



Chief Judge Order 25-11
EIGHTEENTH JUDICIAL DISTRICT BOND GUIDELINES

Pursuant to Chief Justice Directive 95-01, given both the size of the Eighteenth Judicial District and the number of judicial officers responsible for setting bond and conditions of release, the undersigned, in her capacity as the Chief Judge, finds it beneficial to set forth bond guidelines to establish a consistent and equitable framework for initial bond determinations. This CJO 25-11 is not a bond schedule. These guidelines serve as a starting point for judicial officers to utilize in exercising their independent discretion. Judicial officers must consider the *individual characteristics* of each person in custody to determine what type of bond and conditions of release are sufficient to ensure appearance in court and to protect the safety of any person or the community. Judicial officers should be mindful that, subject to certain exceptions, all persons in custody are eligible for release on bond with the appropriate, least-restrictive conditions.

The legislative authority found in C.R.S. § 16-4-101, *et seq.*, is incorporated into this CJO 25-11. Judicial officers are responsible for staying current with the law, including any statutory changes that might impact setting bond and conditions of release.

This CJO 25-11 is for judicial officer use only and may not be used by law enforcement.

Judicial officers shall consider all methods of bond and conditions of release, as well as levels of community-based supervision as conditions of pretrial release, to avoid unnecessary pretrial incarceration. This CJO 25-11 sets forth statutory criteria that may be appropriate and relevant in setting bond and conditions of release, as well as circumstances under which an initial bond cannot be set.

(a) **Factors to Consider when Setting Bond and Conditions of Release**

Risk Assessment Instrument. In deciding on the type of bond and conditions of release, judicial officers shall use an empirically developed risk assessment instrument, if one is available, designed to improve pretrial release decisions by providing information that classifies a person in custody based upon predicted level of risk of pretrial failure. C.R.S. § 16-4-103(3)(b).

Other Criteria. Judicial officers may also consider the following criteria, listed in C.R.S. § 16-4-103(5), as appropriate and relevant in making a determination of the type of bond and conditions of release:

- (a) The employment status and history of the person in custody;
- (b) The nature and extent of family relationships of the person in custody;
- (c) Past and present residences of the person in custody;
- (d) The character and reputation of the person in custody;
- (e) Identity of persons who agree to assist the person in custody in attending court at the proper time;
- (f) The likely sentence, considering the nature and the offense presently charged;
- (g) The prior criminal record, if any, of the person in custody and any prior failures to appear for court;
- (h) Any facts indicating the possibility of violations of the law if the person in custody is released without certain conditions of release;
- (i) Any facts indicating that the defendant is likely to intimidate or harass possible witnesses; and
- (j) Any other facts tending to indicate that the person in custody has strong ties to the community and is not likely to flee the jurisdiction.

Setting Bond for Someone who is Pregnant or Postpartum. “At the first appearance of a pregnant or postpartum defendant who has complied with the notice requirement set forth in section 18-1.3-103.7, to set bond, the court or person designated by the court to set bond shall consider the defendant's pregnancy or postpartum status when setting bond pursuant to the restrictions set forth in section 19 of article II of the state constitution and section 16-4-101.” C.R.S. § 16-4-103(7).

(b) Cases Requiring a Mandatory Protection Order Before Bond is Set

In the following cases, before bond is set or posted, the court must issue a mandatory protection order and must state the terms of the order on the record in the defendant's presence, and the defendant must acknowledge on the record receipt of the order:

- Cases involving domestic violence, as defined in C.R.S. § 18-6-800.3(1);
- Cases involving stalking pursuant to C.R.S. § 18-3-602; and
- Cases involving unlawful sexual behavior pursuant to C.R.S. § 16-22-102(9).

In such cases, there shall be a **no-bond hold** until the aforementioned mandatory protection order requirements have been met. *See* C.R.S. § 16-4-105(4).

(c) Bond Guidelines

<u>Felony Charge¹</u>	<u>Bond Amount</u>
Class 1 Felony	
• First-degree murder	No bond pending P.E.P.G. hearing
• First-degree kidnapping (SBI)	\$200,000 cash or surety
Class 2 Felony	\$75,000 cash or surety
• Second-degree murder	\$200,000 cash or surety
• Child abuse resulting in death	\$200,000 cash or surety
• Second-degree kidnapping	\$100,000 cash or surety
• Unlawful sexual behavior	\$100,000 cash or surety
Class 3 Felony	\$25,000 cash or surety
• Child abuse resulting in death	\$100,000 cash or surety
• Vehicular homicide DUI/D	\$100,000 cash or surety
• Vehicular eluding resulting in death	\$100,000 cash or surety
• Child abuse resulting in SBI	\$75,000 cash or surety
• First-degree assault	\$75,000 cash or surety
• Unlawful sexual behavior	\$75,000 cash or surety
• Second-degree kidnapping	\$75,000 cash or surety
• Aggravated robbery	\$50,000 cash or surety

¹ Judicial officers should be mindful of additional circumstances, pursuant to C.R.S. § 16-4-101, where a no-bond hold is mandatory.

• Felony arson	\$50,000 cash or surety
• First-degree burglary	\$50,000 cash or surety
• Second-degree burglary of a dwelling	\$50,000 cash or surety
• Felony escape	\$50,000 cash or surety
• Leaving scene of accident (death)	\$50,000 cash or surety
• Aggravated Intimidation/Retaliation against a victim or witness; Retaliation against a juror	\$50,000 cash or surety
Class 4 Felony	\$5,000 cash or surety
• Manslaughter	\$75,000 cash or surety
• Vehicular homicide (reckless/DWAI)	\$75,000 cash or surety
• Child abuse resulting in SBI	\$50,000 cash or surety
• Unlawful sexual behavior	\$50,000 cash or surety
• Second-degree kidnapping	\$50,000 cash or surety
• Second-degree assault	\$50,000 cash or surety
• Retaliation against a Judge	\$50,000 cash or surety
• Stalking (2 nd offense in 7 years)	\$50,000 cash or surety
• Intimidation/Retaliation/Tampering against a victim or witness	\$25,000 cash or surety
• Vehicular assault (DUI/D and SBI)	\$25,000 cash or surety
• Leaving scene of accident (SBI)	\$25,000 cash or surety
• Vehicular eluding w/ bodily injury	\$25,000 cash or surety
• Robbery	\$25,000 cash or surety
• Felony Arson	\$25,000 cash or surety
• Felony DUI	\$25,000 cash or surety & PTS w/ monitored sobriety pursuant to C.R.S. § 16-4-105(6)(a)
Class 5 Felony	\$2,500 cash or surety
• Unlawful sexual behavior	\$25,000 cash or surety
• Possession of a weapon by a previous offender	\$25,000 cash or surety
• Menacing (if deadly weapon involved is a firearm)	\$25,000 cash or surety
• Criminally negligent homicide	\$25,000 cash or surety
• Stalking	\$25,000 cash or surety
• Second degree burglary	\$25,000 cash or surety

• Habitual Domestic Violence	\$15,000 cash or surety
• Vehicular assault (R or DWAI/D and SBI)	\$15,000 cash or surety
Class 6 Felony	\$1,250 cash or surety
• Unlawful sexual behavior	\$10,000 cash or surety
• Assault or abuse of at-risk victim	\$10,000 cash or surety
• Aggravated cruelty to animals	\$10,000 cash or surety
• Violation of bail bond conditions	\$10,000 cash or surety
<u>Drug Charge</u>	
Drug Felony 1	\$50,000 cash or surety
Drug Felony 2	\$25,000 cash or surety
Drug Felony 3	\$5,000 cash or surety
Drug Felony 4	\$2,000 cash or surety
Drug Misdemeanor 1 and 2	\$500 PR unless an exception in C.R.S. § 16-4-113(1) applies ² and/or it is a 3 rd or subsequent offense
<u>Misdemeanor Charge</u>	
Class 1 Misdemeanor	\$1,000 cash or surety
Class 1 Misdemeanor - domestic violence related	\$5,000 cash or surety
Class 1 Misdemeanor - unlawful sexual behavior (C.R.S. § 16-22-102)	\$5,000 cash or surety
Class 2 Misdemeanor - maximum penalty does not exceed 6 months' imprisonment	\$500 PR unless an exception in C.R.S. § 16-4-113(1) applies

² The following exceptions are listed in C.R.S. § 16-4-113(1):

- (a) The arrested person fails to sufficiently identify himself or herself; or
- (b) The arrested person refuses to sign a personal recognizance; or
- (c) The continued detention or posting of a surety bond is necessary to prevent imminent bodily harm to the accused or to another; or
- (d) The arrested person has no ties to the jurisdiction of the court reasonably sufficient to assure his or her appearance, and there is substantial likelihood that he or she will fail to appear for trial if released upon his or her personal recognizance; or
- (e) The arrested person has previously failed to appear for trial for an offense concerning which he or she had given his written promise to appear; or
- (f) There is outstanding a warrant for his or her arrest on any other charge or there are pending proceedings against him or her for suspension or revocation of parole or probation.

Class 2 Misdemeanor – maximum penalty exceeds 6 months’ imprisonment	\$500 cash or surety
Class 3 Misdemeanor – offenses that occurred prior to March 1, 2022 only	\$250 PR unless an exception in C.R.S. § 16-4-113(1) applies
Unclassified Misdemeanor – maximum penalty does not exceed 6 months’ imprisonment	\$250 PR unless an exception in C.R.S. § 16-4-113(1) applies
Unclassified Misdemeanor – maximum penalty exceeds 6 months’ imprisonment	\$250 cash or surety
<u>Specific Non-Felony Offenses</u> ³	
D.U.I./D.W.A.I. – 1 st	\$1000 cash or surety
D.U.I./D.W.A.I. – 2 nd	\$5,000 cash or surety & PTS w/ monitored sobriety pursuant to C.R.S. § 16-4-105(6)(a)
D.U.I./D.W.A.I. – 3 rd	\$10,000 cash or surety & PTS w/ monitored sobriety pursuant to C.R.S. § 16-4-105(6)(a)
Leaving scene with injury involved (C.R.S. § 42-4-1601)	\$500 cash or surety
Careless driving, class 1 (with injury or death involved)	\$500 cash or surety
Operating a vehicle after circumventing interlock device	\$500 cash or surety
<u>Traffic Offenses (non-infractions)</u>	
Class 1 Traffic Offense	\$250 PR unless an exception in C.R.S. § 16-4-113(2)(e) applies ⁴

³ Pursuant to C.R.S. § 16-4-104(4), “[b]ecause of the danger posed to any person and the community, a person who is arrested for an offense under section 42-4-1301(1) or (2)(a), C.R.S., may not attend a bail hearing until the person is no longer intoxicated or under the influence of drugs. The person shall be held in custody until the person may safely attend such hearing.” D.U.I., D.W.A.I., and D.U.I. per se all fall within C.R.S. § 16-4-104(4).

⁴ Pursuant to C.R.S. § 16-4-113(2)(e), the provisions of C.R.S. § 16-4-113(2) do not apply to:

- (I) A traffic offense involving death or bodily injury or a municipal offense with substantially similar elements;
- (II) Eluding or attempting to elude a police officer as described in section 42-4-1413 or a municipal offense with substantially similar elements;
- (III) Operating a vehicle after circumventing an interlock device as described in section 42-2-132.5(10) or a municipal offense with substantially similar elements; and
- (IV) A municipal offense that has substantially similar elements to a state misdemeanor offense.

Class 2 Traffic Offense	\$150 PR unless an exception in C.R.S. § 16-4-113(2)(e) applies
Unclassified Traffic Offense	\$50 PR unless an exception in C.R.S. § 16-4-113(2)(e) applies
<u>Petty Offenses</u>	
All Petty Offenses	\$100 PR unless an exception in C.R.S. § 16-4-113(2)(e) applies

This CJO 25-11 shall rescind and replace Chief Judge Order 22-05 Setting Forth Bond Guidelines.

SO ORDERED this 3rd day of September 2025, to be effective on September 5, 2025.

BY THE COURT:

Michelle A. Amico
 Chief Judge
 Eighteenth Judicial District