

ORDINANCE NO. 4775

**AN ORDINANCE AMENDING CHAPTER 2 OF THE GRAND JUNCTION
MUNICIPAL CODE CONCERNING FEES, COSTS AND SURCHARGES IN
MUNICIPAL COURT**

RECITALS:

This ordinance establishes the fees and costs that may be charged in Grand Junction Municipal Court and a process for those to be changed over time.

Colorado law (C.R.S. 13-10-113(3)) provides that *the municipal judge is empowered in his discretion to assess costs, as established by the municipal governing body by ordinance, against any defendant who pleads guilty or nolo contendere or who enters into a plea agreement or who, after trial is found guilty of an ordinance violation.* While the law provides that costs, including the costs of prosecution, may be imposed by ordinance, no method is established for how those costs, which may also be known as fees, may be changed. With this ordinance the City Council adopts the costs specified herein and authorizes that the Municipal Court judges may impose those, as well as surcharges that may be a function of an ordinance or other action of the City Council, in the Judges sound discretion in the interest of just and proper administration of justice and furthermore, that the costs may change from time to time by subsequent action of City Council acting by resolution of the then seated City Council.

The City Council finds that this ordinance is consistent with and is protective of the City's health and general welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION: (Additions are shown in ALL CAPS)

That Section 2.28.020 of the Grand Junction Municipal Code is amended by the addition of subparagraph (d) as follows:

2.28.020(d) IN ANY MATTER AS TO WHICH THE MUNICIPAL COURT HAS JURISDICTION, THE MUNICIPAL JUDGE AND ANY ASSOCIATE OR SUBSTITUTE JUDGE(S) IS (ARE) AUTHORIZED TO ASSESS, IMPOSE AND LEVY AGAINST ANY DEFENDANT WHO PLEADS GUILTY OR NOLO CONTENDERE OR WHO ENTERS INTO A PLEA AGREEMENT OR WHO, AFTER TRIAL IS FOUND GUILTY OF AN ORDINANCE VIOLATION THE FOLLOWING COSTS, FEES AND SURCHARGES (COLLECTIVELY REFERRED TO AS "COURT COSTS" OR "COSTS") AS APPROPRIATE AND IN THE INTEREST OF JUSTICE.

THE PRESIDING JUDGE OF THE MUNICIPAL COURT SHALL PREPARE AND MAINTAIN A SCHEDULE OF COURT COSTS. IF COURT COSTS ARE ASSESSED, THE COSTS SHALL BE ASSESSED ACCORDING TO THE SCHEDULE. (Certain 2018 fees and

costs are shown below. The amounts are illustrative of the content of the schedule but are not part of the Ordinance/are not the schedule.)

- (1) THE COURT MAY ASSESS COSTS AS FOLLOWS AGAINST ANY DEFENDANT:
 - (A) WHO IS CONVICTED OF AN OFFENSE;
 - (B) WHO FAILS TO APPEAR FOR A SCHEDULED ARRAIGNMENT, HEARING OR TRIAL;
 - (C) WHO IS HELD IN CONTEMPT OF COURT;
 - (D) WHO ACCEPTS A DEFERRED JUDGMENT OR DEFERRED PROSECUTION.
- (2) THE COURT MAY ASSESS COSTS AGAINST ANY PROPERLY SUBPOENAED WITNESS WHOSE FAILURE TO APPEAR AT TRIAL NECESSITATES A CONTINUANCE OF THE TRIAL OR A DISMISSAL OF THE CHARGE(S).
- (3) THE MUNICIPAL JUDGES SHALL BE EMPOWERED TO ASSESS COURT COSTS, COSTS OF PROSECUTION, JURY FEES, WITNESS FEES, AND ANY OTHER COSTS REASONABLY ASSOCIATED WITH A MATTER. THE COURT ADMINISTRATOR SHALL ALSO SUPERVISE THE PAYMENT OF THE FEES TO THE JURORS AND WITNESSES BY THE CLERK OF THE MUNICIPAL COURT. SUCH COSTS, FEES, AND SURCHARGES MAY BE SET BY CITY COUNCIL BY RESOLUTION OR BY ORDINANCE.
- (4) WHERE ANY PERSON, ASSOCIATION, OR CORPORATION IS CONVICTED OF AN OFFENSE, THE COURT SHALL GIVE JUDGMENT IN FAVOR OF THE CITY OF GRAND JUNCTION AND AGAINST THE DEFENDANT AND IF THE DEFENDANT IS A JUVENILE AGAINST THE JUVENILE'S CUSTODIAL PARENT FOR THE AMOUNT OF THE COSTS OF PROSECUTION, THE AMOUNT OF THE COST OF CARE, AND ANY FINE IMPOSED. SUCH JUDGMENTS SHALL BE ENFORCEABLE IN THE SAME MANNER AS ARE CIVIL JUDGMENTS.
- (5) THE COURT COSTS MAY INCLUDE, BUT ARE NOT LIMITED TO:
 - (A) ANY DOCKET FEE, SURCHARGE OR ASSESSMENT ESTABLISHED BY STANDING ORDER OF THE COURT;
 - (B) ALL JURY FEES, INCLUDING JUROR FEES. IF APPLICABLE;
 - (C) ANY COSTS INCURRED OF A LAW ENFORCEMENT AGENCY;

(D) ANY FEES OF THE COURT REPORTER FOR ALL OR ANY PART OF A TRANSCRIPT NECESSARILY OBTAINED FOR USE IN THE CASE;

(E) THE ACTUAL COSTS PAID TO ANY EXPERT WITNESS FOR THE CITY;

(F) THE WITNESS FEES AND MILEAGE PAID BY THE CITY:

(I) FOR ANY PERSON REQUIRED TO TRAVEL MORE THAN FIFTY MILES FROM THE PERSON'S PLACE OF RESIDENCE TO THE PLACE SPECIFIED IN THE SUBPOENA:

(II) ACTUAL LODGING EXPENSES INCURRED; AND

(III) ACTUAL RENTAL CAR, TAXI, OR OTHER TRANSPORTATION COSTS INCURRED.

(6) IF A MINOR (PERSON UNDER EIGHTEEN YEARS OF AGE) IS REQUIRED TO APPEAR, THE AMOUNT THAT A PARENT OR GUARDIAN OF THE MINOR PAID FOR TRANSPORTATION AND LODGING EXPENSES INCURRED WHILE ACCOMPANYING THE MINOR TO COURT.

(7) ANY FEES FOR EXEMPLIFICATION AND COPIES OF PAPERS OR OTHER RECORDS NECESSARILY OBTAINED FOR USE IN THE CASE.

(8) ANY FEES FOR INTERPRETERS REQUIRED DURING COURT APPEARANCES AND/OR HEARINGS, TRIALS STATUS CONFERENCES AND RELATED PROCEEDINGS.

(9) ON WRITTEN MOTION OF THE PROSECUTING ATTORNEY AND AT THE DISCRETION OF THE COURT, ANY OTHER REASONABLE AND NECESSARY COSTS INCURRED BY THE PROSECUTING ATTORNEY AND/OR THE GRAND JUNCTION POLICE DEPARTMENT THAT ARE DIRECTLY THE RESULT OF THE SUCCESSFUL PROSECUTION OF THE DEFENDANT INCLUDING THE COSTS RESULTING FROM THE COLLECTION AND ANALYSIS OF ANY LABORATORY OR CHEMICAL TEST.

(10) ANY COSTS INCURRED BY A LAW ENFORCEMENT AGENCY IN PHOTOCOPYING REPORTS, DOCUMENTS AND PRINTING AND/OR PROCESSING AUDIO AND/OR VIDEO RECORDINGS, MESSAGE(S) ETC. NECESSARY FOR USE IN THE CASE.

(11) ANY COSTS OF PARTICIPATION IN A DIVERSION PROGRAM IF THE OFFENDER UNSUCCESSFULLY PARTICIPATED IN A DIVERSION PROGRAM PRIOR TO CONVICTION/ADJUDICATION.

(12) WHERE ANY PERSON IS SENTENCED TO A TERM OF INCARCERATION, THE COURT SHALL ORDER SUCH PERSON TO MAKE SUCH PAYMENTS TOWARD THE COST OF CARE AS ARE APPROPRIATE UNDER THE CIRCUMSTANCES. "COST OF CARE" MEANS THE COST INCURRED BY THE DEPARTMENT AND/OR CITY FOR PROVIDING ROOM, BOARD, CLOTHING, MEDICAL CARE AND OTHER NORMAL LIVING EXPENSES FOR AN OFFENDER CONFINED TO A JAIL OR CORRECTIONAL FACILITY, OR ANY COSTS ASSOCIATED WITH MAINTAINING AN OFFENDER IN A HOME DETENTION PROGRAM.

(13) COST OF INSURANCE FOR USEFUL PUBLIC SERVICE. THE CITY SHALL DETERMINE WHETHER SEPARATELY OR BY OR THROUGH A SEPARATE AGENCY AND THE DEFENDANT SHALL PAY FOR THE COST OF INSURANCE WHEN ORDERED AS REQUIRED AS PART OF SENTENCING BY A MUNICIPAL JUDGE TO PERFORM USEFUL PUBLIC SERVICE.

(14) SURCHARGES ESTABLISHED BY RESOLUTION OR ORDINANCE OF THE CITY COUNCIL.

(15) THE FEES AND COSTS AUTHORIZED HEREBY MAY BE INCREASED BY ADOPTION OF A RESOLUTION BY A MAJORITY OF THE CITY COUNCIL THEN CONSIDERING THE SAME. INCREASES MAY BE AT SUCH RATE AND FREQUENCY AS DETERMINED PROPER BY THE CITY COUNCIL CONSIDERING THE SAME.

Introduced on first reading this 6th day of December 2017.

Passed and adopted on second reading this 3rd day of January 2018.



J. Merrick Taggart
President of the City
Council

ATTEST:



Wanda Winkelmann
City Clerk



2018 COURT COSTS

DEFERRED JUDGMENT OR DEFERRED PROSECUTION (\$35);

FOLLOWING CONVICTION FOR VIOLATING AN ORDINANCE(S) AT TRIAL (\$50);

FOLLOWING CONVICTION FOR VIOLATING AN ORDINANCE(S) WITHOUT TRIAL (\$35);

OUTSTANDING JUDGMENT WARRANT FEE (TRAFFIC) (\$30);

PAYMENT PLAN FEE (\$25);

TRAFFIC SCHOOL FEE (\$65);

USEFUL PUBLIC SERVICE FEE (\$35);

FAILURE TO APPEAR FOR A PROPERLY NOTICED COURT DATE (\$50);

DEFAULT FEE (\$35)

DEFAULT PROCESS FEE (\$50)

MOTOR VEHICLE BOOT FEE (\$50)

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4775 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 6th day of December, 2017 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 3rd day of January, 2018, at which Ordinance No. 4775 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 4th day of January, 2018.

W Winkelmans
City Clerk

Published: December 08, 2017
Published: January 05, 2018
Effective: February 04, 2018

