

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF _____

COUNCIL BILL NO. 629
COMMITTEE OF REFERENCE:
4 SAFETY

5 A BILL

6
7 For an ordinance increasing certain county court fees

8
9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10
11 **Section 1.** That section 14-32, D.R.M.C. shall be amended by deleting the language stricken
12 and adding the language underlined, to read as follows:

13
14 **Sec. 14-32. Failure to appear; failure to pay.**

15
16 (a) *Constitutes violation.* Any person who shall fail to appear in response to
17 any summons, summons and complaint or subpoena served on such person shall be
18 guilty of a violation of this article.

19
20 (b) *Warrant of arrest.* Upon a finding by the county court that a person has
21 failed to appear in response to any summons or summons and complaint in violation
22 of section 14-32(a), the court may issue a warrant for the arrest of said person.

23
24 (c) *Costs of warrant of arrest.* Where the county court has issued a warrant
25 for the arrest of any person pursuant to section 14-32(b), the court may assess costs
26 against said person in an amount not to exceed ~~twenty-five dollars (\$25.00)~~ fifty
27 dollars (\$50.00) for each such warrant of arrest issued.

28
29 (d) *Noncriminal infractions.* Subsections (a) and (b) of this section
30 notwithstanding, if the only violations charged on a summons and complaint would
31 constitute a noncriminal infraction as defined in the several chapters of this Code, no
32 warrant of arrest may issue. Instead, the court may enter a judgment of liability by
33 default against the defendant and assess any penalty and costs established by law.

1 (e) Failure to pay. Upon a failure by any person to pay any fine, restitution,
2 fee, or costs on or before a date certain as ordered by the court, the court may
3 assess a late fee in an amount not to exceed fifty dollars (\$50.00).
4

5 **Section 2.** That subsection 14-40 (a), D.R.M.C. shall be amended by deleting the language
6 stricken and adding the language underlined, to read as follows:
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8 **Sec. 14-40. Docket fees and other costs.**

9 (a) Upon a defendant's conviction of any Charter, ordinance or regulation
10 provision of the city, the county court shall assess and collect a docket fee for court
11 costs in ~~an amount equal to the docket fee established by state statute for violation of~~
12 ~~any state criminal statute~~ the amount of twenty-six dollars (\$26.00). The word
13 "conviction" as used in this section shall mean a plea of guilty, a plea of nolo contendere,
14 a finding of guilty, a default judgment, or a deferred judgment and sentence. This docket
15 fee shall be in addition to any jury fee, witness fee, and any other costs which may be
16 assessed by the court. However, a ten-dollar court cost shall be assessed in those
17 cases in which the defendant does not schedule an appearance in court but pays a court
18 scheduled fine or penalty directly to or through the county court traffic violations bureau
19 or the county court general sessions violations bureau.
20

21 **Section 3.** That subsection 54-813 (c), D.R.M.C., shall be amended by deleting the language
22 stricken and adding the language underlined, to read as follows:
23

24 **Sec. 54-813. Costs.**

25 (c) Except as provided in subsection (d) of this section, the release of a motor
26 vehicle impounded as provided in subsection 54-811(10) or 54-811(20) shall require that
27 a \$2,500.00 bond be posted within thirty (30) days of impoundment in favor of the City
28 and County of Denver and a ~~\$30.00~~ \$75.00 bond fee be paid, or the motor vehicle is
29 subject to disposal by the city by auction or otherwise. This requirement is not applied
30 when the operator of such vehicle is found to have had a valid driver's license with such
31 vehicle being released upon payment of towing and impoundment charges by owner.
32 This bond shall be held for a period of one (1) year and forfeited if such vehicle is
33 operated by an unlicensed driver in Colorado within that time. For this section, a \$100.00
34 impoundment land acquisition fee shall be paid to the city prior to the release of vehicle.

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Section 4. The fee increases set forth in this ordinance shall be effective on and after January 1, 2010.

COMMITTEE APPROVAL DATE: September 28, 2009 (Consent); October 7, 2009; October 21, 2009.
MAYOR-COUNCIL DATE: October 6, 2009; October 13, 2009; October 27, 2009.

PASSED BY THE COUNCIL _____ 2009
_____ - PRESIDENT
APPROVED: _____ - MAYOR _____ 2009
ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2009; _____ 2009

PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE: October 27, 2009

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.

City Attorney
BY: _____, _____ City Attorney
DATE: _____