

07/12/2012

EXECUTIVE SUMMARY

Subpoena Process and Witness Fee

The Court is requesting an ordinance change that would: 1) increase the witness fee from \$1.50 to \$5.00 making it consistent with C.R.S. 13-10-111(4); 2) When a subpoena is issued at the request of the defendant for the attendance of a witness or for the production of documentary evidence at trial or hearing, service may be by first class mail, if the person to whom the subpoena is directed waives personal service. If the person does not waive personal service, the issuance and service of a subpoena shall be personally served. The defendant must attach a \$5.00 witness fee check to the copy of the subpoena to be served. 3) Service must be completed no later than 48 hours prior to the appearance date identified on the subpoena. 4) Any police officer, sheriff's deputy, or other officer or employee of the City acting in an official capacity, or anyone 18 years or older and not a party to the case may personally serve the subpoena. 5) Subpoenas may be issued electronically by the clerk or authorized deputy clerks.

These changes will streamline and clarify the subpoena process and increase the witness fee to be consistent with state statutes.