

SIXTH JUDICIAL DISTRICT
ARCHULETA, LA PLATA, AND SAN JUAN COUNTIES

AMENDED ADMINISTRATIVE ORDER 2022-17

**ORDER REGARDING THE INITIAL ADVISEMENT OF INDIVIDUALS ARRESTED
WITHIN THE SIXTH JUDICIAL DISTRICT**

House Bill 21-1280, which becomes effective April 1, 2022, has substantially modified the timing of initial advisements and bond settings in Colorado. The undersigned notes that House Bill 21-1280 amended CRS 16-4-102 (2)(a)(I) to require persons arrested who have not had a bond set to be brought before a judge within 48 hours of arriving at a jail or holding facility. CRS 16-4-102 (2)(a)(II) specifically exempts cases in which a judge has already set an amount of bond from the 48-hour bond requirement. House Bill 21-1280 also added subsections 5 through 8 to CRS 16-4-104. These subsections require the court to set the initial bond hearing such that the arrestee's attorney has sufficient time to meet with the arrestee and prepare for the hearing. These subsections also require the court to provide enough time for the prosecuting attorney to be notified of and prepare for the initial bond hearing. The undersigned notes that, for persons arrested pursuant to out-of-county arrest warrants, the logistics of prosecutors in different judicial districts will be more involved and potentially take longer time than notifying the Sixth Judicial District Attorney's Office. When interpreting the different provisions of House Bill 21-1280, in order to implement the legislative intent of House Bill 21-1280 in the scheduling of hearings for newly arrested individuals, the undersigned has attempted to give effect to all the ". . . [w]ords and phrases . . . according to their plain and ordinary meaning . . ." to interpret the statute ". . . in such a way as to give sensible effect to all its parts." *People v. Harvey*, 819 P.2d 1087, 1088 (Colo. App. 1991) citing *People v. District Court*, 713 P.2d 918 (Colo.1986).

In order to give meaning to all the words and phrases in House Bill 21-1280 and previously existing Colorado laws regarding bond that House Bill 21-1280 did not modify, it is ordered that:

1. Individuals who have been arrested pursuant to arrest warrants issued from outside of the state of Colorado shall be advised by a district court judge at that judge's next criminal docket.
2. Individuals who are arrested on an arrest warrant issued by counties that are located outside of the Sixth Judicial District but within the state of Colorado (hereinafter the "demanding county") for which a bond is set in the warrant shall receive a courtesy advisement pursuant to Colo. R. Crim. P. 5 (a)(3) at the first available criminal advisement. The judicial officer conducting the courtesy advisement shall not modify the terms or conditions of bond and any written motion to modify bond filed pursuant to CRS 16-4-107 (1) shall be filed in the criminal case in the demanding county.

3. When individuals are arrested in the Sixth Judicial District on an arrest warrant issued by a demanding county for which no bond is set, the sheriff of the jail at which the defendant is being held shall, as part of the booking process, notify the jail of the demanding county. The jail holding the defendant shall make the defendant available for an initial bond hearing by the court of the demanding county. The bond hearing shall be conducted on a date and time authorized by the jail by Webex or other appropriate remote means. If the court of the demanding county does not schedule a bond hearing or other advisement within 24 hours of the demanding jail being notified of the defendant's arrest, the jail shall contact the demanding jail to confirm that the court of the demanding county authorizes the defendant to continue to be held despite not being given a bond hearing within 48 hours of the defendant arriving at the jail. If the defendant is not advised by a court of the demanding county, the jail shall notify the clerk as to whether it received authorization from the court of the demanding county to hold the defendant without a bond hearing. Whether or not such authorization is received, if the defendant is not advised by the court of the demanding jurisdiction, the defendant shall receive a courtesy advisement according to the procedures listed in paragraph 2 above. If no such authorization is received, the clerk of the court shall contact the court of the demanding county and obtain such authorization. If such authorization is not obtained from the court of the demanding county, the clerk shall notify the chief judge or other appropriate judicial officer to determine how to proceed on the defendant's case.
4. When defendants are arrested in the Sixth Judicial District on an arrest warrant issued by the Sixth Judicial District for which no bond is set, such defendant shall be advised within 48 hours of arriving at the receiving jail either by a judicial officer of the Sixth Judicial District or the bond hearing officer as authorized by CRS 16-4-116. For these cases, the county court judges of the Sixth Judicial District are appointed as acting district court judges to be able to advise and set bond in cases arising outside of the county in which they sit.
5. When a jail within the Sixth Judicial District is notified that an individual has been arrested outside of the Sixth Judicial District on an arrest warrant issued by the Sixth Judicial District for which no bond is set, that jail shall immediately notify the clerk of the court on business days or the on-call judge on weekends and court holidays. The jail shall inform the court of the time the defendant was booked at the detaining jail (or, if available, the time the defendant arrived at the detaining jail) and appropriate contact information for the detaining jail.
 - a. On weekends and court holidays, the on-call judge shall determine whether the defendant is entitled to bond. If the defendant is **not entitled** to bond and therefore not entitled to a hearing within 48 hours, the on-call judge shall issue an order to that effect and request that the detaining county give the defendant a courtesy advisement pursuant to Colo. R. Crim. P. 5 (a)(3) according to their normal procedures. A copy of that order shall be emailed to the detaining jail by the clerk. If the defendant is **entitled** to have a bond set, the on-call judge shall contact the jail in the detaining county and arrange an appropriate date and time for a Webex or other remote hearing

to advise the defendant and set bond. The on-call judge shall issue an order setting the remote hearing which shall be emailed to the detaining jail. The on-call judge shall notify the on-call clerk who shall contact the district attorney's office, and public defender's office of the hearing.

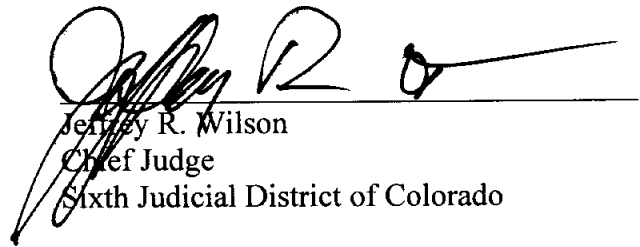
- b. On court business days, the jail shall immediately notify the clerk of the court and shall inform the court of the county in which the defendant was arrested, the time of booking (or, if available, the time the defendant arrived at the detaining jail), and appropriate contact information for the detaining jail. The clerk shall contact the appropriate judicial officer who shall determine whether the defendant is entitled to bond. If the defendant is **not entitled** to bond and therefore not entitled to a hearing within 48 hours, the judicial officer shall issue an order to that effect and request that the detaining county give the defendant a courtesy advisement pursuant to Colo. R. Crim. P. 5 (a)(3) according to their normal procedures. A copy of that order shall be emailed to the detaining jail. If the defendant **is entitled** to have a bond set, the clerk shall contact the jail in the detaining county and arrange a date and time for a Webex or other remote hearing to advise the defendant and set bond. The clerk shall also arrange for the appropriate judicial officer to hear the advisement and bond setting and notify the district attorney's office and public defender's office of the hearing.

The clerk shall prepare any protection orders ordered by the advising judicial officer and email them to the detaining jail for the defendant to sign prior to posting bond.

Any law enforcement officer who has made a warrantless arrest of any individual in the Sixth Judicial District **must** provide the detaining jail with an affidavit of probable cause justifying the arrest of the defendant either before leaving the jail, before the end of their shift, or on Fridays, Saturdays or any other day that is followed by a court holiday, by 2:00 PM.

This order vacates the provisions of Administrative Order 2018-13.

APPROVED AND SIGNED this 31ST day of March, 2022.


Jeffrey R. Wilson
Chief Judge
Sixth Judicial District of Colorado