

DISTRICT COURT SEVENTH JUDICIAL DISTRICT
ADMINISTRATIVE ORDER 96-05

BONDS AND RELEASE FROM CUSTODY POLICY

(Amended and Effective July 24, 2019)

WHEREAS, in the interest of fair and consistent management and handling of persons who are detainees or arrestees in the 7th 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 enforcement is intoxicated or incapacitated by alcohol and/or drugs and is clearly dangerous to the health and safety to himself/herself or others, it is desirable to utilize the provisions of §27-81-111, CRS and §27-82-107, CRS to implement the additional civil procedures for holding the person in protective custody for as long as it 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 7th Judicial District on or after October 11, 2016, 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 in the attached schedule. Both the law enforcement officer 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, unless otherwise ordered by a judge.
2. In addition to the other requirements for the posting of bond, any person arrested for a crime classified as felony by the Colorado Revised Statutes **SHALL NOT** be released from custody until such time as the individual seeking to be released has completed and signed the **WAIVER OF EXTRADITION AS A CONDITION OF BAIL BOND** pursuant to §16-4-105, CRS, JDF 231 which is attached as Form 1. Both law enforcement and bondsmen shall comply with this section as it relates to them.
3. No person shall be released under this bond schedule for any crime that is designated a domestic violence crime under §18-6-300.3, CRS. The bond amount and conditions shall be set by the court on advisement. No person shall be released on bond for any crime that alleges stalking or a sexual offense until they have appeared in court, have been advised and have signed a protection order.
4. No person shall be released under this bond schedule if he or she refuses to be fingerprinted, photographed, submit to DNA testing, or otherwise comply with booking procedures.
5. Because the danger posed to the arrestee and others, a person taken into custody who is under the influence of drugs may not be released under this bond schedule for a period of sixteen hours or until the arrestee is no longer visibly under the influence of drugs, whichever period is longer. An arrestee shall not be brought before a judge for a bond hearing until such person is no longer visibly under the influence of drugs. 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 drugs 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 §27-82-107, CRS even though he/she is otherwise able to post bond or it otherwise eligible for release on a summons and complaint.

6. 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.

c. Any person arrested for driving under the influence or driving while ability impaired, pursuant to §42-4-1303, CRS who has one or more previous convictions for an offense under §42-4-1301, CRS or one or more convictions in any other jurisdiction that would constitute a violation of §42-4-1301, CRS shall be released in accordance with the applicable County Court Administrative Order.

7. Authority to hold an intoxicated person: If the behavior of the 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 §27-81-111, CRS, even though he/she is otherwise able to post bond or is otherwise eligible for release on a summons and complaint. Said person all be released **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 having a BAC result of 0.05 or higher is presumed to be clearly dangerous to the health and safety of himself/herself or others; 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 0.05 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 .14 and .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 .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 wants 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 of the peace.

1) If the result is less than 0.05, then the persons may be released from custody if said person is otherwise eligible for release [having posted a bond, ready for release on summons, or is subject to civil hold under §27-81-111, CRS] even though the full presumptive time period on the Release Chart has not elapsed, **or**

2) If the result is higher than 0.05, then the jail custodian is authorized to continue to hold the person in custody beyond the presumptive period indicated in the Release Chart and for such additional time as is necessary to reasonably assure that the person can be safely released without posing a danger to himself/herself or others or a threat to breach of the peace.

8. All persons posting bond for Title 18 violations 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 issued pursuant to 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.

9. The enhanced bond contemplated for felony or DUI/DWAI with eluding, previously cited in C.R.S. §16-4-103(1)(b.5), has been repealed. The bond scheduled at \$50,000.00 for that now repealed offense is accordingly eliminated. Similarly, the \$10,000.00 bond for alcohol related driving under restraint has also been repealed and is eliminated. With respect to arrests on Class 3 misdemeanors and Class 1 and 2 petty offenses, bond may only be required where at least one of the six factors set forth in C.R.S. § 16-4-113 exist. If one or more factors do exist, the bond shall be at the amounts set forth presently in the schedule. To further clarify, the attached bond schedule has been amended to eliminate any confusion that a misdemeanor bail bond violation pursuant to C.R.S. Section 18-8-212 (2) is a \$750 PR bond, not a \$10,000 cash or surety bond.

10. With respect to the drug felonies and misdemeanors, amendments are hereby modified as follows and are reflected in Schedule A attached:

DF-1 \$60,000.00

DF-2 \$5,000.00

DF-3 \$2,500.00

DM-1 \$1,500.00

DM-2 \$1,000.00

Except Distribution DF-2 charges bond will be \$30,000

Except Distribution DF-3 charges bond will be \$25,000

11. Schedule A to AO 96-05 is amended effective immediately to adhere to the provisions of House Bill 19-1225 signed and effective as of April 25, 2019.

Any person arrested for whom the most serious charge is a class 3 misdemeanor, other than an alleged act of domestic violence as defined by C.R.S. §18-6-800.3, is to be released on a personal recognizance bond in the amount of \$750.00 with standard bond conditions. Also excepted from this personal recognizance mandatory requirement are FTA warrants, traffic offenses involving death or bodily injury, eluding or attempting to elude a police officer, operating a vehicle after circumventing an interlock device, driving under the influence of alcohol or drugs or driving while ability impaired by drugs or alcohol. Any PR Bond issued pursuant to this order for DUR shall include a bond condition that they not operate a motor vehicle without a valid license and automobile insurance.

12. All previously attached amendments are hereby incorporated within the body of this Administrative Order.
13. The Judicial District Administrator for the 7th Judicial District shall distribute a copy of this Administrative Order to each County Jail and to each law enforcement agency with the 7th Judicial District.

DONE BY THE COURT, this 24th day of July, 2019.



J. Steven Patrick, Chief Judge

xc: per paragraph 13 above

SCHEDULE A TO
ADMINISTRATIVE ORDER 96-05(as Amended July 24, 2019)
BOND SCHEDULE OF THE 7TH JUDICIAL DISTRICT

FELONY OFFENSES:

| Class | Bond Amount | High Risk Crimes Bond Amount* |
|--------------|-------------|-------------------------------|
| 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:

| Class | Bond Amount |
|--------------------------|-------------|
| Class 1 | \$1,500 |
| Class 2 | \$1,000 |
| Class 3 | \$750 PR** |
| Unclassified | \$500 PR** |
| DUI/DWAI (CRS 42-4-1301) | \$750 |

PETTY OFFENSES:

| Class | Bond Amount |
|---------|-------------|
| Class 1 | \$100 |
| Class 2 | \$100 |

TRAFFIC OFFENSES:

| Class | Bond Amount |
|---------|-------------|
| Class 1 | \$750 |
| Class 2 | \$300 PR** |
| NPI | \$500 PR** |

DRUG OFFENSES:

| Class | Bond Amount |
|------------------|-------------|
| DF1 | \$60,000 |
| DF2 Distribution | \$30,000 |
| DF2 | 5,000 |
| DF3 Distribution | \$25,000 |
| DF3 | \$2,500 |
| DF4 | 2,000 |
| DM1 | 1,500 |
| DM2 | 1,000 |

MISCELLANEOUS OFFENSES:

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

***High Risk Crimes**

| | |
|--------------------------------|--|
| Murder | Vehicular Eluding Resulting in Death or Injury |
| Manslaughter | Menacing with a Deadly Weapon |
| First Degree Arson | Incest |
| Vehicular Homicide | Child Abuse |
| Vehicular Assault | Trafficking in Children |
| First or Second Degree Assault | Sexual Exploitation of a Child |
| Kidnapping | Procurement of a Child |
| Sexual Assault | Child Prostitution |
| Aggravated Robbery | Intimidating a Witness/Victim |
| First Degree Burglary | Retaliation against a Judge |
| Escape | Crimes Against at Risk Adults or Juveniles |
| Criminal Extortion | Felony Stalking |

**PR Bond only as provided in Paragraph 11