

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2018

COUNCIL BILL NO. CB18-1331
COMMITTEE OF REFERENCE:

Safety, Housing, Education & Homelessness

A BILL

For an ordinance repealing the fee for committing and discharging convicted inmates to and from the county jail.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Section 53-514, D.R.M.C. is amended by deleting the language stricken and adding the language underlined, to read as follows:

Sec. 53-514. – Prohibition on collecting fee for committing and discharging convicted inmates to and from the county jail.

~~(a) Consistent with the provisions of C.R.S. § 30-1-104(1)(n), the director of corrections and undersheriff shall charge a processing fee of thirty dollars (\$30.00) (the "fee") to each convicted inmate committed or discharged from the county jail, provided that:~~

~~(1) The fee shall be collected directly from each inmate at the time of commitment to the county jail; and~~

~~(2) The collected fee shall be refunded to any inmate who is not convicted, as defined herein, or against whom all charges, any of which formed the basis, in whole or in part, upon which the inmate was committed to the county jail, are dismissed by the court.~~

~~(b) For the purpose of this section:~~

~~(1) The terms "convicted" or "conviction" shall mean a verdict of guilty by a judge or jury or a plea of guilty or nolo contendere that is accepted by the court for a felony, misdemeanor, petty offense, or traffic misdemeanor offense, or adjudication for an offense that would constitute a criminal offense if committed by an adult, any of which charges formed the basis, in whole or in part, upon which the inmate was committed to the county jail. "Conviction" also includes having received a deferred judgment and sentence or deferred adjudication; except that a person shall not be deemed to have been convicted if the person has successfully completed the deferred sentence or deferred~~

1 adjudication that initially resulted in assessment of the fee.

2 ~~(2) The term "county jail" shall include the facility currently located at 10500 E. Smith Road in~~
3 ~~the city, the prearrangement detention facility located at 1351 Cherokee Street in the city, and any~~
4 ~~other detention or correctional facility now or hereafter developed, built or otherwise acquired by the~~
5 ~~city that fulfills in whole or in part the statutory function of a county jail, regardless of how titled or~~
6 ~~denominated, provided that only one (1) thirty-dollar fee shall be collected from an inmate under this~~
7 ~~section at the time of commitment of such inmate with regard to a particular charge(s) for which the~~
8 ~~inmate is convicted, regardless of which facility is utilized.~~

9 ~~(3) The term "collected directly from each inmate" shall include actual collection from~~
10 ~~incidental monies on the person of the inmate as well as constructive collection from monies provided~~
11 ~~to or on behalf of an inmate by others at or subsequent to the time of commitment of the inmate.~~

12 (a) Beginning January 1, 2019, the director of corrections and undersheriff shall not charge
13 the thirty-dollar processing fee referenced in section 30-1-104 (1) (n), C.R.S ("fee"). The director of
14 correction and undersheriff shall refund to the inmate any such fee collected after the effective date of
15 this bill and before January 1, 2019.

16 (4) ~~Inmates that have~~ An inmate who has paid the fee ~~and are subsequently not convicted,~~
17 ~~who wish a refund of the fee, must~~ before January 1, 2019, may request such a refund by notifying the
18 city. ~~Any such~~ The notification and refund of the fee shall be made pursuant to the rules and
19 regulations and/or internal guidelines developed under section 53-516 below. Any claim by such
20 inmate or any person or entity lawfully claiming by or through such inmate must be presented no later
21 than two (2) years from the final date establishing the non-conviction of the inmate, or be forever
22 barred.

23 (c) Fund account(s) shall be established by the director of corrections and undersheriff in
24 collaboration with the city treasurer for the receipt, management, and utilization of the fee until all fees
25 collected before January 1, 2019 are refunded or otherwise exhausted, at which point he fund
26 accounts shall close.

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28 **Section 2.** Section 53-515, D.R.M.C., is amended by deleting the language stricken and
29 adding the language underlined, to read as follows:

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31 **Sec. 53-515. - Utilization of annual revenues generated from fee for committing and discharging**
32 **convicted inmates to and from the county jail.**

33

34 The revenues generated annually from the collection of the fee for committing and discharging

1 convicted inmates authorized pursuant to section 53-514 above before January 1, 2019, shall be
2 distributed as follows:

3 (a) The city shall refund the fee to an inmate who requests the refund in accordance with
4 section 53-514 (4), D.R.M.C.

5 (b) The city shall expend an amount equal to twenty (20) percent of the revenues generated
6 annually from the fee to administer a community-based treatment program for the treatment of
7 offenders with mental illness or addiction committed or discharged by the city if the city has
8 established such a community-based treatment program.

9 (c) For purpose of subsection (a) "community-based treatment program" means a
10 community-based program that provides management and treatment services to persons with mental
11 illness or addiction in the criminal or juvenile justice system, designed, at a minimum, to reduce
12 recidivism and hospitalization of these persons.

13 (d) The city shall expend an amount equal to twenty (20) percent of the revenues generated
14 annually from the fee for training, at the discretion of the manager of safety, of members of the Denver
15 police department and the Denver sheriff department, which training may include a crisis intervention
16 training component to meet the needs of offenders with mental illness; and

17 (e) The city shall expend the balance of the revenues generated annually from the said fee
18 for law-enforcement-related expenditures to defray ~~the costs of processing prisoners into and out of~~
19 ~~custody of the city's jail system~~ processing costs.

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21 **Section 3.** Section 53-516, D.R.M.C., is amended by adding the language underlined, to read
22 as follows:

23
24 **Sec. 53-516. - Internal guidelines and rules and regulations.**

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26 The manager of safety and director of corrections and undersheriff shall have power and authority,
27 and are hereby empowered and authorized, to adopt rules and regulations and/or internal guidelines
28 for the implementation of the collection, maintenance, utilization, and, as necessary, the refund, of the
29 fee collected before January 1, 2019.

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31 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**
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3 COMMITTEE APPROVAL DATE: November 14, 2018

4 MAYOR-COUNCIL DATE: November 20, 2018

5 PASSED BY THE COUNCIL _____

6 _____ - PRESIDENT

7 APPROVED: _____ - MAYOR _____

8 ATTEST: _____ - CLERK AND RECORDER,
9 EX-OFFICIO CLERK OF THE
10 CITY AND COUNTY OF DENVER
11

12 NOTICE PUBLISHED IN THE DAILY JOURNAL _____; _____

13 PREPARED BY: Chad Sublet, Assistant City Attorney DATE: November 21, 2018

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15 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
16 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
17 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
18 3.2.6 of the Charter.
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20 Kristin M. Bronson, Denver City Attorney

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22 BY:  _____, Assistant City Attorney

DATE: Nov 21, 2018

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