

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2018

COUNCIL BILL NO. 18-0635
COMMITTEE OF REFERENCE:
Safety, Housing, Education & Homelessness

A BILL

For an ordinance conforming Section 14-137, D.R.M.C., with state law on the non-refundable processing fee of twenty-five dollars if court-appointed counsel enters an appearance

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

Section 1. That section 14-137, D.R.M.C. shall be amended by deleting the language stricken and adding the language underlined, to read as follows:

All determinations of indigence shall be made in accordance with standards promulgated by the Colorado Supreme Court governing the appointment of state public defenders, which standards are hereby incorporated by reference in this article VII. The initial determination of a defendant's indigence shall be made by the office of the municipal public defender, subject to a final determination by the court. When a defendant requests representation by a municipal public defender, such person shall submit an appropriate application, the form of which shall state that such application is signed under oath and under the penalty that a false statement may be prosecuted as such. A non-refundable processing fee of twenty-five dollars ~~application fee~~ shall be paid by the applicant if the court-appointed counsel enters an appearance based on the application. The fee shall be assessed at the time of sentencing or adjudication, if sentencing or adjudication occurs, or upon other final disposition of the case; except that the court may, at sentencing, adjudication, or other final disposition, waive the fee if the court determines, based upon the financial information submitted by the party being represented by the court-appointed counsel, that the person does not have the financial resources to pay the fee. ~~at the time the application is submitted and no application shall be accepted without payment of the fee; except that the court may, based upon the financial information submitted, waive the fee if the person is in custody and the court determines that the person does not have the financial resources to pay the fee.~~

Before the court appoints a municipal public defender based on the application, the court shall advise the defendant that the application is filed under oath. Upon request of the city attorney, the court shall hold a hearing on the issues of the eligibility for appointment of a municipal public defender.

1 COMMITTEE APPROVAL DATE: June 6, 2018 (by Consent)

2 MAYOR-COUNCIL DATE: June 12, 2018

3 PASSED BY THE COUNCIL _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9

10 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ ; _____

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12 PREPARED BY: Kirsten J. Crawford, Assistant City Attorney DATE: September 18, 2018

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14 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
15 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
16 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
17 3.2.6 of the Charter.
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19 Kristin M. Bronson, Denver City Attorney

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21 BY: *Kirsten J. Crawford*, Assistant City Attorney DATE: Sep 18, 2018

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