

Colorado Revised Statutes
Title 16.
Criminal Proceedings § 16-1-104.

Definitions:

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- (1) The following definitions in this section are applicable generally in this code. Other terms which need definition, but which are used only in a limited number of sections of this code are defined in the particular section or article in which the terms appear. Definitions set forth in any section of this code are applicable whenever the same term is used in the same sense in another section of this code, unless the definition is specifically limited or the context indicates that it is inapplicable.
- (2) “Arraignment” means the formal act of calling the defendant into open court, informing him of the offense with which he is charged, and the entry of a plea to the charge.
- (3) “Bail” means a security, which may include a bond with or without monetary conditions, required by a court for the release of a person in custody set to provide reasonable assurance of public safety and court appearance.
- (3.5) “Bail bonding agent” or “bonding agent” means an individual who is in the business of writing appearance bonds and who is subject to regulation by the division of insurance in the department of regulatory agencies, including an insurance producer, cash-bonding agent, or professional cash-bail agent.
- (4) “Bind over” means to require a defendant, following a preliminary hearing, to appear and answer in a court having jurisdiction to try the defendant for the crime with which he is charged.
- (5) “Bond” means a bail bond which is an undertaking, with or without sureties or security, entered into by a person in custody by which he binds himself to comply with the conditions of the undertaking and in default of such compliance to pay the amount of bail or other sum fixed, if any, in the bond.
- (6) “Charge” means a formal written statement presented to a court accusing a person of the commission of a crime. The charge may be made by complaint, information, or indictment.
- 7) “Complaint” means a written statement charging the commission of a crime by an alleged offender, filed in the county court.
- (7.5) “Correctional facility” means any facility under the supervision of the department of corrections in which persons are or may be lawfully held in custody as a result of conviction of a crime.
- (8) “Court of record” means any court except a municipal court unless otherwise defined by a particular section.
- (8.5)(a)(I) “Crime of violence” means a crime in which the defendant used, or possessed and threatened the use of, a deadly weapon during the commission or attempted commission of any crime committed against an elderly person or a person with a disability or a crime of murder, first or second degree assault, kidnapping, sexual assault, robbery, first degree arson, first or second degree burglary,

escape, or criminal extortion, or during the immediate flight therefrom, or the defendant caused serious bodily injury or death to any person, other than himself or herself or another participant, during the commission or attempted commission of any such felony or during the immediate flight therefrom.

(II) “Crime of violence” also means any unlawful sexual offense in which the defendant caused bodily injury to the victim or in which the defendant used threat, intimidation, or force against the victim. For purposes of this subparagraph (II), “unlawful sexual offense” shall have the same meaning as set forth in section 18-3-411(1), C.R.S., and “bodily injury” shall have the same meaning as set forth in section 18-1-901(3)(c), C.R.S.

(III) The provisions of subparagraph (II) of this paragraph (a) shall apply only to felony unlawful sexual offenses.

(b) As used in this subsection (8.5), “elderly person” means a person who is sixty years of age or older. “Person with a disability” means a person who is disabled because of the loss of or permanent loss of use of a hand or foot or because of blindness or the permanent impairment of vision in both eyes to such a degree as to constitute virtual blindness.

(9) “Custody” means the restraint of a person's freedom in any significant way.

(10) “Felony complaint” means a written statement of the essential facts constituting the offense charged, signed by the prosecutor, and filed in the court having jurisdiction over the offense charged.

(11) “Indictment” means a written statement, presented by a grand jury to the district court, which charges the commission of a crime by an alleged offender.

(12) “Information” means a written statement signed by a district attorney presented to the district court, which charges the commission of a crime by an alleged offender.

(13) “Personal recognizance” means a bond secured only by the personal obligation of the person giving the bond.

(14) “Preliminary hearing” means a hearing on a complaint filed in the county court or an information filed in the district court, to determine if there is probable cause to believe that an offense has been committed and that the person charged committed it.

(15) “Prosecuting attorney” means any attorney who is authorized to appear for and on behalf of the state of Colorado in a criminal case.

(16) A “search warrant” is a written order made by a judge of a court of record commanding a peace officer to search the person, premises, place, property, or thing described in the search warrant and to seize property described or identified therein.

(17) “Summons” means a written order or notice directing that a person appear before a designated court at a stated time and place and answer to a charge against him.

(18) A “warrant” is a written order issued by a judge of a court of record directed to any peace officer commanding the arrest of the person named or described in the order.