DRAFT: November 1, 2018

Confidential, Privileged Draft

BY AUTHORITY

ORDINANCE NO. _____ COUNCIL BILL NO. CB_____

SERIES OF 2018 COMMITTEE OF REFERENCE:

_____

A BILL

For an ordinance amending and repealing sections of Articles I, II, III, and IV of Chapter 14, Denver Revised Municipal Code concerning the court and its procedures, and amending Article I of Chapter 54, Denver Revised Municipal Code concerning traffic regulations.

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

Section 1. That Section 14-3 of the Denver Revised Municipal Code is hereby amended by deleting the language stricken and adding the language underlined below, to read as follows:

"**Sec. 14-3. – Court to be open each week day.**

~~The county judges shall hold regular sessions of the county court each day, Saturdays, Sundays and legal holidays excepted, for the trial of cases arising under the Charter and ordinances of the city; provided, however, it shall be lawful for the county judges to hold sessions of court on Saturdays, Sundays, and legal holidays if an emergency shall arise making it advisable to do so.~~

The Presiding Judge shall designate the business hours of regular court sessions, which may include weekdays, weekends, morning, afternoon, or evening dockets. If good cause exists, the county court has discretion to hold court on an occasional holiday."

Section 2. That Section 14-6 of the Denver Revised Municipal Code is hereby amended by deleting the language stricken below, to read as follows:

"Sec. 14-6. – Oath of Clerks.

Before entering upon the duties of the office or position, the chief clerk and chief deputy clerk of the county court shall:

(1) Take and subscribe before a judge of a court of record and file with the city clerk an oath or affirmation that he/she will support the Constitution of the United States

and of the State of Colorado and the Charter and ordinances of the City and County of Denver and will faithfully perform the duties of the office or position. ~~and~~

(2) ~~Give a bond in the sum of five thousand dollars ($5,000.00) with good and sufficient surety to be approved by the mayor and conditioned among other things for the faithful performance of each and all of the duties without fraud, deceit or oppression, the accounting for all moneys and property coming into the clerk's hands, custody, possession or control, and the prompt coming into his hands, custody, possession or control to whomsoever the same may be due.~~"

Section 3. That Section 14-28 of the Denver Revised Municipal Code is hereby repealed by deleting the language stricken below:

"**Sec. 14-28. – ~~Clerk to issue summons, subpoena and warrant as necessary.~~**

(a) ~~Upon the filing with the chief clerk of a complaint that a criminal violation of an ordinance has occurred, the chief clerk and any deputy clerk or assistant clerk authorized pursuant to section 14-9 shall issue and have served upon the defendant a summons specifying the return date thereof at a date not earlier than three (3) days after the service of the same and shall also issue and have served subpoenas to and upon any witness endorsed upon the complaint by delivering a copy thereof to such witness or by sending such copy to such witness by mail unless summons and a subpoena have been issued as provided in section 14-29.~~

(b) ~~In appropriate cases, an authorized clerk shall issue and have served upon the defendant a warrant for the defendant's arrest. In any case wherein the complainant is other than an officer or employee of the city acting in an official capacity, no warrant for arrest shall be issued prior to entry of judgment for the plaintiff unless ordered by a judge of the county court. No warrant for arrest shall be issued where the only alleged violation would constitute a noncriminal infraction as defined in the several chapters of this Code.~~"

Section 4. That Section 14-34 of the Denver Revised Municipal Code is hereby repealed by deleting the language stricken below:

"**Sec. 14-34. – ~~Bond fee.~~**

~~It shall be the duty of the judge or any officer or court clerk designated by the judge taking any such bond to assess and collect therefore a fee of fifty dollars ($50.00) for each bond taken. The fee collected is to be reported and deposited as provided in section 14-11.~~"

Section 5. That Section 14-43 of the Denver Revised Municipal Code is hereby amended by adding the language underlined below, to read as follows:

"Sec. 14-43. – Clerk's report.

It is the duty of the clerk of the county court to make a monthly financial report to the manager of finance; a copy of which shall also be filed with the mayor upon request. The report shall show the financial transactions of the court during the preceding month and such other information as may be pertinent."

Section 6. That Section 14-44 of the Denver Revised Municipal Code is hereby repealed by deleting the language stricken below:

"Sec. 14-44. – ~~Writ of mittimus and commitment of convicted defendants in default.~~

(a) ~~*Writ of mittimus.* The county court may issue a writ of mittimus for the imprisonment of any person against whom any fine, penalty, or cost has been assessed under the ordinances of the city if such person refuses or neglects to pay the same when demanded upon execution thereon.~~

(b) ~~*Costs for writ of mittimus*. Where the county court has issued a writ of mittimus for the imprisonment of any person pursuant to section 14-44(a), the court may assess costs against said person in an amount not to exceed twenty-five dollars ($25.00) for each such writ of mittimus issued.~~

(c) ~~*Commitment in jail.* Every person against whom any fine, penalty, or cost has been assessed under the ordinances of the city who refuses or neglects to pay the same when demanded upon execution may be committed in default thereof to the city or county jail, or in such suitable place or enclosure as shall be provided by the city, under direction of proper officers, until the fine, penalty, or cost is fully paid and satisfied. Satisfaction of the fine, penalty, or cost shall be allowed at the rate of ninety dollars ($90.00) per day of twenty-four (24) hours. Any person committed pursuant to the~~

~~terms of this subsection may be required to perform any reasonable work in satisfaction of the fine, penalty, or cost that is to be paid and satisfied pursuant to this subsection.~~

(d) ~~*Noncriminal infractions*. Subsections (a) through (c) of this section notwithstanding, no writ of mittimus shall issue where the only basis for the fine and costs imposed is the finding of guilt or liability of a noncriminal infraction.~~"

Section 7. That Section 14-63 of the Denver Revised Municipal Code is hereby amended by deleting the language stricken below, to read as follows:

"Sec. 14-63. – Statement of conditions.

Whenever probation is granted, the court shall set forth in writing the conditions under which such probation is granted and shall furnish to each person released on probation a copy of the statement of such conditions. Each defendant shall be required to sign an acceptance of the conditions of probation before the order of probation is granted. ~~The clerk of the county court shall send a copy of the statement of conditions of probation to the police department where it shall be kept on file.~~"

Section 8. That Section 14-86 of the Denver Revised Municipal Code is hereby repealed by deleting the language stricken below:

"**Sec. 14-86. – ~~Duties.~~**

~~The following duties are hereby imposed upon the personnel of the general violations bureau in reference to general offenses:~~

~~(1) They shall accept designated fines, issue receipts and represent in court such violators as are permitted and desired to plead guilty, waive court appearance and give power of attorney.~~

(2) ~~They may fix the time of arraignment of the persons who must or wish to be heard in court, enter the designated time of their court appearance on the court's docket, and notify the city, agency, department, employee or officer which served or caused to be served the notice or the summons and complaint, and witnesses, if any, to be present.~~"

Section 9. That Section 14-90 of the Denver Revised Municipal Code is hereby amended by deleting the language stricken below, to read as follows:

"Sec. 14-90. – Form of summons and complaint.

The form and service of summons and complaint under this article shall be provided by article II of this chapter. ~~The summons and complaint shall further require the person served to answer the charge or charges against him/her within seven (7) days at the general violations bureau.~~"

Section 10. That Section 14-91 of the Denver Revised Municipal Code is hereby repealed by deleting the language stricken below:

"Sec. 14-91. – ~~Records.~~

~~The personnel of the general violations bureau shall keep records and submit summarized monthly reports to the presiding judge of the county court and to the mayor of all notices and all summonses and complaints handled by the general violations bureau, and of all the fines collected by the bureau, appropriately tabulated.~~"

Section 11. That Section 54-4 of the Denver Revised Municipal Code is hereby amended by adding the language underlined below, to read as follows:

"Sec. 54-4. – Traffic Infractions.

(a) A violation of any of the following sections of this chapter is hereby declared to be a class A traffic infraction: 54-68, 54-70(a), (b), (c)(3), (h); 54-72, 54-73, 54-100 through 54-105, 54-107, 54-124, 54-125, 54-128, 54-132, 54-136, 54-139, 54-155, 54-156 (one (1) through twenty-four (24) miles per hour over the posted speed limit), 54-157 (one (1) through twenty-four (24) miles per hour over the unposted speed limit), 54-160, 54-178 through 54-181, 54-200 through 54-410, 54-227 through 54-237, 54-239, 54-256, 54-258 through 54-260, 54-278, 54-279, 54-302, 54-538, 54-544, 54-626 through 54-630, 54-647, and 54-648.

(b) A violation of any of the following sections of this chapter is hereby declared to be a class B traffic infraction: 54-55, 54-58, 54-59, 54-62, 54-70 and subsections not listed as class A traffic infractions, 54-71, 54-74 through 54-80, 54-127, 54-129 through 54-131, 54-133 through 54-135, 54-137, 54-138, 54-238, 54-240, 54-281 through 54-284, 54-319 through 54-324, 54-415 through 54-534 (except as otherwise specifically provided) 54-535, 54-536, 54-539 through 54-543 and 54-545 through 54-548."

COMMITTEE APPROVAL DATE: _____, 2018

MAYOR-COUNCIL DATE: _____, 2018

PASSED BY THE COUNCIL: _____

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____

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

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

PREPARED BY: Steven Hahn, Assistant City Attorney DATE: _____, 2018

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, Denver City Attorney

BY: _____, Assistant City Attorney DATE: _____