

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2010

COUNCIL BILL NO. __0944__
COMMITTEE OF REFERENCE:
Health, Safety, Education & Services

5 A BILL

6 for an ordinance adopting section 14-70, D.R.M.C. authorizing the county court to attach
7 the earnings of a defendant in order to collect fines, fees, court costs and restitution
8

9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10
11 **Section 1.** That Article III of Chapter 14, D.R.M.C. shall be amended by the addition of a new
12 section 14-70, to read as follows:

13
14 **Sec. 14-70. Attachment of Earnings.**

15 If the defendant does not pay fines, fees, court costs, or restitution as ordered or
16 in accordance with the agreed upon time payment plan, the clerk of court may issue an
17 attachment of earnings requiring that a certain portion of a defendant's earnings, not to
18 exceed fifty percent, be withheld and applied to any unpaid fines, fees, court costs, or
19 restitution, if such an attachment does not adversely impact the defendant's ability to
20 comply with other orders of the court. An attachment of earnings under this paragraph
21 may be modified to a lesser or greater amount based upon changes in a defendant's
22 circumstances as long as the amount withheld does not exceed fifty percent and may be
23 suspended or cancelled at the court's discretion. An attachment of earnings issued
24 pursuant to this paragraph shall be enforceable in the same manner as a garnishment in
25 a civil action.

26 COMMITTEE APPROVAL DATE: November 5, 2010 (Consent).

27 MAYOR-COUNCIL DATE: November 9, 2010.

28 PASSED BY THE COUNCIL: _____, 2010
29 _____ - PRESIDENT

30 APPROVED: _____ - MAYOR _____, 2010

31 ATTEST: _____ - CLERK AND RECORDER,
32 EX-OFFICIO CLERK OF THE
33 CITY AND COUNTY OF DENVER

34 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2010; _____, 2010

1 PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE: November 10, 2010
2 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
3 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
4 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
5 3.2.6 of the Charter.

6 David R. Fine, City Attorney

7 BY: _____, Assistant City Attorney DATE: _____, 2010