

**COLORADO SUPREME COURT**  
**ADVISORY COMMITTEE ON THE RULES OF CRIMINAL PROCEDURE**  
**Minutes of Meeting**  
**Friday, January 21, 2022**

A quorum being present, the Colorado Supreme Court’s Advisory Committee on the Rules of Criminal Procedure was called to order by Judge John Dailey at 12:45 p.m. via videoconferencing software WebEx. Members present at or excused from the meeting were:

Name	Present	Excused
Judge John Dailey, Chair	X	
Sheryl Berry	X	
Christian Champagne	X	
Judge Kandace Gerdes	X	
Judge Shelley Gilman	X	
Judge Deborah Grohs	X	
Matt Holman	X	
Abe Hutt	X	
Judge Chelsea Malone		X
Kevin McGreevy	X	
Judge Dana Nichols	X	
Robert Russel	X	
Karen Taylor	X	
Sheryl Uhlmann	X	
<b>Non-Voting Participant</b>		
Karen Yacuzzo	X	

**I. Attachments & Handouts**

- A. January 21, 2022 agenda
- B. October 15, 2021 minutes
- C. SB 21-059 Memo
- D. SB 21-271 Civil Infraction Rules Memo
- E. Nov. 2021 emails assigning the S.B. 21-271 subcommittee responsibility for proposing new procedural rules for “civil infractions”

**II. Approval of Minutes**

- A. The October 15, 2021 minutes were approved by acclamation.

**III. Announcements from the Chair**

- A. Chair Judge Dailey announced that Christian Champagne had joined the committee. Judge Dailey also stated that after the last meeting, the Colorado Supreme Court tasked this committee with creating rules related to the adjudication of civil infractions. Judge Dailey sent out a series of emails regarding this issue and appointed a subcommittee to undertake this task.

#### **IV. Old Business**

##### **A. New Legislation—Senate Bill 21-059—Reorganization of the Juvenile Justice Code (Judge Gerdes)**

Subcommittee Chair Judge Gerdes reported that although SB 21-059 presented different time periods from those in Crim. P. 5 & 7 for taking certain actions, the differences concerned juvenile proceedings for which a separate set of procedural rules already exist. The subcommittee did not believe that any amendments to the criminal rules were required, but noted that the Juvenile Rules Committee may want to consider amending their rules.

##### **B. New Legislation—Senate Bill 21-271—Recommendations of the Colorado Criminal and Juvenile Justice Commission Regarding Sentencing for Offenses AND Civil Infraction Rules (Matt Holman)**

Subcommittee Chair Matt Holman reported that this subcommittee was tasked with developing a set of rules for adjudicating “civil infractions” created in SB 21-271. Despite the fact that the General Assembly may, in the near future, tinker further with the subject of “civil infractions,” there is a need, at present, for the supreme court to adopt and have in place a set of rules for adjudicating civil infractions by March 1, 2022.

On behalf of the subcommittee, Mr. Holman presented, for discussion and suggested revision, 18 proposed rules for “civil infractions.” Consensus was reached on most everything discussed. No votes were taken on any of the individual rules. Judge Dailey tasked the subcommittee with (1) making further, minor modifications to the proposed rules, consistent with the committee’s discussion, and (2) presenting the modifications to the committee as a whole in the next 2-3 weeks. Because of the short timeline the supreme court has to adopt rules, Judge Dailey envisions that a final committee discussion and vote on the proposed rules will take place via either email or WebEx.

Judge Nichols commended Mr. Holman for his leadership on the subcommittee, and Judge Dailey added his thanks and appreciation to the entire subcommittee undertaking such a huge task on such short notice and with action expected in such a short time frame.

#### **V. New Business**

None.

#### **VI. Future Meetings**

April 15<sup>th</sup>, 2022

July 15<sup>th</sup>, 2022

October 21<sup>st</sup>, 2022

The committee adjourned at 3:08 PM.