

Rule Change #1999 (15)

CHAPTER 29. COLORADO RULES OF CRIMINAL PROCEDURE
IV. ARRAIGNMENT AND PREPARATION FOR TRIAL
Rule 17. Subpoena

In every criminal case, the prosecuting attorneys and the defendant have the right to compel the attendance of witnesses and the production of tangible evidence by service upon them of a subpoena to appear for examination as a witness upon the trial or other hearing.

(a) through (c) * * * * [NO CHANGE]

(d) SERVICE ON A MINOR. SERVICE OF A SUBPOENA UPON A PARENT OR LEGAL GUARDIAN WHO HAS PHYSICAL CARE OF AN UNEMANCIPATED MINOR THAT CONTAINS WORDING COMMANDING SAID PARENT OR LEGAL GUARDIAN TO PRODUCE THE UNEMANCIPATED MINOR FOR THE PURPOSE OF TESTIFYING BEFORE THE COURT SHALL BE VALID SERVICE COMPELLING THE ATTENDANCE OF BOTH SAID PARENT OR LEGAL GUARDIAN AND THE UNEMANCIPATED MINOR FOR EXAMINATION AS WITNESSES. IN ADDITION, SERVICE OF A SUBPOENA AS DESCRIBED IN THIS SUBSECTION SHALL COMPEL SAID PARENT OR LEGAL GUARDIAN EITHER TO MAKE ALL NECESSARY ARRANGEMENTS TO ENSURE THAT THE UNEMANCIPATED MINOR IS AVAILABLE BEFORE THE COURT TO TESTIFY OR TO APPEAR IN COURT AND SHOW GOOD CAUSE FOR THE UNEMANCIPATED MINOR'S FAILURE TO APPEAR.

~~(d)~~**(e) Service.** Unless service is admitted or waived, a subpoena may be served by the sheriff, by his deputy, or by any other person who is not a party and who is not less than eighteen years of age. Service of a subpoena may be made by delivering a copy thereof to the person named. Service is also valid if the person named has signed a written admission or waiver of personal service. If ordered by the court, a fee for one day's attendance and mileage allowed by law shall be tendered to the person named if the person named resides outside the county of trial.

~~(e)~~**(f) Place of Service.**

(1) **In Colorado.** A subpoena requiring the attendance of a witness at a hearing or trial may be served anywhere within Colorado.

(2) **Witness from Another State.** Service on a witness outside this state shall be made only as provided by law.

~~(f)~~**(g) For Taking Deposition -- Issuance.** A court order to take a deposition authorizes the issuance by the clerk of the court of subpoenas for the persons named or described in the order.

~~(g)~~(h) **Contempt.** Failure by any person without adequate excuse to obey a subpoena served upon him may be deemed a contempt of the court from which the subpoena issued.

Amended and Adopted by the Court, En Banc, November 4, 1999, effective January 1, 2000.

BY THE COURT:

Alex J. Martinez
Justice, Colorado Supreme Court