

RULE CHANGE 2013(05)

COLORADO RULES OF CRIMINAL PROCEDURE

Rule 17. Subpoena

Rule 24. Trial Jurors

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 (d) [NO CHANGE].

(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 may also be made in accordance with ~~section 24-21-204(4), C.R.S.~~ **SECTION 24-30-2104(3), C.R.S.** 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.

(f) through (h) [NO CHANGE].

Rule 24. Trial Jurors

(a) through (d) [NO CHANGE].

(e) Alternate Jurors.

The court may direct that a sufficient number of jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. Alternate jurors in the order in which they are called shall replace jurors who become unable or disqualified to perform their duties. Alternate jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath, and shall have the same functions, powers, facilities, and privileges as the regular jurors. An alternate juror shall not be discharged until the jury renders its verdict or until such time as determined by the court. When alternate jurors are impaneled, each side is entitled to one peremptory challenge for each alternate to be selected, and such additional peremptory challenges may be exercised as to any prospective jurors. **IN A CASE IN WHICH A CLASS 1,2 OR 3 FELONY IS CHARGED AND IN ANY CASE IN WHICH A FELONY LISTED IN SECTION 24-4.1-302(1), C.R.S. IS CHARGED, THE COURT, AT THE REQUEST OF THE DEFENDANT OR THE PROSECUTION, SHALL IMPANEL AT LEAST ONE ALTERNATE JUROR.**

(f) through (g) [NO CHANGE.]

Amended and Adopted by the Court, En Banc, May 15, 2013, effective immediately.

By the Court:

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