

<p>EIGHTEENTH JUDICIAL DISTRICT: ARAPAHOE, DOUGLAS, ELBERT and LINCOLN COUNTIES, COLORADO</p> <p>Arapahoe County Justice Center 7325 South Potomac Street Centennial, Colorado 80112</p> <p>Arapahoe County Courthouse—Littleton 1790 West Littleton Boulevard Littleton, Colorado 80120</p> <p>Douglas County Courthouse 4000 Justice Way, #2009 Castle Rock, Colorado 80104</p> <p>Elbert County Courthouse PO Box 232, 751 Ute Street Kiowa, Colorado 80117</p> <p>Lincoln County Courthouse PO Box 128, 103 Third Avenue Hugo, Colorado 80821</p>	<p style="text-align: center;">•COURT USE ONLY •</p> <p style="text-align: center;">CJO 16-11</p> <hr/> <p style="text-align: center;">Division 201</p>
<p>CHIEF JUDGE ORDER SETTING FORTH BOND GUIDELINES</p>	

The following bond guidelines are intended to assist judicial officers determine the type of bond and conditions of release at the first appearance of a person in custody who is accused of a criminal offense in the Eighteenth Judicial District (Arapahoe, Douglas, Elbert, and Lincoln Counties, Colorado). If the type of bond and conditions of release have been fixed upon return of the indictment or filing of the information or complaint, the judicial officer shall review the propriety of the type of bond and conditions of release upon first appearance of a person in custody.

A. General Guidelines

- **Objectives.** The type of bond and conditions of release shall be sufficient to reasonably ensure the appearance of the person as required and to protect the safety of any person or the community, taking into consideration the individual characteristics of each person in custody, including the person’s financial condition. § 16-4-103(3)(a), C.R.S. (2015).
- **Presumption of Eligibility for Release, Reasonableness of Monetary Condition, Individualized Determination, and Prevention of Unnecessary Detention.** In determining the type of bond and conditions of release, the judicial officers shall: (a) presume that all persons in custody are eligible for release on bond with the

appropriate and least-restrictive conditions consistent with the preceding paragraph unless a person is otherwise ineligible for release under Colorado law; (b) be mindful that a monetary condition of release must be reasonable, and any other condition of conduct not mandated by statute must be tailored to address a specific concern; (c) incorporate into their determination conditions of release and factors that consider the individualized risk and circumstances of a person in custody and all other relevant criteria, and not solely the level of offense; and (d) consider all methods of bond and conditions of release (to avoid unnecessary pretrial incarceration) and levels of community-based supervision as conditions of pretrial release. § 16-4-103(4).

- ***Risk Assessment Instrument.*** In deciding on the type of bond and conditions of release, judicial officers shall use an empirically developed risk assessment instrument, if one is available, designed to improve pretrial release decisions by providing information that classifies a person in custody based upon predicted level of risk of pretrial failure. § 16-4-103(3)(b). In Douglas County, where space is available and judicial services has the necessary staffing to perform a pretrial risk assessment on every person in custody, a pretrial risk assessment of all such persons will be completed.

- ***Other Criteria.*** Judicial officers may also consider the following criteria, listed in § 16-4-103(5), as appropriate and relevant in making a determination of the type of bond and conditions of release:
 - (a) The employment status and history of the person in custody;
 - (b) The nature and extent of family relationships of the person in custody;
 - (c) Past and present residences of the person in custody;
 - (d) The character and reputation of the person in custody;
 - (e) Identity of persons who agree to assist the person in custody in attending court at the proper time;
 - (f) The likely sentence, considering the nature and the offense presently charged;
 - (g) The prior criminal record, if any, of the person in custody and any prior failures to appear for court;
 - (h) Any facts indicating the possibility of violations of the law if the person in custody is released without certain conditions of release;
 - (i) Any facts indicating that the defendant is likely to intimidate or harass possible witnesses; and

(j) Any other facts tending to indicate that the person in custody has strong ties to the community and is not likely to flee the jurisdiction.

- ***Unsecured Personal Recognizance (“PR”) Bonds under § 16-4-104(2), (3), C.R.S. (2015):***

- Unless the district attorney consents or unless the court imposes certain additional individualized conditions of release as described in § 16-4-105, C.R.S. (2015), a person must not be released on an unsecured PR bond under the following circumstances:

- The person is presently free on another bond of any kind in another criminal action involving a felony or a class 1 misdemeanor;
 - 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
 - The person has willfully failed to appear on bond in any case involving a felony or a class 1 misdemeanor charge in the preceding five years.

- A person may not be released on an unsecured PR 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 the surety thereon is notified and afforded an opportunity to surrender the person into custody on such terms as the court deems just under the provisions of § 16-4-108, C.R.S. (2015).

- ***Offenses Punishable by Fine Only.*** When a person is charged with an offense punishable by fine only, any monetary condition of release shall not exceed the amount of the maximum fine penalty. § 16-4-103(6).

B. Bond Guidelines for General Non-Drug Felonies

<u>Felony Charge</u>	<u>Bond Amount</u>
Class 6	\$1,000 cash or surety
Class 5	\$2,500 cash or surety
Class 4	\$5,000 cash or surety
Class 3	\$10,000 cash or surety
Class 2	\$50,000 cash or surety
Class 1	No bond

C. Bond Guidelines for Drug Felonies

<u>Drug Felony Charge</u>	<u>Bond Amount</u>
Drug Felony 4	\$1,000 cash or surety
Drug Felony 3	\$5,000 cash or surety
Drug Felony 2	\$7,500 cash or surety
Drug Felony 1	\$15,000 cash or surety

D. Bond Guidelines for Specific Non-Drug Felonies

\$50,000 cash or surety for the following specific non-drug felonies:

- First degree burglary
- Second degree burglary of a dwelling
- First degree assault
- Enticement, luring, and exploitation of child offenses
- Felony arson
- Child abuse resulting in death or serious bodily injury
- Aggravated robbery
- Escape
- Aggravated habitual traffic offenses
- Felony vehicular eluding (if D.U.I. is also charged in the same incident or if it is a class 3 felony)
- Vehicular homicide
- Vehicular assault
- Violation of bail bond conditions pursuant to § 18-8-212(1), C.R.S. (2015), when the underlying offense involves an offense against a person
- Retaliation against a juror
- Retaliation against a victim or witness
- Retaliation against a judge or magistrate
- Second degree kidnapping that is a class 3 felony
- Any felony listed under the \$25,000 cash or surety category below as to which a crime of violence sentence-enhancing count has been filed

\$25,000 cash or surety for the following specific non-drug felonies:

- Attempt or conspiracy to commit any offense listed under the \$50,000 cash or surety category above
- Second degree burglary (if a dwelling is not involved)
- Second degree assault
- Second degree kidnapping that is a class 4 felony
- Robbery
- Manslaughter
- Criminally negligent homicide
- Felony menacing (if the deadly weapon involved is a firearm)

E. No-Bond Hold Guidelines

- There shall be a no-bond hold for capital offenses when the proof is evident or the presumption is great that the defendant committed the crime charged. § 16-4-101(1)(a), C.R.S. (2015).
- Pursuant to § 16-4-101(1)(b), there shall be a no-bond hold when, after a hearing held within ninety-six hours of arrest and upon reasonable notice, the court finds that the proof is evident or the presumption is great as to the crime alleged to have been committed and finds that the public would be placed in significant peril if the accused were released on bail and such person is accused in any of the following cases:
 - The defendant is charged with a crime of violence while on probation or parole resulting from a conviction of a crime of violence
 - The defendant is charged with a crime of violence while on bail pending the disposition of a previous crime of violence charge for which probable cause has been found
 - The defendant is charged with a crime of violence after two previous felony convictions or one previous felony conviction for a crime of violence
 - The defendant is charged with possession of a weapon by a previous offender alleged to have been committed in violation of § 18-12-108 (2)(b), (2)(c), (4)(b), (4)(c), or (5), C.R.S. (2015)
 - The defendant is charged with sexual assault, as described in § 18-3-402, C.R.S. (2015); sexual assault in the first degree, as described in § 18-3-402 prior to July 1, 2000; sexual assault in the second degree, as described in § 18-3-403, C.R.S. (2015) prior to July 1, 2000; sexual assault on a child, as described in § 18-3-405, C.R.S. (2015); or sexual assault on a child by one in a position of trust, as described in § 18-3-405.3, C.R.S. (2015), in which the victim is fourteen years of age or younger and seven or more years younger than the accused

F. Guidelines for Cases Requiring a Mandatory Protection Order Before Bond is Set

- In the following cases, before bond is set or posted, the court must issue a mandatory protection order and must state the terms of the order on the record in the defendant's presence, and the defendant must acknowledge on the record receipt of the order:
 - Cases involving domestic violence, as defined in § 18-6-800.3(1), C.R.S. (2015);
 - Cases involving stalking pursuant to § 18-3-602, C.R.S. (2015); and

- Cases involving unlawful sexual behavior pursuant to § 16-22-102(9), C.R.S. (2015).
- In such cases, there shall be a no-bond hold until the aforementioned mandatory protection order requirements have been met. *See* § 16-4-105(4).

G. General Guidelines for Traffic Offenses, Misdemeanors, Petty Offenses, and Other Offenses

- Pursuant to § 16-4-113, C.R.S. (2015),
 - (1) In exercising his or her discretion after consideration of all relevant criteria, the judicial officer shall release the accused person upon personal recognizance if the charge is a class 3 misdemeanor or a petty offense, or any unclassified offense for a violation of which the maximum penalty does not exceed six months' imprisonment, and he or she shall not be required to supply a surety bond, or give security of any kind for his or her appearance for trial other than his or her personal recognizance, unless one or more of the following facts are found to be present:
 - (a) The arrested person fails to sufficiently identify himself or herself; 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 his or her appearance, and there is substantial likelihood that he or she will fail to appear for trial if released upon his or her personal recognizance; or
 - (e) The arrested person has previously failed to appear for trial for an offense concerning which he or she had given his written promise to appear; or
 - (f) There is outstanding a warrant for his or her arrest on any other charge or there are pending proceedings against him or her for suspension or revocation of parole or probation.

H. Specific Guidelines for Traffic Offenses, Misdemeanors, Petty Offenses, and Other Offenses

1. Specific Guidelines for Traffic Offenses (non-infractions)
 - Class 1 traffic offenses \$250 cash or surety
 - Class 2 traffic offenses \$150 cash or surety
 - Unclassified traffic offenses \$50 cash or surety

2. Specific Guidelines for Misdemeanors
 - Class 1 \$750 cash or surety
 - Class 1 domestic violence related \$3000 cash or surety
 - Class 2 \$500 cash or surety
 - Class 2 domestic violence related \$1500 cash or surety
 - Class 3 \$250 PR **unless an exception in Section G applies**

 - Unclassified misdemeanors
 - Max. penalty does not exceed 6 months' imprisonment \$250 PR **unless an exception in Section G applies**
 - Max. penalty exceeds 6 months' imprisonment \$250 cash or surety
 - Drug misdemeanor 1 \$250 cash or surety
 - Drug misdemeanor 2 \$100 cash or surety

3. Specific Guidelines for Certain Non-Felony Offenses
 - Speed contest \$500 cash or surety
 - D.U.I./Excessive alcohol content \$1000 cash or surety
 - D.W.A.I. \$1000 cash or surety
 - D.U.R. \$250 cash or surety
 - Alcohol-related \$500 cash or surety
 - Eluding \$1000 cash or surety
 - Leaving scene (with injury involved) \$750 cash or surety
 - Leaving scene (with property damage involved) \$500 cash or surety
 - Careless driving, class 1 (with injury or death involved) \$500 cash or surety
 - Careless driving, class 2 \$100 cash or surety
 - No proof of insurance \$500 cash or surety
 - Habitual traffic offender \$500 cash or surety

4. Specific Guideline for Petty Offenses
 - All petty offenses \$100 PR **unless an exception in Section G applies**

These guidelines are not schedules; they are simply guidelines. They shall replace all previously published bond guidelines and bond schedules in the Eighteenth Judicial District.

Effective this 21st day of September of 2016.



Carlos A. Samour, Jr.
Chief Judge
Eighteenth Judicial District