

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2018

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:

4
5 A BILL

6
7 **For an ordinance conforming Section 14-137, D.R.M.C., with state law on the non-**
8 **refundable processing fee of twenty-five dollars if court-appointed counsel enters**
9 **an appearance**
10

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

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

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

31 Before the court appoints a municipal public defender based on the application, the court shall
32 advise the defendant that the application is filed under oath. Upon request of the city attorney, the
33 court shall hold a hearing on the issues of the eligibility for appointment of a municipal public defender.
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COMMITTEE APPROVAL DATE: _____, 2018.

MAYOR-COUNCIL DATE: _____, 2018.

PASSED BY THE COUNCIL _____ 2018

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____ 2018

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

NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2018; _____ 2018

PREPARED BY: _____; DATE: _____

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

Kristin M. Bronson
City Attorney

BY: _____, _____ City Attorney

DATE: _____