

**RULE CHANGE 2024(14)**

**COLORADO RULES OF CRIMINAL PROCEDURE**

## Rule 4.1. County Court Procedure--Misdemeanor and Petty Offense--Warrant or Summons Upon Complaint

Where the offense charged is a misdemeanor or petty offense, the action may be commenced in the county court as provided below in this Rule. This Rule shall have no application to misdemeanors or petty offenses prosecuted in other courts or to felonies.

(a) - (b) [NO CHANGE]

### (c) Summons, Summons and Complaint.

(1) - (2) [NO CHANGE]

(3) *Summons and Complaint.* A summons and complaint may be issued by any peace officer for an offense constituting a misdemeanor or a petty offense:

(I) Committed in ~~his~~the officer's presence; or

(II) If not committed in ~~his~~the officer's presence, which ~~he~~the officer has probable cause to believe was committed and probable cause to believe was committed by the person charged.

Except for penalty assessment notices which shall be handled according to the procedures set forth in section 16-2-201 and subsection (e) of this Rule, a copy of the summons and complaint shall be filed immediately with the county court before which appearance is required and a second copy shall be given to the district attorney or ~~his~~the district attorney's deputy for such county. A summons and complaint filed with the county court through an information-sharing data transfer and sent to the district attorney by the county court satisfies the requirements of this rule.

(4) [NO CHANGE]

(d) [NO CHANGE]

### (e) Penalty Assessment Procedure.

(1) - (2) [NO CHANGE]

(3) In traffic cases, a duplicate copy of the notice shall be sent by the officer to the Colorado department of revenue, motor vehicle division, Denver, Colorado. In all cases, a duplicate copy shall be ~~sent to~~filed with the clerk of the county court in the county in which the alleged offense occurred. A notice sent to the department and filed with the court through an information-sharing data transfer satisfies the requirements of this rule.

(4) [NO CHANGE]

(f) **Failure to Appear.** If a person upon whom a summons or summons and complaint has been served pursuant to this Rule fails to appear in person or by counsel at the place and time specified therein, a bench warrant may issue for ~~his~~the person's arrest. In the case of a penalty assessment notice, if the person to whom a penalty assessment notice has been served pursuant to

this Rule fails to appear in person or by counsel, or if ~~he~~the person fails to pay the specified fine at a specified time and place, a bench warrant may issue for ~~his~~the person's arrest.

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**Amended and Adopted by the Court, En Banc, September 12, 2024, effective immediately.**

**By the Court:**

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