

DISTRICT COURT SEVENTH JUDICIAL DISTRICT  
ADMINISTRATIVE ORDER 96-05  
(Amended and Effective July 21, 2006)

**BONDS AND RELEASE FROM CUSTODY POLICY**

WHEREAS, in the interests of fair and consistent management and handling of persons who are detainees or arrestees in the 7<sup>th</sup> Judicial District, there is a need for uniformity among the various jails and counties in the district with respect to bond procedures and jail release of said persons when they are placed in custody;

AND WHEREAS, in situations in which a person detained or arrested by law enforce is intoxicated or incapacitated by alcohol and is clearly dangerous to the health and safety or himself/herself or others, it is desirable to utilize the provisions of §25-1-310(1) CRS to implement the additional civil procedures for holding the person in protective custody for as long as is necessary to prevent injury to himself/herself or others or to prevent a breach of the peace.

NOW THEREFORE IT IS ORDERED, that all persons taken into custody in the 7<sup>th</sup> Judicial District on or after March 10, 2000, shall be held and processed in accordance with this Administrative Order and the bond schedule attached as Schedule A. to this order. A high risk crime is defined as murder, first or second degree assault, kidnapping, sexual assault, aggravated robbery, first degree arson, first degree burglary, escape, criminal extortion, or any drug offense involving a schedule I or II controlled substance. Both the law enforcement officers who detains or arrests a person and the jail custodian where said person is held, shall comply with the following guidelines governing administration of the bond schedule and the release of detainees and/or arrestees, to wit:

1. All bonds shall be cash or surety only, unless otherwise ordered by a judge.
2. Felony Arrests. In addition to the other requirements for the posting of bond, any person arrested for a crime classified as a felony by the Colorado Revised Statutes **SHALL NOT** be released from custody until such time as the individual seeking to be release has completed and signed the WAIVER OF EXTRADITION AS A CONDITION OF BAIL BOND PURSUANT TO §16-4-103, C.R.S., JDF 231 which is attached as Form 1. Both Law Enforcement and Bondsman shall comply with this section as it relates to them.
3. Domestic violence bonds shall be based on the underlying charges
4. Arrests for traffic offenses:
  - a. Any person charged only with non-alcohol-related offenses may be released upon issuance of a summons and complaint, if said person has an acceptable form of identification, a Colorado residence address, and arresting officer has no reason to believe that the defendant will flee the Court's jurisdiction.
  - b. A person charged with an alcohol-related traffic offense may be released only upon the following condition: Appearance before a Judge or posting of any bond, cash or surety.

5. **Authority to hold an intoxicated person:** If the behavior of a person who is arrested or detained in custody for any lawful reason demonstrates that he/she is intoxicated or incapacitated by alcohol and is clearly dangerous to the health and safety of himself/herself or others, then said person shall be held in protective custody in accordance with the provisions of §25-1-310(1) CRS, even though he/she is otherwise able to post bond or is otherwise eligible for release on a summons and complaint. Said person shall be release **only** upon the following conditions:
- a. Said person shall not be released until, in the reasonable judgment of the custodian, it is no longer necessary to hold him/her in order to prevent injury to him/her or others, or to prevent a breach of the peace.
  - b. A person have a BAC result of 0.05 or higher is presumed to be clearly dangerous to the health and safety of himself/herself or others; and subject to this Order, said person may be held for a minimum of six hours up to a maximum of 16 hours, with the calculation of said time to commence with the time the person is booked into the jail.
  - c. If the breath test is administered prior to or at the time of booking, the custodian shall utilize the following guidelines in determining when to release a person in custody who is otherwise eligible for release:
    - 1) If the results are between .05 and 0.14, then the person may be released six hours after he/she was booked into the jail.
    - 2) If the results are between 0.14 and 0.275 or higher, then the person shall be held the number of hours stated on the Release Chart attached to this administrative order as Schedule B.
    - 3) If the results are 0.300 or higher, then the person should be examined by a physician before he/she is booked into the jail.
  - d. Post booking test: At the end of the presumptive time limit in the Release Chart, or at any time prior thereto, another breath test may be administered, if the jail custodian want verification regarding the person's sobriety and ability to be safely released without posing a danger to himself/herself or others or a threat to breach the peace.
    - 1) If the result is less than 0.05, then the person may be released form custody if said person is otherwise eligible for release [having posted a bond, ready for release on a summons, or is subject to a civil hold under §25-1-310(1) CRS] even though the full presumptive time period on the Release Chart has not elapsed, **or**
    - 2) If the result is higher that 0.05 or higher, then the jail custodian is authorized to continue to hold the person in custody beyond the presumptive time period indicated in the Release Chart and for such additional time as is necessary to reasonably assure that the person can be safely released with posing a danger to himself/herself or others or a threat to breach the peace.

6. All persons posting bond shall sign a bond form, or other document (if the bond form does not so provide), showing they agree, as a condition of the bond, that they must obey the restraining order in CRS 18-1-1001 which prohibits them from harassing, molesting, intimidating, retaliating against or tampering with any witnesses or any victim of the acts charged against them.
7. The Judicial District Administrator for the 7<sup>th</sup> Judicial District shall distribute a copy of this Administrative Order to each County Jail and to each law enforcement agency within the 7<sup>th</sup> Judicial District.

DONE BY THE COURT, this \_\_\_ day of July, 2006

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J. Steven Patrick  
Chief Judge

xc: per paragraph 6 above

SCHEDULE A TO  
ADMINISTRATIVE ORDER 96-05 (as Amended)

**BOND SCHEDULE FOR THE 7<sup>TH</sup> JUDICIAL DISTRICT**

**FELONY OFFENSES:**

<b>Class</b>	<b>Bond Amount</b>	<b>High Risk Crimes</b> (see definition @ 3 <sup>rd</sup> ¶ of Admin Order) <b>Bond Amount*</b>
Class 1	No Bond	No Bond
Class 2	\$25, 000	\$150,000
Class 3	\$15,000	\$ 60,000
Class 4	\$ 5,000	\$ 25,000
Class 5/6	\$ 2,500	\$ 10,000
Unclassified	\$ 2,500	\$ 10,000

**MISDEMEANOR OFFENSES:**

<b>Class</b>	<b>Bond Amount</b>
Class 1	\$ 1,500
Class 2	\$ 1,000
Class 3	\$ 750
Unclassified	\$ 500
DUI/DWAI (CRS 42-4-1301)	\$ 750

- \*High Risk Crimes**

  - **Murder**
  - **First or Second Degree Assault**
  - **Kidnapping**
  - **Sexual Assault**
  - **Aggravated Robbery**
  - **First Degree Arson**
  - **First Degree Burglary**
  - **Escape**
  - **Criminal Extortion**
  - **Drug Offense (Schedule I or II Controlled Substance only)**

**PETTY OFFENSES:**

<b>Class</b>	<b>Bond Amount</b>
Class 1	\$ 100
Class 2	\$ 100

**TRAFFIC OFFENSES:**

<b>Class</b>	<b>Bond Amount</b>
Class 1	\$ 750
Class 2	\$ 300
NPI	\$ 500

**MISCELLANEOUS OFFENSES:**

Offense While out on Bond	\$10,000
Bail Bond Violation	\$10,000

Schedule "B" to  
**Administrative Order 96-05**

**RELEASE CHART**  
**For Alcohol-Related Offenses**

<b><u>B.A.C. When Tested</u></b>	<b><u>May be Released after Following Number of Hours (After Booking)</u></b>
0.05 to 0.14	6 hours *
0.155 or less	7
0.17 or less	8
0.185 or less	9
0.20 or less	10
0.215 or less	11
0.23 or less	12
0.245 or less	13
0.26 or less	14
0.275 or less	15
Above 0.275	16

\* The above number of hours represent presumptive time periods for persons with B.A.C. levels at or above the amounts stated respectively to be held in custody before being released from custody, if they are otherwise eligible for release by virtue of having posted a bond, or are entitled to release on a summons and complaint, or because they are in custody on a civil hold under C.R.S. 25-1-310(1) without having been arrested for an alleged offense, all in conformity with Administrative Order 96-05.


Adopted this 28<sup>th</sup> day of May, 1996

/s/

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Robert A. Brown  
Chief Judge, 7<sup>th</sup> Judicial District

Form 1 to  
**Administrative Order 96-05**

District Court _____ County, Colorado Court Address: _____ <hr/> People of the State of Colorado v. Defendant: _____	 <b>COURT USE ONLY</b>
Attorney or Party Without Attorney (Name and Address): _____  Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____  Division _____ Courtroom _____
<b>WAIVER OF EXTRADITION AS A CONDITION OF BAIL BOND PURSUANT TO §16-4-103, C.R.S.</b>	

I \_\_\_\_\_ (name of Defendant) have been arrested for a  
 Felony offense on \_\_\_\_\_ (date) and as a condition of my bail bond  
 consent to the following:

1. I understand if I am arrested in another state I have violated the terms of my bail bond.
2. I will not resist or fight any effort by any state to return me to Colorado and waive all formal extraditions proceedings.
3. I understand I shall not be admitted to bail in any other state pending extradition to Colorado.
4. I agree to waive any right I may have to contest my extradition and I waive this right freely, voluntarily and intelligently.

Date: \_\_\_\_\_  
 \_\_\_\_\_

Signature of Defendant

\_\_\_\_\_  
 Print Full Name

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I certify the foregoing Waiver of Extradition as a Condition of Bail Bond was executed and subscribed before me.

Date: \_\_\_\_\_  
\_\_\_\_\_

Signature

\_\_\_\_\_  
Title