

Legal Rights Related to Posting Money Bond Pursuant to Section 16-4-102, Colorado Revised Statutes

1. Bond fees, booking fees, and other fees or debts never need to be paid to secure a person's release on money bond, including when bond is posted online. A defendant, surety, or another third-party payer need only pay the bond amount in order to secure release.

2. While never a basis to hold a defendant in jail, the following fees are chargeable as a debt to the defendant after release if the surety or another third-party payer chooses not to pay the fees at the time of bonding: A \$10 bond fee and a maximum 3.5% credit card payment fee. No other bond-related fees may be charged at any time, including any kiosk fees or fees for payment by cash, check, or money order, including when bond is posted online.

3. Bond payments are to be made out to the holding county and are never to be made out in the name of the incarcerated person.

4. A sheriff must release a defendant within six hours after a personal recognizance bond is set and the defendant has returned to jail or within six hours after a cash bond has been set and the defendant has returned to jail and the defendant, surety, or third-party payer notified the jail that bond is prepared to be posted, unless extraordinary circumstances exist. If bond is posted online, the six-hour release timeline begins when the defendant, surety, or third-party payer submits payment for a bond or electronically files a power of attorney. In the event of a delay of more than six hours, a surety or third-party payer and the defendant have a right to know what, if any, extraordinary circumstance is causing the delay. Supervisory conditions of release do not justify a delay in release; except that a sheriff may hold a defendant for up to 24 hours if necessary to ensure a defendant is fitted with required electronic monitoring.

5. Anyone who posts a money bond, including bond posted online, has the right to receive a copy of the bond paperwork, including documentation of the next upcoming court date.

6. A surety or third-party payer may never be asked to use posted bond money to pay a defendant's debts. Only when defendants have posted their own money bond may they be asked if they would like to voluntarily relinquish bond money to pay their debts, including when bond is posted online. Relinquishment of bond money by a defendant to pay a debt is never required and is entirely a voluntary choice by the defendant.

7. The responsible sheriff shall bring an in-custody arrestee before a court for bond setting as soon as practicable, but no later than forty-eight hours after an arrestee arrives at a jail or holding facility.

This is a policy of the Hinsdale County Sheriff's Department, as required by § 16-4-102, Colorado Revised Statutes. Notwithstanding the foregoing, Hinsdale County does not have a jail, so any violations of this Policy that relate to the housing of prisoners should be filed with the Gunnison County, Colorado Sheriff's Office. Questions pertaining to online bond posting rules should also go to the Gunnison County Sheriff's Office. Any other potential violations of this Policy may be filed with the Hinsdale County Sheriff's Department by email at records@hinsdalecountysheriff.com.