

CHIEF JUDGE ORDER 08-02

BOND SCHEDULE 14th JUDICIAL DISTRICT

Any person arrested for a felony, misdemeanor or petty offense committed in the counties of Grand, Moffat and Routt, State of Colorado, may be released on bond pursuant to the Bond Schedule below. The sheriffs of the respective counties are authorized and ordered to review the circumstance of each arrestee, and when appropriate, approve and accept corporate surety or cash bonds pursuant to this Bond Schedule to secure the release of arrestees during weekends, night-time hours, holidays, or when a judge is not otherwise available for a bond hearing.

While this bond schedule may be used by the judges as a guide, it is not mandatory, and any bond is subject to being set in an amount other than that set forth in the schedule at the discretion of the judge setting bail.

The District Attorney may make an oral or written ex parte request to a judge for bail that deviates from the Bond Schedule. If the District Attorney notifies the Sheriff such request is being made, the Sheriff shall hold the arrestee until further order of the Court.

In any situation where the jailer or the arresting officer has a doubt as to the propriety of releasing the arrestee for whatever reason, a judge should be contacted to resolve the doubt.

BOND SCHEDULE

1. When an Arrest Warrant fixes bail, the Sheriff shall release an arrestee if the bond is posted in the amount of the bail fixed in the Arrest Warrant.

2. NO BAIL UNTIL SEEN BY JUDGE

Arrestees taken into custody for offenses listed below MAY NOT BE RELEASED under this Bond Schedule. In such cases, bail may only be set by a judge, whether by Arrest Warrant, Probable Cause Affidavit Review Order, telephonic or personal contact, or at a bond hearing.

HOMICIDE and Related Offenses

Murder, 1st degree	18-3-102
Murder, 2nd degree	18-3-103
Manslaughter	18-3-104
Negligent Homicide	18-3-105
Vehicular Homicide	18-3-106
Vehicular Eluding	
Resulting in Death	18-9-116.5

ARSON (if felony)	18-4-102 through 105
ASSAULTS	
1 st degree Assault	18-3-202
2 nd degree Assault	18-3-203
3 rd degree Assault	18-3-204
Vehicular Assault	18-3-205
Menacing with a Deadly Weapon	18-3-206
BAIL BOND	
Violation of Bail Bond	18-8-212
BURGLARY	
1 st degree Burglary	18-4-202
2 nd degree Burglary	18-4-203
CONTROLLED SUBSTANCES	
Unlawful Distribution, Manufacturing, Dispensing, Sale of a Schedule I or II Substance (not mere possession)	18-18-405(2)(a)
ESCAPE	18-8-208
KIDNAPPING	
1 st degree Kidnapping	18-3-301
2 nd degree Kidnapping	18-3-302
Violation of Custody Order	18-3-304
Enticement of a Child	18-3-305
RESTRAINING/PROTECTION ORDER	
Violation of Protection Order	18-6-803.5
ROBBERY	
Robbery	18-4-301
Aggravated Robbery	18-4-302
Aggravated Robbery of a Controlled Substance	18-4-303
Robbery of Elderly	18-4-304
SEXUAL CRIMES	
Sexual Assault	18-3-402
Unlawful Sexual Contact	18-3-404
Sexual Assault on a Child	18-3-405, 405.3, 405.5
STALKING (Felony only)	18-9-111 (4)
WRONGS TO CHILDREN	
Incest	18-6-301, 302
Child Abuse	18-6-401
Trafficking in Children	18-6-402
Sexual Exploitation of a Child	18-6-403

Procurement of Child	18-6-404
Child Prostitution	18-7-402 et seq.
WRONGS TO AT RISK ADULTS or JUVENILES	
Negligence	18-6.5-103
Assault	18-6.5-103
Robbery	18-6.5-103
WRONGS TO WITNESSES	
Intimidating a Witness	18-8-704 & 705
Retaliation/Witness/Victim	18-8-706

In addition to the above, no person shall be released under this bond schedule before being seen by a judge if any of the following apply:

1. Any **attempt or conspiracy** to commit any of the above listed crimes.
2. Any new felony charge where the arrestee is on **parole** or on a **supervised probation**, if parole or probation officer places a hold on the arrestee.
3. Any crime that is designated as a **domestic violence crime** under C.R.S. 18-6-800.3 (intimate relationship AND act or threatened act of violence, or act intended as coercion, control, punishment, intimidation or revenge).
4. Any crime where the arrestee remains threatening, violent, agitated, or in any other state where the person, if released, is likely to be a danger to self or others.
5. Any warrant out of another state.
6. If the arrestee is already out on bond for the same charge.
7. If the arrestee refuses to be fingerprinted or photographed.

3. AMOUNT OF BAIL

Bail shall be set based on the most serious offense for which the arrestee has been taken into custody (except for wildlife charges). Bail shall be set in the amounts stated below for the class of offense indicated.

FELONIES

Class I.....	NO BAIL
Class II.....	\$50,000
Class III.....	\$20,000*
Class IV.....	\$10,000
Class V.....	\$5,000
Class VI.....	\$2,000

MISDEMEANORS

Class I.....	\$1500
Class II and III and unclassified.....	\$750**

If the charge is a Class III misdemeanor, a petty offense, or an unclassified offense for a violation of which the maximum penalty does not exceed six months in jail, the arrestee **shall be released upon personal recognizance** unless one of the following applies:

- (1) failure to sufficiently identify him/herself
- (2) refusal to sign personal recognizance
- (3) bond is necessary to prevent imminent bodily harm to the arrestee or another
- (4) arrestee has no ties to jurisdiction sufficient to assure appearance and there is substantial likelihood of failure to appear
- (5) arrestee has previously failed to appear
- (6) there is an outstanding warrant for any other charge or there are pending proceedings for revocation of parole or probation

*If a person is arrested for distribution of a schedule I or II controlled substance, bond shall be set at \$50,000.00 pursuant to C.R.S. 16-4-103.

**If a person is taken into custody under C.R.S. 42-2-206 for Driving After Revocation Prohibited or C.R.S. 42-2-138 for Driving Under Restraint, and the arrestee's privilege to drive shows as restrained solely or partially because of a prior alcohol or drug related suspension or revocation, bail is set at \$10,000 and the arrestee is not eligible for reduced bond under Paragraph 4. A condition of that bond shall be that the arrestee not drive any motor vehicle during the period of such revocation or restraint (C.R.S. 16-4-103(2)).

PETTY OFFENSES

All petty offenses.....\$150
(Subject to the release on personal recognizance exceptions stated above)

TRAFFIC OFFENSES

Class I.....\$750
Class II.....\$500

WILDLIFE VIOLATIONS

For all non-felony wildlife violations, bail is set in the amount of any mandated fine, victim's assistance fee and court costs. All mandated fines shall be added together to determine the correct bond amount. For all violations with non-mandated fines, bail for misdemeanor offenses is set at \$500 and felony violations are bailable under the felony schedule above.

4. REDUCED BAIL

A person arrested for a misdemeanor, traffic or petty offense, who is eligible for release on bond under the Bond Schedule, may be eligible for release on reduced bail if:

- (1) the arrestee has been a resident of the county for at least 6 months,
- AND

(2) the arrestee has no prior convictions of felony, misdemeanor or alcohol or drug related traffic offenses.

Reduced bail is NOT AVAILABLE for bonds set by a judge at bond hearing or in the arrest warrant, wildlife violations, or the \$10,000 bond for Driving under Restraint or Driving under Revocation.

The reduced bail amounts are:

MISDEMEANORS

All Misdemeanors.....\$120

PETTY OFFENSES

All Petty Offenses.....\$25

TRAFFIC OFFENSES

Class I.....\$120

Unclassified.....\$120

Class II.....\$75

Before an arrestee is eligible for release on reduced bail, the Sheriff shall:

1. Check CCIC, NCIC and departmental records for outstanding warrants and detainers.
2. Require an affidavit from the arrestee that the arrestee has no convictions for felonies, misdemeanors or alcohol or drug-related traffic offenses, no failures to appear in court, and has been a resident of Colorado for at least 6 months. The Sheriff shall file the affidavit with the Court along with the bond. The arrestee shall be advised that giving false information in the affidavit could result in perjury charges against the arrestee.
3. Verify the residence in the county.

5. INTOXICATED DEFENDANTS.

Because of the danger posed to the arrestee and others, a person taken into custody who is intoxicated or under the influence of drugs may not be released under this Bond Schedule until (1) the arrestee can be safely released to the custody of an adult who agrees to be responsible for the arrestee's safety or (2) that arrestee no longer shows visible effects of the use of alcohol or drugs. An arrestee shall not be brought before a judge for a bond hearing until such person is no longer intoxicated or under the influence of drugs or alcohol.

6. PROBABLE CAUSE AFFIDAVITS

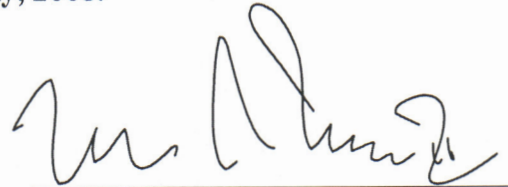
Persons arrested without a warrant shall be released from custody 48 hours following their arrest UNLESS there has been a determination of probable cause to support the arrest by a judge within the 48 hour period. Any person released pursuant to this provision shall be placed on a personal recognizance bond for the next regularly scheduled advisement day. For all domestic violence charges, the bond shall contain the requirement that the arrestee not harass, molest, intimidate, retaliate against or tamper

with any witness to or victim of the acts alleged, and the arrestee must acknowledge this protection order. (C.R.S. 16-4-103(2)). For persons who would not otherwise be eligible for bond until seen by a judge, the personal recognizance bond shall have a condition that the arrestee shall have no contact with any alleged victim and the victim shall be identified by name on the bond if the name is part of the information available.

7. The Sheriff shall promptly deliver to the clerk all surety bonds or bond monies received for the release of the arrestees.

8. No attorney or officer of the Court or employee of the Court shall be accepted as a bondsman or surety in any cause, civil or criminal, except by order of the Court.

SO ORDERED and effective this 1st day of July, 2008.

A handwritten signature in black ink, appearing to read "Michael A. O'Hara", written over a horizontal line.

Michael A. O'Hara, Chief Judge
Fourteenth Judicial District