

RULE CHANGE 2012(05)

**COLORADO RULES OF CRIMINAL PROCEDURE
RULE 17(h)**

(H) FAILURE TO OBEY SUBPOENA.

(1) Contempt. Failure by any person without adequate excuse to obey a **DULY SERVED** subpoena ~~served on him~~ may be deemed a contempt of the court from which the subpoena issued. **SUCH CONTEMPT IS INDIRECT CONTEMPT WITHIN THE MEANING OF C.R.C.P. 107. THE TRIAL COURT MAY ISSUE A CONTEMPT CITATION UNDER THIS SUBSECTION (1) WHETHER OR NOT IT ALSO ISSUES A BENCH WARRANT UNDER SUBSECTION (2) BELOW.**

(2) TRIAL WITNESS—BENCH WARRANT.

(A) WHEN IT APPEARS TO THE COURT THAT A PERSON HAS FAILED WITHOUT ADEQUATE EXCUSE TO OBEY A DULY SERVED SUBPOENA COMMANDING APPEARANCE AT A TRIAL, THE COURT, UPON REQUEST OF THE SUBPOENAING PARTY, SHALL ISSUE A BENCH WARRANT DIRECTING THAT ANY PEACE OFFICER APPREHEND THE PERSON AND PRODUCE THE PERSON IN COURT IMMEDIATELY UPON APPREHENSION OR, IF THE COURT IS NOT THEN IN SESSION, AS SOON AS COURT RECONVENES. SUCH BENCH WARRANT SHALL EXPIRE UPON THE EARLIEST OF:

_____ **(I) SUBMISSION OF THE CASE TO THE JURY; OR**

_____ **(II) CANCELLATION OR TERMINATION OF THE TRIAL.**

(B) UPON THE PERSON'S PRODUCTION IN COURT, THE COURT SHALL SET BOND.

Amended and Adopted by the Court, En Banc, April 23, 2012, effective July 1, 2012.

By the Court:

**Michael L. Bender
Chief Justice, Colorado Supreme Court**