

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2012

COUNCIL BILL NO. CB12-0555
COMMITTEE OF REFERENCE:

4 HEALTH, SAFETY, EDUCATION & SERVICES

5 **A BILL**

6 **For an Ordinance amending Sections 14-31 and 14-37 of Article II of Chapter**
7 **14, Service of Summons, Subpoena and Warrant of Arrest & Witness Fees.**

8 **WHEREAS**, Article II of Chapter 14 provides for the administration of Denver's
9 courts; and,

10 **WHEREAS**, the City Council finds that Sections 14-31 and 14-37 should be
11 amended to streamline and clarify the subpoena process and increase the witness fee to
12 be consistent with state law.

13 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY**
14 **OF DENVER:**

15 **Section 1.** Section 14-31 (Service of summons, subpoena and warrant of arrest)
16 of the Denver Revised Municipal Code shall be amended by adding the language
17 underlined, and deleting the language stricken, to read as follows:

18 (b) A subpoena issued in a case in the county court arising under the Charter or
19 ordinances of the city shall must be served upon a person named therein by
20 delivering a copy thereof of it to such person the person named, or by sending
21 a copy thereof it to such person them by first-class mail.

22 (c) Any subpoena, summons, writ or other process, ~~(except a warrant of arrest),~~
23 issued in a case in the court arising under the Charter or ordinances of the city
24 may be served by any police officer, sheriff's deputy, or other officer or
25 employee of the city acting in an official capacity, ~~or in any particular case by~~
26 ~~any person specially designated by the court or by a judge for that purpose;~~
27 ~~and any such subpoena may be so served by sending the same by mail. or any~~
28 natural person who is 18 years or older and not a party to the case. Service
29 must be completed no later than 48 hours before the appearance date
30 identified in the subpoena.

31 **Section 2.** Section 14-37 (Witness fees) of the Denver Revised Municipal Code
32 shall be amended by adding the language underlined, and deleting the language stricken,
33 to read as follows:

34 (a) ~~If A a~~ defendant may have subpoenas issued for and served upon witnesses
35 upon deposit with the clerk of the county court of witness fees of one dollar and
36 fifty cents (\$1.50); ~~but if a defendant shall make a satisfactory affidavit and~~

1 proof that the defendant is unable to pay such witness fees, then the defendant
2 may have subpoenas issued for and served upon such persons as the
3 defendant shall desire to have testify without advancing witness fees therefor.
4 has a subpoena personally served on the person to whom it is directed, the
5 defendant must attach to each subpoena a payment of five-dollars (\$5.00) (or
6 greater amount as required by state law) for each witness as a witness fee. If,
7 to the judge's satisfaction, the defendant makes a satisfactory affidavit
8 demonstrating that defendant is unable to pay the witness fee, the court may
9 waive the witness fee. No witness fee need be tendered with service by mail.

10
11 (b) Every witness subpoenaed ~~as herein provided here~~ under this article, who
12 makes a written claim therefor in writing at the time of the appearance (except
13 an officer or employee of the city), ~~shall be is~~ entitled to receive a witness fee
14 of ~~one five dollars and fifty cents (\$1.505.00)~~ (or greater amount as required by
15 state law) for each court session of ~~court~~ attended under such the subpoena or
16 pursuant to the court orders of the court. ~~This fee to will~~ be paid out of the fund
17 appropriated for the operation of the county court, and released upon ~~voucher~~
18 ~~approved approval~~ by of the clerk of the court. ~~If-For~~ any defendant is found
19 guilty, the witness fees for subpoenaed witnesses appearing in the case ~~shall~~
20 will be added by the judge to the fines ~~which, otherwise, would have been~~
21 imposed against the defendant.

22
23 COMMITTEE APPROVAL DATE: July 24, 2012

24 MAYOR-COUNCIL DATE: July 31, 2012

25 PASSED BY THE COUNCIL _____, 2012

26 _____ - PRESIDENT

27 APPROVED: _____ - MAYOR _____, 2012

28 ATTEST: _____ - CLERK AND RECORDER,
29 EX-OFFICIO CLERK OF THE
30 CITY AND COUNTY OF DENVER

31
32 NOTICE PUBLISHED IN THE DAILY JOURNAL _____, 2012; _____, 2012

33 PREPARED BY: Katherine L. Wilmoth - Assistant City Attorney DATE: July 30, 2012

34
35 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
36 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
37 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
38 § 3.2.6 of the Charter.

39
40 Douglas J. Friednash, Denver City Attorney

41 BY: _____, _____ City Attorney DATE: _____