



## 20<sup>TH</sup> JUDICIAL DISTRICT OF COLORADO

ADMINISTRATIVE ORDER 01-104

SUBJECT: Expiration and Quashing of Warrants

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To: Twentieth Judicial District Judicial Officers, Court Staff and District Attorney's Office

From: Roxanne Bailin  
Chief District Judge

DATE: March 8, 2012

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Administrative Order 01-104 rescinded 20<sup>th</sup> Judicial District Administrative Order 93-102 dated April 12, 1993 and revised June 15, 1999.

This version of 20<sup>th</sup> Judicial District Administrative Order 01-104 replaces the version dated November 15, 2001. These revisions are the result of agreements between the Court and the District Attorney's Office as on 2/27/12.

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### **WARRANT QUASHING PROCESS: CR and JD (Juvenile Delinquency)**

The Clerk of Court shall be responsible for the reviewing of all warrants issued through means of reports and other review processes available in the database. The Clerk of Court's office shall follow business practices and the guidelines established by data integrity rules currently in place at the time of issue of this directive concerning warrant expirations.

#### 1. Automatically Expiring Warrants

All warrants having an expiration date will expire automatically on the date indicated on the warrant. Law enforcement shall not consider the warrant as active after midnight (2400 hours) the night of the expiration date. (See Chart for Quashing Warrants). The Clerk of the Court will process all expired warrants and close the cases.

In the event that the warrant was issued in a case in which a defendant received a deferred sentence or deferred adjudication, the guilty plea will be withdrawn, the charges dismissed, and the case closed.

In the event that the warrant was issued in a case in which a defendant was on probation, the clerk will note that probation was terminated unsuccessfully, and the case will be closed.

#### 2. Non-Expiring Warrants

The Clerk of the Court shall notify the District Attorney of each traffic, misdemeanor or felony case in which the warrant does not automatically expire and has been outstanding for a period of at least eight (8) years from the date of issuance. The District Attorney shall have 30 days to respond to the notice. If the District Attorney fails to respond within 30 days, the Clerk of the Court will quash the warrant and close the case.

In the event that the warrant was issued in a case in which a defendant received a deferred sentence to traffic or misdemeanor charges, the guilty plea will be withdrawn, the charges dismissed, and the case closed.

In the event that the warrant was issued in a case in which a defendant received a deferred sentence or a deferred adjudication to a felony, the guilty plea will NOT be withdrawn and charges will NOT be dismissed unless the District Attorney's Office specifies that it would like the guilty plea withdrawn and the charges dismissed. The case will be closed.

In the event that the warrant was issued in a case in which a defendant was on probation for any level of charge, the clerk will note that probation was terminated unsuccessfully, and the case will be closed.

3. Special Rules for DUI

When the charge of DUI under C.R.S. 42-4-1301, requires the clerk to enter a conviction at the time of expiration of the warrant, the clerk shall do so.

4. Fees, Fines, Costs, and Restitution

Any account receivable shall remain outstanding notwithstanding the quashing of the warrant and closure of the case.

**WARRANT QUASHING PROCESS: PR, C, S, CV, DR, JV**

1. Process for Quashing Warrants

The Clerk of the Court shall review all cases in which a warrant has been outstanding for a period of at least two (2) years from the date of issuance. The Clerk of the Court will send a Notice of Cancellation of Warrant to the appropriate party or attorney advising him or her of the obligation to respond within 30 days of the date of the Notice advising the Court with particularity of the grounds for keeping the warrant active. The clerk shall set the matter for review 30 days from the date of the Notice for review by the court.

If a party or attorney does not respond within 30 days or cites inadequate reasons for keeping the warrant active in the opinion of the judge to which the case is assigned, the warrant will be quashed. The Clerk of the Court shall take whatever additional action is appropriate, such as closure of the case.



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Hon. Roxanne Bailin  
Chief Judge  
Twentieth Judicial District

### CHART FOR QUASHING WARRANTS

All warrants issued shall have the following criteria as to the length that the warrant will remain outstanding:

- 6 month expiration
- 18 month expiration
- non-expiring

Case Class	6 Month Criteria	18 Month Criteria	Non-Expiring Criteria	Review Time for Non-Expiring Warrants
<b>T</b>	Cases that carry a 6 point penalty or less on any single count in the case	Cases that carry a 7 point penalty or more on any single count in the case	Warrant upon Affidavit only Warrant upon Affidavit with Complaint Warrants for Failure to Report to Jail Warrants in the Discretion of the Court	8 years
<b>M</b>	Cases reduced to a traffic charge carrying a 6 point penalty or less on any single count in the case	Cases classified as a Class 1, Class 2, Class 3 misdemeanor, or petty offense or reduced to a traffic charge carrying a 7 point penalty or more on any single count in the case	Warrant upon Affidavit only Warrant upon Affidavit with Complaint Warrants for Failure to Report to Jail Warrants in the Discretion of the Court	8 years
<b>F through 1996 cases</b>	Cases reduced to a traffic charge carrying a 6 point penalty or less on any single count in the case	Cases reduced to a misdemeanor classification or traffic charge carrying a 7 point penalty or more on any single count in the case	Warrant upon Affidavit only Warrant upon Affidavit with Complaint Warrants for Failure to Report to Jail Warrants in the Discretion of the Court	8 years
<b>C</b>			Failure to Appear for a Contempt of Court Hearing	2 years
<b>S</b>			Failure to Appear for a Contempt of Court Hearing	2 years

<b>Case Class</b>	<b>6 Month Criteria</b>	<b>18 Month Criteria</b>	<b>Non-Expiring Criteria</b>	<b>Review Time for Non-Expiring Warrants</b>
<b>CR</b>	Cases reduced to a traffic charge carrying a 6 point penalty or less on any single count in the case	Case reduced to a misdemeanor classification or traffic charge carrying a 7 point penalty or more on any single count in the case	Felony charges Failure to Appear Failure to Comply Failure to Report to Jail (felony, misd or traffic) Contempt of Court Violation of Probation Violation of Deferred Sentence Violation of Community Correction Sentence	8 years
<b>JD</b>			Failure to Appear Violation of Deferred Adjudication Violation of Probation Violation of a Court Order	8 years
<b>JS Support</b>			Failure to Appear for a Hearing Contempt of Court Failure to Comply	2 years
<b>JP Paternity</b>			Failure to Appear for a Hearing Contempt of Court Failure to Comply	2 years
<b>JV Truancy Delinquency Dependency Support Paternity</b>			Same as above for JD Failure to Comply, Contempt of Court Failure to Comply, Contempt of Court Failure to Comply, Contempt of Court	8 years 2 years 2 years 2 years
<b>DR</b>			Failure to Appear for a Hearing Contempt of Court Failure to Comply	2 years
<b>CV</b>			Failure to Appear for a Hearing Contempt of Court Failure to Comply	2 years