

RULE CHANGE 2022(07)

THE COLORADO RULES FOR CIVIL INFRACTIONS

Chapter 29.9

The Colorado Rules for Civil Infractions

Rule 1. Scope and Purpose

These rules govern the procedure in the determination of civil infractions. They are intended to provide for the just determination of civil infractions, and are to be construed to secure simplicity in procedure, fairness in administration, and elimination of unjustifiable expense and delay.

Rule 2. Application

These rules apply to all proceedings alleging only a civil infraction in the State of Colorado. These rules do not apply to municipal ordinances or charter violations. To the extent these rules do not cover a particular topic, consulting Colorado's Rules of Criminal Procedure may be instructive to the determination of a fair and just procedure.

Rule 3. Definitions

(a) Appearance. For purposes of the Rules for Civil Infractions, "appearance" may be in person or by interactive audio or audio-visual format, except that a final hearing must be held in person unless the defendant consents to the hearing being held by interactive audio or audio-visual format.

(b) Charging document. "Charging document" includes a summons, a summons and complaint, notice, or a penalty assessment.

(c) Judicial Officer. "Judicial Officer" includes any district court judge, county court judge, magistrate, or judge acting as a magistrate who hears a civil infraction matter.

(d) Officer. "Officer" as used in these rules means any person defined as a "Peace Officer" in section 16-2.5-101, C.R.S. and who has not been convicted of a felony and who has not been convicted of any misdemeanor as described in section 24-31-305(1.5), C.R.S., or released or discharged from the armed forces of the United States under dishonorable conditions.

Rule 4. Commencement of Action

(a) Issuance of a charging document for civil infraction. A charging document may be issued by an Officer when present or with probable cause when not present. A copy shall be filed with the county court where the civil infraction is alleged to have occurred, and a copy is to be provided to the District Attorney with jurisdiction in that county.

(b) Service. A charging document may be issued by a county court in a prosecution for a civil infraction by giving a copy to the defendant personally, or by leaving the summons at the defendant's domicile or place of abode with a person 18 years of age or older residing therein, or by mailing a copy to the defendant's last known address. If a person refuses to accept service of the charging document, tender of the charging document by the Officer to the person constitutes personal service.

(c) Content. (1) Adult. The charging document issued to a person aged 18 or older shall include the following: (a) the identification of the alleged offender, (b) the name of the civil infraction alleged, (c) citation to the civil infraction alleged, (d) a brief description of the civil infraction, including but not limited to the date of infraction and approximate location, (e) the amount of the fine for the civil infraction and the amount of the surcharges, if applicable, (f) instructions of when and where to appear in a specified county court if the fine and applicable surcharges are not paid, (g) the Officer's signature, and (h) an option allowing the person to execute a signed acknowledgement of liability and agreement to pay the fine and surcharges within twenty days.

(2) Minor. The charging document issued to a person under the age of 18 shall include all matters cited in Rule 4(c)(1)(a-h) and must also include: (a) a declaration that the minor's parent or legal guardian has reviewed the contents of the penalty assessment for the minor, (b) a signature line following the declaration for the minor's parent or legal guardian, (c) a signature line for a notary public to duly acknowledge the parent or legal guardian's signature, (d) an advisement that (i) the minor shall, within seventy-two hours of being served, inform the minor's parent or legal guardian of the charging document, (ii) the parent or legal guardian is required by law to review and sign the charging document and to have the person's signature duly acknowledged by a notary public, and (iii) non-compliance of this sub-section will require the minor and minor's parent or legal guardian to appear in court.

(d) The time specified in the summons portion of the charging document must be at least thirty days, but not more than ninety days after the date the charging document is served.

(e) In matters alleging a civil infraction in combination with a criminal offense, the Rules of Criminal Procedure shall apply to the commencement of actions.

Rule 5. Plea Bargain

The District Attorney or the District Attorney's deputy may, in the District Attorney's discretion, enter civil infraction cases for the purpose of attempting to negotiate a plea or a stipulation to pretrial diversion or deferred judgment and sentence but shall not be required to so enter. The District Attorney shall not represent the state at hearings conducted by a Judicial Officer on civil infraction matters.

Rule 6. Payment Before Appearance

(a) The clerk of the court shall accept payments of a penalty assessment by a defendant without an appearance before the Judicial Officer, if payment is made before the time scheduled for the first appearance.

(b) At the time of payment, the defendant shall sign a waiver of rights and acknowledgement of guilt or liability, as set forth in Form A in the appendix to these rules, and agree to pay court ordered restitution, if applicable.

Rule 7. First Hearing

(a) If the defendant has not previously acknowledged guilt or liability and paid the penalty assessment, the defendant shall appear before the Judicial Officer at the time scheduled for the first hearing.

(b) The defendant may appear in person or by counsel, who shall enter an appearance in the case. However, if an admission of guilt or liability is entered, the Judicial Officer may require the presence of the defendant for the assessment of the penalty.

(c) If the defendant appears in person, the Judicial Officer shall advise the defendant in open court of the following:

(1) The nature of the infraction alleged in the charging document;

- (2) The penalty and docket fee that may be assessed;
- (3) The consequence of a failure to appear at any subsequent hearing is the entry of default judgment;
- (4) The right to be represented by an attorney at the defendant's expense;
- (5) The right to deny the allegations and to have a hearing before the Judicial Officer.
- (6) The right to remain silent because any statement made by the defendant may be used against the defendant;
- (7) Guilt or liability must be proven beyond a reasonable doubt;
- (8) The right to testify, subpoena witnesses, present evidence, and cross-examine any witnesses for the state;
- (9) Any answer must be voluntary and not the result of undue influence or coercion on the part of anyone; and
- (10) An admission of guilt or liability constitutes a waiver of the foregoing rights and right to appeal.
- (d) The defendant personally or by counsel shall answer the allegations in the charging document either by admitting guilt or liability or by denying the allegations.
- (e) If the defendant admits guilt or liability, the Judicial Officer shall enter judgment and assess the appropriate penalty and docket fee after determining that the defendant understood the matters set forth in Rule 7(c) and has made a voluntary, knowing, and intelligent waiver of rights.
- (f) If the defendant denies the allegations, the matter shall be set for final hearing, and the defendant and Officer shall be notified.

Rule 8. Discovery

- (a) After the case is set for a final hearing, the defendant may request from the investigating law enforcement agency an opportunity to inspect all material held in connection with the case.

(b) At the time of the final hearing, the defendant is entitled to inspect all documents or physical evidence that the Officer intends to use in the presentation of the case.

Rule 9. Subpoena

(a) A subpoena may be issued only for the attendance of a witness or for the production of documentary evidence at the final hearing.

(b) A subpoena may be issued in any county within the state either by the clerk of court at the request of the filing Officer or the defendant, or by counsel who has entered an appearance in the case or by the Judicial Officer who conducts the final hearing.

(c) The service of a subpoena shall be by first class mail or by email, if the person to whom it is directed waives personal service, as provided in Form B in the appendix to these rules. No fees or mileage need be tendered with service by mail.

(d) If the person to whom a subpoena is directed does not waive personal service, the issuance and service of a subpoena shall be as provided in Rule 345, C.R.C.P., except as otherwise provided in this rule.

Rule 10. Dismissal Before Final Hearing

(a) Except as provided in Rule 15, the charges shall be dismissed with prejudice if the Officer fails to appear at the final hearing.

(b) The charges shall be dismissed with prejudice if the final hearing is not held within six months from the defendant's answer, pursuant to section 16-2.3-106(4).

Rule 11. Final Hearing

(a) The final hearing of all cases shall be informal, the object being to dispense justice promptly and economically. The Judicial Officer shall ensure that evidence shall be offered and questioning shall be conducted in an orderly and expeditious manner and according to basic notions of fairness. Those basic notions of fairness illustrated by the Colorado Rules of Evidence shall serve as a guide to the Judicial Officer and parties, but those rules shall not be strictly

applied. The Judicial Officer may call and question any witness consistent with the Judicial Officer's obligation to be an impartial fact finder favoring neither party.

(b) The order of proceedings at the hearing shall be as follows:

(1) Before commencement of the hearing, the Judicial Officer shall briefly describe and explain the purposes and procedures of the hearing.

(2) The Officer shall offer sworn testimony and evidence to the facts concerning the alleged infraction. After such testimony, the defendant or counsel may cross-examine the Officer, and the Judicial Officer may also question the Officer.

(3) Thereafter, the defendant may offer sworn testimony and evidence and shall answer questions, if such testimony is offered, as may be asked by the Judicial Officer. The defendant is not required to testify and the fact that the defendant does not testify may not be considered or used in any way by the Judicial Officer.

(4) If the testimony of additional witnesses is offered, the order of testimony and the extent of questioning shall be within the discretion of the Judicial Officer. No Officer or other testifying witness, with the exception of the defendant, may question any other witness.

(5) Upon the conclusion of such testimony and examination, the Judicial Officer may further examine or allow examination and rebuttal testimony and evidence as deemed appropriate.

(6) At the conclusion of all testimony and examination, the defendant or counsel shall be permitted to make a closing argument.

Rule 12. Judgment After Final Hearing

(a) If all elements of a civil infraction are proven beyond a reasonable doubt, the Judicial Officer shall find the defendant guilty or liable and enter appropriate judgment.

(b) If any element of a civil infraction is not proven beyond a reasonable doubt, the Judicial Officer shall dismiss the charge and enter appropriate judgment, provided, however, that the Judicial Officer may find the defendant guilty of or liable for a lesser included civil infraction, if based on the evidence offered every element of the lesser infraction has been proven beyond a reasonable doubt, and enter appropriate judgment.

(c) If the defendant is found guilty or liable, the Judicial Officer shall assess the appropriate penalty and any applicable fees, costs, surcharges, and restitution.

(d) The judgment shall be satisfied upon payment to the clerk of the total amount assessed as set forth above.

(e) If the defendant fails to satisfy the judgment in the time allowed, such failure shall be treated as a default under section 16-2.3-105(4). The provisions of Rule 16(d) and (e) shall apply to a default under this rule.

Rule 13. Appeal

Appeal procedure shall be according to section 13-6-504 and Rule 37, Crim. P.

Rule 13.5. Postjudgment Remedies

(a) Every person against whom a judgment is entered is entitled as a matter of right to make an application for postjudgment review upon grounds that are properly the basis for collateral attack on the validity of the judgment.

(b) One applying for postjudgment review shall file a motion in the court that imposed the judgment and penalty. The motion shall allege, in good faith, one or more grounds for challenging the validity of the judgment.

(c) A collateral attack shall be commenced within six months of the entry of judgment. Any motion for postjudgment review filed outside this six-month period shall allege facts which, if true, would establish an exception to the time limit listed in either section 16-2.3-101(5)(b) or section 42-4-1708.5(5)(b).

(d) The court shall promptly review a motion seeking postjudgment review. In conducting such review, the court shall consider, among other things, whether the motion is timely under the provisions of section 16-2.3-101 or section 42-5-1708.5.

(e) The court may grant or deny relief without holding a hearing by entering written findings. The court may grant a hearing if the court determines that a hearing is necessary. After such a hearing, the court shall enter oral or written findings either granting or denying relief.

(f) Any appeal from the grant or denial of a motion for postjudgment review shall be according to section 13-6-504 and Rule 37, Crim. P.

Rule 14. Venue

Venue shall be as provided by statute.

Rule 15. Continuances

Continuances may be granted upon a showing of good cause by the Officer, the Officer's supervisor, or the defendant.

Rule 16. Default

(a) If the defendant fails to appear for any hearing, the Judicial Officer shall enter judgment against the defendant.

(b) The amount of the judgment shall be the appropriate penalty after a finding of guilt or liability, the docket fee, plus any order of restitution and any applicable costs, fees, and surcharges.

(c) The Judicial Officer may set aside a judgment entered under this rule on a showing of good cause or excusable neglect by the defendant. A motion to set aside the judgment shall be made to the court not more than seven calendar days after the judgment is entered and served on the defendant.

(d) The defendant may satisfy a judgment entered under this rule by paying the clerk and providing proof of compliance with any additional court orders.

(e) No warrant shall issue for the arrest of a defendant who fails to appear at a hearing or fails to satisfy a judgment.

Rule 17. Effective Date

These rules take effect April 7, 2022, and shall apply to civil infractions alleged to have been committed on or after that date.

Rule 18. Title

These rules shall be known and cited as The Colorado Rules for Civil Infractions, or C.R.C.I.

APPENDIX

Form A

WAIVER OF RIGHTS AND ADMISSION OF GUILT OR LIABILITY UNDER COLORADO
RULES FOR CIVIL INFRACTIONS

You have been accused of violating the civil infraction laws of the State of Colorado. A simplified procedure is available for the payment of the penalty assessment if you voluntarily admit your guilt or liability after being advised of the following rights.

You have the right to:

1. Be represented by an attorney at your own expense;
2. Remain silent because any statement you make may be used against you;
3. Deny the allegations against you and have a hearing, at which the allegations must be proven beyond a reasonable doubt;
4. Testify at your own choosing, subpoena witnesses, present evidence, and cross-examine witnesses for the state;
5. Appeal a judgment against you.

Admission of Guilt or Liability

I have read or been advised of the rights described above. I hereby waive those rights and voluntarily admit my guilt or liability.

Date

Signature

Date

Signature of Parent/Legal Guardian (if necessary)

Form B

SUBPOENA BY FIRST CLASS MAIL OR EMAIL

Instructions:

In order to obtain a subpoena in a civil infraction matter, please follow the steps below:

1. Fill out the information required on the subpoena and post card waiver form, including your address for returning the post card waiver.
2. Place a stamp in the proper amount on the post card waiver form.
3. Ask the clerk of court to issue the subpoena by signing it and affixing the court seal.
4. Mail the subpoena with the post card, first-class mail, to the person subpoenaed; or email the subpoena with the waiver of service post card as attachments to the person subpoenaed.
5. If the person subpoenaed refuses to waive personal service by mailing the post card or emailing a signed waiver of service, you may request the clerk of court to issue a subpoena for personal service.

SUBPOENA OR SUBPOENA DUCES TECUM

You are ordered to attend and give testimony in Division _____ of _____ County Court at _____ (location) on _____ (date and time), between the PEOPLE OF THE STATE OF COLORADO and _____, defendant, and also to produce at this time and place, if applicable, the following documents now in your control:

<u>Document Title(s)</u>	<u>Description(s):</u>
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Please sign and return immediately the enclosed post card waiving personal service.

Date

Clerk or Deputy Clerk

Post card waiver

PLEASE SIGN AND MAIL IMMEDIATELY

I waive personal service and accept service of the attached subpoena and order in the above case.

I will appear as ordered.

Home phone:

Work phone:

Cell phone:

Email:

Signature of Witness

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(d) The time specified in the summons portion of the charging document must be at least thirty days, but not more than ninety days after the date the charging document is served.

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(a) The clerk of the court shall accept payments of a penalty assessment by a defendant without an appearance before the Judicial Officer, if payment is made before the time scheduled for the first appearance.

(b) At the time of payment, the defendant shall sign a waiver of rights and acknowledgement of guilt or liability, as set forth in Form A in the appendix to these rules, and agree to pay court ordered restitution, if applicable.

Rule 7. First Hearing

(a) If the defendant has not previously acknowledged guilt or liability and paid the penalty assessment, the defendant shall appear before the Judicial Officer at the time scheduled for the first hearing.

(b) The defendant may appear in person or by counsel, who shall enter an appearance in the case. However, if an admission of guilt or liability is entered, the Judicial Officer may require the presence of the defendant for the assessment of the penalty.

(c) If the defendant appears in person, the Judicial Officer shall advise the defendant in open court of the following:

(1) The nature of the infraction alleged in the charging document;

- (2) The penalty and docket fee that may be assessed;
 - (3) The consequence of a failure to appear at any subsequent hearing is the entry of default judgment;
 - (4) The right to be represented by an attorney at the defendant's expense;
 - (5) The right to deny the allegations and to have a hearing before the Judicial Officer.
 - (6) The right to remain silent because any statement made by the defendant may be used against the defendant;
 - (7) Guilt or liability must be proven beyond a reasonable doubt;
 - (8) The right to testify, subpoena witnesses, present evidence, and cross-examine any witnesses for the state;
 - (9) Any answer must be voluntary and not the result of undue influence or coercion on the part of anyone; and
 - (10) An admission of guilt or liability constitutes a waiver of the foregoing rights and right to appeal.
- (d) The defendant personally or by counsel shall answer the allegations in the charging document either by admitting guilt or liability or by denying the allegations.
 - (e) If the defendant admits guilt or liability, the Judicial Officer shall enter judgment and assess the appropriate penalty and docket fee after determining that the defendant understood the matters set forth in Rule 7(c) and has made a voluntary, knowing, and intelligent waiver of rights.
 - (f) If the defendant denies the allegations, the matter shall be set for final hearing, and the defendant and Officer shall be notified.

Rule 8. Discovery

- (a) After the case is set for a final hearing, the defendant may request from the investigating law enforcement agency an opportunity to inspect all material held in connection with the case.

(b) At the time of the final hearing, the defendant is entitled to inspect all documents or physical evidence that the Officer intends to use in the presentation of the case.

Rule 9. Subpoena

(a) A subpoena may be issued only for the attendance of a witness or for the production of documentary evidence at the final hearing.

(b) A subpoena may be issued in any county within the state either by the clerk of court at the request of the filing Officer or the defendant, or by counsel who has entered an appearance in the case or by the Judicial Officer who conducts the final hearing.

(c) The service of a subpoena shall be by first class mail or by email, if the person to whom it is directed waives personal service, as provided in Form B in the appendix to these rules. No fees or mileage need be tendered with service by mail.

(d) If the person to whom a subpoena is directed does not waive personal service, the issuance and service of a subpoena shall be as provided in Rule 345, C.R.C.P., except as otherwise provided in this rule.

Rule 10. Dismissal Before Final Hearing

(a) Except as provided in Rule 15, the charges shall be dismissed with prejudice if the Officer fails to appear at the final hearing.

(b) The charges shall be dismissed with prejudice if the final hearing is not held within six months from the defendant's answer, pursuant to section 16-2.3-106(4).

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applied. The Judicial Officer may call and question any witness consistent with the Judicial Officer's obligation to be an impartial fact finder favoring neither party.

(b) The order of proceedings at the hearing shall be as follows:

(1) Before commencement of the hearing, the Judicial Officer shall briefly describe and explain the purposes and procedures of the hearing.

(2) The Officer shall offer sworn testimony and evidence to the facts concerning the alleged infraction. After such testimony, the defendant or counsel may cross-examine the Officer, and the Judicial Officer may also question the Officer.

(3) Thereafter, the defendant may offer sworn testimony and evidence and shall answer questions, if such testimony is offered, as may be asked by the Judicial Officer. The defendant is not required to testify and the fact that the defendant does not testify may not be considered or used in any way by the Judicial Officer.

(4) If the testimony of additional witnesses is offered, the order of testimony and the extent of questioning shall be within the discretion of the Judicial Officer. No Officer or other testifying witness, with the exception of the defendant, may question any other witness.

(5) Upon the conclusion of such testimony and examination, the Judicial Officer may further examine or allow examination and rebuttal testimony and evidence as deemed appropriate.

(6) At the conclusion of all testimony and examination, the defendant or counsel shall be permitted to make a closing argument.

Rule 12. Judgment After Final Hearing

(a) If all elements of a civil infraction are proven beyond a reasonable doubt, the Judicial Officer shall find the defendant guilty or liable and enter appropriate judgment.

(b) If any element of a civil infraction is not proven beyond a reasonable doubt, the Judicial Officer shall dismiss the charge and enter appropriate judgment, provided, however, that the Judicial Officer may find the defendant guilty of or liable for a lesser included civil infraction, if based on the evidence offered every element of the lesser infraction has been proven beyond a reasonable doubt, and enter appropriate judgment.

(c) If the defendant is found guilty or liable, the Judicial Officer shall assess the appropriate penalty and any applicable fees, costs, surcharges, and restitution.

(d) The judgment shall be satisfied upon payment to the clerk of the total amount assessed as set forth above.

(e) If the defendant fails to satisfy the judgment in the time allowed, such failure shall be treated as a default under section 16-2.3-105(4). The provisions of Rule 16(d) and (e) shall apply to a default under this rule.

Rule 13. Appeal

Appeal procedure shall be according to section 13-6-504 and Rule 37, Crim. P.

Rule 13.5. Postjudgment Remedies

(a) Every person against whom a judgment is entered is entitled as a matter of right to make an application for postjudgment review upon grounds that are properly the basis for collateral attack on the validity of the judgment.

(b) One applying for postjudgment review shall file a motion in the court that imposed the judgment and penalty. The motion shall allege, in good faith, one or more grounds for challenging the validity of the judgment.

(c) A collateral attack shall be commenced within six months of the entry of judgment. Any motion for postjudgment review filed outside this six-month period shall allege facts which, if true, would establish an exception to the time limit listed in either section 16-2.3-101(5)(b) or section 42-4-1708.5(5)(b).

(d) The court shall promptly review a motion seeking postjudgment review. In conducting such review, the court shall consider, among other things, whether the motion is timely under the provisions of section 16-2.3-101 or section 42-5-1708.5.

(e) The court may grant or deny relief without holding a hearing by entering written findings. The court may grant a hearing if the court determines that a hearing is necessary. After such a hearing, the court shall enter oral or written findings either granting or denying relief.

(f) Any appeal from the grant or denial of a motion for postjudgment review shall be according to section 13-6-504 and Rule 37, Crim. P.

Rule 14. Venue

Venue shall be as provided by statute.

Rule 15. Continuances

Continuances may be granted upon a showing of good cause by the Officer, the Officer's supervisor, or the defendant.

Rule 16. Default

(a) If the defendant fails to appear for any hearing, the Judicial Officer shall enter judgment against the defendant.

(b) The amount of the judgment shall be the appropriate penalty after a finding of guilt or liability, the docket fee, plus any order of restitution and any applicable costs, fees, and surcharges.

(c) The Judicial Officer may set aside a judgment entered under this rule on a showing of good cause or excusable neglect by the defendant. A motion to set aside the judgment shall be made to the court not more than seven calendar days after the judgment is entered and served on the defendant.

(d) The defendant may satisfy a judgment entered under this rule by paying the clerk and providing proof of compliance with any additional court orders.

(e) No warrant shall issue for the arrest of a defendant who fails to appear at a hearing or fails to satisfy a judgment.

Rule 17. Effective Date

These rules take effect April 7, 2022, and shall apply to civil infractions alleged to have been committed on or after that date.

Rule 18. Title

These rules shall be known and cited as The Colorado Rules for Civil Infractions, or C.R.C.I.

APPENDIX

Form A

**WAIVER OF RIGHTS AND ADMISSION OF GUILT OR LIABILITY UNDER COLORADO
RULES FOR CIVIL INFRACTIONS**

You have been accused of violating the civil infraction laws of the State of Colorado. A simplified procedure is available for the payment of the penalty assessment if you voluntarily admit your guilt or liability after being advised of the following rights.

You have the right to:

1. Be represented by an attorney at your own expense;
2. Remain silent because any statement you make may be used against you;
3. Deny the allegations against you and have a hearing, at which the allegations must be proven beyond a reasonable doubt;
4. Testify at your own choosing, subpoena witnesses, present evidence, and cross-examine witnesses for the state;
5. Appeal a judgment against you.

Admission of Guilt or Liability

I have read or been advised of the rights described above. I hereby waive those rights and voluntarily admit my guilt or liability.

Date

Signature

Date

Signature of Parent/Legal Guardian (if necessary)

Form B

SUBPOENA BY FIRST CLASS MAIL OR EMAIL

Instructions:

In order to obtain a subpoena in a civil infraction matter, please follow the steps below:

1. Fill out the information required on the subpoena and post card waiver form, including your address for returning the post card waiver.
2. Place a stamp in the proper amount on the post card waiver form.
3. Ask the clerk of court to issue the subpoena by signing it and affixing the court seal.
4. Mail the subpoena with the post card, first-class mail, to the person subpoenaed; or email the subpoena with the waiver of service post card as attachments to the person subpoenaed.
5. If the person subpoenaed refuses to waive personal service by mailing the post card or emailing a signed waiver of service, you may request the clerk of court to issue a subpoena for personal service.

SUBPOENA OR SUBPOENA DUCES TECUM

You are ordered to attend and give testimony in Division _____ of _____ County Court at _____ (location) on _____ (date and time), between the PEOPLE OF THE STATE OF COLORADO and _____, defendant, and also to produce at this time and place, if applicable, the following documents now in your control:

Document Title(s)

Description(s):

Please sign and return immediately the enclosed post card waiving personal service.

Date

Clerk or Deputy Clerk

Post card waiver

PLEASE SIGN AND MAIL IMMEDIATELY

I waive personal service and accept service of the attached subpoena and order in the above case.

I will appear as ordered.

Home phone:

Work phone:

Cell phone:

Email:

Signature of Witness

Amended and Adopted by the Court, En Banc, April 7, 2022, and effective immediately.

By the Court:

**Carlos A. Samour, Jr.
Justice, Colorado Supreme Court**