



CITY MANAGER'S OFFICE MEMORANDUM
#22-2022

DATE: March 28, 2022

TO: Honorable Mayor Meredith Leighty and City Council Members

THROUGH: Heather Geyer, City Manager 

FROM: Jason Johnson, Municipal Court Supervisor
Rupa Venkatesh, Assistant to the City Manager 

SUBJECT: CB-1980 – Warrants for Careless Driving and No Proof of Insurance Charges

PURPOSE

To consider CB-1980, an ordinance on second reading, which would amend Section 7-1-13, Subsection (c)(1) and Subsection (g) of the Municipal Code to authorize the Municipal Court to issue bench warrants against persons who are charged in accordance with Section 7-1-13(c)(1) or Subsection (c)(2), who fail to appear at a hearing before the Municipal Court at the date and time specified in the Summons and Complaint, or at such other time as the Municipal Court may order.

BACKGROUND

The Municipal Court has historically handled thousands of traffic-related tickets each year. Courts are not allowed to issue bench warrants on any non-criminal traffic cases. When defendants had outstanding fines or conditions, a series of attempts would be made through the courts to gain compliance. At times, defendants would not resolve outstanding issues and the issuance of an Outstanding Judgment Warrant (OJW) through the Department of Revenue would be necessary. An OJW issuance would suspend or cancel driver's license privileges of the defendant until all outstanding issues are resolved with the Municipal Court. This process of issuing OJWs came to an end at the end of 2021 due to State legislation.

House Bill 21-1314 was signed into law in the summer of 2021 and went into effect Jan. 1, 2022. This altered the process that Colorado municipal courts utilize to resolve traffic cases. In essence, this law prohibits all municipalities from issuing an OJW for any traffic tickets. State municipalities cannot issue an OJW as it pertains to failure to pay or completing outstanding court-ordered conditions. This law greatly hampers the Municipal Court from enforcing the Judge's sentences. The passing of this law allows defendants to be charged with serious traffic infractions and Colorado municipal courts have no recourse for obtaining compliance. Perhaps most significantly, this includes violations that involve victims in traffic offenses arising from accidents.

HB 21-1314 also established a study group with the Colorado State Patrol. Its purpose was to examine current practices of municipalities and make recommendations for procedures without the usage of OJWs. As a result of this group, no recommendations were made to assist municipalities moving forward in 2022.

Current Law and Court Procedures

Defendants charged with speed contests, reckless driving, careless driving, eluding a Police Officer or no proof of insurance frequently have restitution being requested. Speed contests, reckless driving, and eluding a Police Officer are currently criminal traffic offenses for which a bench warrant may be issued. Prior to 2022, if a defendant became outstanding in their fines, fees, or conditions, an OJW would be placed on the license. Since HB 21-1314 went into effect this year, defendants involved in more serious traffic offenses as reflected in this ordinance and

are outstanding in their fines and/or conditions cannot have their driving privileges suspended through an OJW. The only option the Municipal Court has is to issue a Show Cause Hearing (violation hearing), and if they fail to appear for this hearing, another Show Cause Hearing is ordered. The matter can't be closed as a default judgment because if restitution is being sought, it is required to be ordered within 91 days of disposition of the case.

Therefore, to address the impacts of eliminating OJWs and to attempt to gain compliance, staff is requesting that the Municipal Court gain the authority to issue warrants for the failure to appear on careless driving and no proof of insurance charges, in addition to what is already authorized for speed contests, reckless driving, and eluding a Police Officer, because all these offenses often have victims who have no other good remedy. This is also consistent with existing State law applicable to such offenses.

UPDATE

During the first reading of this ordinance on March 14, 2022, City Council requested the number of tickets cited for no proof of insurance and careless driving where the defendant did not show up for court in Northglenn, and what neighboring municipalities are doing with this issue.

In the calendar year of 2021, there were 502 careless driving tickets filed in the Northglenn Municipal Court. Of those, only eight were guilty by default. This means the defendant was found guilty because the Court never heard from the defendant, and is not indicative of how many defendants failed to appear for their hearing. Furthermore, in 2021, there were 289 no proof of insurance charges filed in the Municipal Court. Of those, 27 were found guilty by default. It should be noted, these are total numbers of charges filed in Municipal Court. The report numbers do not determine how many of these tickets involved victims, accidents, injury, or restitution being sought.

As for neighboring municipalities, Brighton, Broomfield, Thornton, Westminster, Aurora, and Boulder municipal courts can issue warrants for careless driving and no proof of insurance. Arvada did not respond to a request for information.

BUDGET/TIME IMPLICATIONS

There are no financial impacts to the City. The ability to issue warrants as proposed would bring a higher level of accountability to defendants appearing in Municipal Court on more serious traffic charges.

This proposed amendment would affect staff time in a positive way. It creates less administrative work without setting multiple hearings for one case and creates less volume on the docket for the Judge to review and Court Clerks to enter updated information in the Register of Actions.

STAFF RECOMMENDATION

Staff recommends approval of CB-1980 on second reading.

STAFF REFERENCE

If Council members have any questions, please contact:

- Jason Johnson, Court Supervisor, at jjohnson@northglenn.org or 303.450.8703
- Rupa Venkatesh, Assistant to the City Manager, at rvenkatesh@northglenn.org or 720.376.8069

SPONSORED BY: MAYOR LEIGHTY

COUNCIL MEMBER'S BILL

ORDINANCE NO.

No. CB-1980
Series of 2022

Series of 2022

A BILL FOR AN ORDINANCE AMENDING SECTION 7-1-13, SUBSECTION (c)(1) AND SUBSECTION (g) OF THE NORTHGLENN MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Sections 7-1-13, subsection (c)(1) and subsection (g) of the Northglenn Municipal Code are amended to read as follows:

Section 7-1-13. Violations -- Penalty.

* * *

(c) Exceptions to the penalty provision set forth under subsection (b) of this Section 7-1-13 are as follows:

(1) Any violations of Section 1105, Speed Contests; 1401, Reckless Driving; 1402 CARELESS DRIVING; 1413, Eluding or Attempting to Elude Police Officer, of the Model Traffic Code shall be misdemeanor traffic violations punishable by a fine not exceeding the amount set forth in Section 1-1-10(a)(2) of this Code or by imprisonment for a period not exceeding THREE HUNDRED SIXTY FOUR (364) DAYS ~~one (1) year~~, or both such fine and imprisonment; provided that where the person convicted is under the age of eighteen (18) at the time of the offense, such person shall not be subject to imprisonment for or on account of said violation; and provided further that the maximum fine which may be imposed upon any person under the age of eighteen (18) years shall be four hundred ninety-nine dollars (\$499.00).

* * *

(g) If a person who is charged with one of the offenses specified in subsection (c)(1) OR SUBSECTION (c)(2) of this section fails to appear at a hearing before the court at the date and time specified in the Summons and Complaint, or at such other time as the court may order, the court may issue a Bench Warrant for the arrest of such person and set the amount of bail for such person pursuant to Section 8-2-2(b) of this Municipal Code and Colorado Rule of Municipal Court Procedure 246.

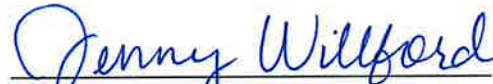
Section 2. Section 8-2-2, subsection (c) of the Northglenn Municipal Code is amended to read as follows:

Section 8-2-2. Powers and Procedures.

* * *

(c) Civil Matters--No Bail. The Municipal Court shall not cause any arrest warrant to be issued, and shall not require any bail bond to be posted, for any person charged with a traffic infraction which constitutes a civil matter under Section ~~7-1-12(b)~~ 7-1-13(b) who has failed to appear in court or otherwise answer as directed by a properly served Summons and Complaint, or who has failed to pay a civil penalty or court costs as assessed by the Municipal Court Judge.

INTRODUCED, READ, AND ORDERED POSTED this 14th day of March, 2022.


JENNY WILLFORD
Mayor Pro Tem

ATTEST:


JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2022.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:


COREY Y. HOFFMANN
City Attorney