-102.

- II. **Background.** House Bill 21-1280, which became effective April 1, 2022, had substantially modified the timing of initial advisements and bond settings in Colorado, particularly in amending provisions of C.R.S. § 16-4-102. CJAO 22-6 had clarified who is entitled to a hearing under H.B. 21-1280, and the procedures to be followed to implement the provisions of the Bill. In sum, CJAO 22-6 provided that C.R.S. § 16-4-102 (2)(a)(I) required that 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 (“Individualized Bond Hearing”), noting that C.R.S. § 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.”

Further, CJAO 22-6 provided that 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 H.B. 21-1280 (e.g., where bond was set with the warrant), shall receive a courtesy advisement pursuant to Crim. P. 5 and the judicial officer conducting the courtesy advisement shall not modify the terms or conditions of bond. Apart from the express exemption previously found in C.R.S. § 16-4-102 (2)(a)(II), other concerns drove the conclusion that judicial officers should not modify bonds in those circumstances.

Iterations of CJAO 22-6 issued by other Judicial Districts recognized that pursuant to the Colorado Constitution, Article II, § 16a, victims of certain defined crimes have constitutional rights including the right to participate at critical stages of the proceedings. As well, other administrative orders recognized that the district attorney from a demanding county has the right to notification and the right to appear for initial bond setting pursuant to C.R.S. § 16-4-104(6), but that district attorneys are not authorized to appear on behalf of the People for a case in another Judicial District,

absent appointment as a special prosecutor in that other Judicial District. See C.R.S. 20-1-102(1).

House Bill 23-1151, “Clarifications To 48-hour Bond Hearing Requirement,” which becomes effective October 1, 2023, has further amended C.R.S. § 16-4-102, such that this Order is necessary to further clarify who is entitled to an Individualized Bond Hearing pursuant to C.R.S. § 16-4-102. As suggested by the General Assembly’s Bill Summary, and precisely by Legislative Council Staff’s Final Fiscal Note, “[t]he bill clarifies that the 48-hour requirement applies regardless of whether the individual is held in custody in a jurisdiction other than the one that issues the arrest warrant and also applies when a monetary bond was set outside of the presence of the individual or their counsel.”

C.R.S. § 16-4-102 (2)(a)(I.5) provides:

This subsection (2)(a) requires an individualized bond hearing at which the in-custody arrestee is present, regardless of whether:

(A) An in-custody arrestee is held in custody in a jurisdiction other than the one that issued the arrest warrant;

(B) Money bond with a monetary condition was previously set ex parte;
or

(C) The in-custody arrestee did not appear for a first appearance.

Id. (emphasis added).

Further, C.R.S. § 16-4-102 (2)(a)(II) provides that “[t]his subsection (2)(a) applies only to the initial bond setting at an individualized bond hearing by a judge, judicial officer, or bond hearing officer.” Id. (emphasis added); cf. C.R.S. § 16-4-102 (2)(a)(II) (2022)(previous language indicating that the 48-hour bond hearing applies only to the initial bond setting).

III. Procedure. Given the forgoing, this Order supersedes and replaces CJA0 22-6. The following is a summary of the procedures that will be followed in the 10th Judicial District:


A. A defendant arrested within the 10th Judicial District on a warrant, whether an initial arrest warrant or an initial failure-to-appear warrant, when the defendant has never appeared before a judicial officer for an Individualized Bond Hearing or a defendant arrested on a warrantless arrest warrant affidavit will be advised and bond will be set within 48 hours of the defendant first arriving at a detention facility. This process will not apply if the defendant posts a bond pursuant to the bond set on the warrant prior to appearing before a judicial officer for the setting of an individualized bond.

B. For arrests within the 10th Judicial District on warrants issued by a demanding county (i.e., outside of the 10th Judicial District but within the State of Colorado), the Pueblo County Sheriff shall, according to the most recent process outlined on the collaborative platform SharePoint (currently located at <https://judcous.sharepoint.com/sites/BHI>), advise the demanding county court, Public Defender and District Attorney of the detention of the defendant, and

arrange for advisement and the Individualized Bond Hearing with the demanding county court within 48 hours of the defendant first arriving at the Pueblo County Detention Facility.

- C. For arrests outside the 10th Judicial District on warrants originating within the 10th Judicial District, the detention facility to which the defendant was first brought shall, according to the most recent process outlined on the collaborative platform SharePoint (currently located at <https://judcous.sharepoint.com/sites/BHI/SitePages/Pueblo-County.aspx>), advise the 10th Judicial District court, Public Defender and District Attorney of the detention of the defendant, and arrange for advisement and the Individualized Bond Hearing with the 10th Judicial District court within 48 hours of the defendant first arriving at the detention facility.
- D. Recognizing the responsibility of law enforcement to present a defendant to the demanding county for an Individualized Bond Hearing and to reduce the burden on law enforcement in determining whether a defendant qualifies for an Individualized Bond Hearing, all 10th Judicial District Judicial Officers shall endeavor to make a 48-hour Individualized Bond Hearing eligibility determination when issuing a warrant. To effectuate that efficiency, 10th Judicial District Judicial Officers shall annotate warrants with either “48YES” (i.e., the individual is entitled to a 48-hour Individualized Bond Hearing) or “48NO.”

SO ORDERED, this 10th day of October 2023.



Gregory J. Styduhar, Chief Judge