DENVER
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Denver County Court

Ordinance Change Request

Denver County Court – Presiding Judge Theresa Spahn & Terrie Langham
Safehouse Council Committee Presentation
November 14, 2018

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Presentation Goals

- Explain need for code changes
- Review proposed changes and budget impact

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Why

- Identified code sections in need of updating
- Presiding Judge Executive Order October 2018 – Bond Fees

DRMC Reference – Bond Fee

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 therefor 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.

Propose repealing

Budget Impact

Bond Fee

- $50 due upon bond payment
- Approximately $525,000 annually

DRMC Reference – Court to be open

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

Current language:

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.

Proposed language:

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.

DRMC Reference – Oath of Clerks

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 duties without fraud, deceit or oppression, the accounting of 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.~~

Propose striking paragraph 2

DRMC Reference – Clerk to Issue

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.

Propose repealing

DRMC Reference – Clerk's Report

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. This report shall show the financial transactions of the court during the preceding month and such other information as may be pertinent.

Propose adding language "upon request"

DRMC Reference – Writ of Mittimus

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

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 the 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.

Propose repealing

DRMC Reference – Probation conditions

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.~~

Propose striking the last sentence

DRMC Reference – General Violations Bureau

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.

Propose repealing

DRMC Reference – General Violations Bureau

Sec. 14-90 Form of summons and complaint

The form and service of summons and complaint under this article shall be as 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.~~

Propose striking last sentence

DRMC Reference – General Violations Bureau

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.

Propose repealing

DRMC Reference – Traffic Infractions

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 54-210, 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: 54-44, 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.

Propose adding 54-70(b) to the traffic infraction A list