

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2016

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:

4
5 A BILL

6
7 For an ordinance amending Section 14-33(a) and Section 14-68(a) of the Denver
8 Revised Municipal Code to establish a uniform definition of Domestic Violence.
9

10 **WHEREAS**, subsection (a) of the Denver Revised Municipal Code, Section 14-33, defines
11 Domestic violence as any harmful physical contact, or threat thereof, between family or household
12 members or unmarried couples, including the destruction of property, as a method of coercion, control,
13 revenge, or punishment.
14

15 **WHEREAS**, subsection (a)(1) of the Denver Revised Municipal Code, Section 14-68, defines
16 Domestic violence as:

17 (a) the infliction or threat of infliction, implied by word or action, of any bodily injury or
18 harmful physical contact upon a person with whom the actor is or has been involved in an
19 intimate relationship unlawful by word, gesture or action, to endeavor to further the practice of
20 prostitution in any place; or

21 (b) the destruction or threat of destruction, implied by word or action, of property of a person
22 with whom the actor is or has been involved in an intimate relationship.
23

24 **WHEREAS**, Section 14-33 (a) of the Denver Revised Municipal Code and Section 14-68 (a)(1)
25 of the Denver Revised Municipal Code are in opposition.
26

27 **WHEREAS**, the purpose of this ordinance is to make a uniform definition of Domestic Violence
28 for all stages of a criminal case.
29

30 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
31 **DENVER:**
32

33 **Section 1.** That section 14-33, D.R.M.C., defining domestic violence for purposes of a
34 defendant's right to appear on bond, shall be amended by replacing the language of subsection (a)

1 with the underlined language, to read as follows:

2 **Sec. 14-33. Right to appearance on bond.**

3 ~~(a) *Definitions.* Domestic violence means any harmful physical contact, or threat~~
4 ~~thereof, between family or household members or unmarried couples, including the~~
5 ~~destruction of property, as a method of coercion control, revenge, or punishment.~~

6 (a) *Definitions.*

7 (1) "Domestic violence" means an act or threatened act of violence upon a person with
8 whom the actor is or has been involved in an intimate relationship. 'Domestic Violence'
9 also includes any other crime against a person, or against property, including an animal,
10 or any municipal ordinance violation against a person, or against property, including an
11 animal, when used as a method of coercion, control, punishment, intimidation, or
12 revenge directed against a person with whom the actor is or has been involved in an
13 intimate relationship.

14 (2) "Intimate relationship" means a relationship between spouses, former spouses, past
15 or present unmarried couples, or persons who are both the parents of the same child
16 regardless of whether the persons have been married or have lived together at any time.

17 (b) *Right to bond.* Every person arrested and charged with the violation of any section
18 of this Code, or other municipal ordinance, shall have the right to be released on bond
19 in accordance with law and the rules of the county court.

20 (c) *Rules on bond.* The presiding judge of the county court, with the concurrence of the
21 majority of the judges of the court, may adopt rules and regulations concerning and
22 regulating the furnishing of bail bonds in the court.

23 (d) *Conditions on bonds.* The court may attach reasonable conditions to any bond,
24 including, by way of example and not limitation, a no contact order. In determining the
25 amount of the bond, the type of bond, and the conditions to be placed on the bond, the
26 court shall take into consideration the following factors:

- 27 (1) The amount of bail shall not be oppressive;
- 28 (2) The defendant's employment status and history and financial condition;
- 29 (3) The nature and extent of the defendant's family relationships;
- 30 (4) The defendant's past and present residences;
- 31 (5) The defendant's character and reputation;
- 32 (6) The identity of persons who agree to assist the defendant in attending court
- 33 at the proper time;

1 (7) The nature of the offense presently charged and the apparent probability of
2 conviction and the likely sentence;

3 (8) The defendant's prior criminal record, if any, and if he or she previously has
4 been released pending trial, whether he or she appeared as required;

5 (9) Any facts indicating the possibility of violations of law if the defendant is
6 released without restrictions;

7 (10) Any facts indicating a likelihood that there will be an intimidation or
8 harassment of possible witnesses by the defendant;

9 (11) Any other facts tending to indicate that the defendant has strong ties to the
10 community and is not likely to flee the jurisdiction.

11 (e) *Personal recognizance bonds.* The court shall not issue a personal recognizance
12 bond unless the ordinance violation is on a bond schedule or the prosecutor consents.

13 (f) *Domestic violence bonds.* Ordinance violations that allege a factual basis of
14 domestic violence shall not be on the bond schedule. The court shall consider the
15 following factors in determining bond in domestic violence cases:

16 (1) Those listed in paragraph (d) of this section;

17 (2) Written communications from the arresting officers and other witnesses, if
18 any;

19 (3) Prior domestic violence incidents; and

20 (4) Prior violations of no contact or restraining orders.

21 (g) *Prostitution bonds.* Violations of section 38-158 of the Revised Municipal Code shall
22 not be on the bond schedule.

23 (h) *Obligors on bond.* By making a bond the obligors submit to the jurisdiction of the
24 county court and irrevocably appoint the clerk of the court as their agent upon whom
25 any process or papers affecting their liability under such bond may be served. The
26 liability of the defendant and the surety may be enforced by the county court in the
27 action in which the bond is filed, on citation, after service of the same upon the agent,
28 as the court may order and judgment entered therein by the court against the defendant
29 and surety. The citation shall be served upon the clerk of the county court, who shall
30 forthwith mail copies thereof to the obligors under the bond, by certified United States
31 mail, to the addresses of the persons as set forth in the bond.

32 (Code 1950, §§ 151.8, 152.13; Ord. No. 226-94, § 1, 3-21-94; Ord. No. 984-94, § 1, 12-5-94)

33
34 **Section 2.** That section 14-68, D.R.M.C., defining domestic violence for purposes of a

1 sentencing, shall be amended by deleting subsection (a)(1) and adding the underlined language to
2 subsection (a)(1), to read as follows:

3 **Sec. 14-68. Domestic violence; sentencing.**

4 (a) *Definitions.*

5 ~~(1) *Domestic violence* means:~~

6 ~~a. The infliction or threat of infliction, implied by word or action, of any bodily~~
7 ~~injury or harmful physical contact upon a person with whom the actor is or has~~
8 ~~been involved in an intimate relationship; or~~

9 ~~b. The destruction or threat of destruction, implied by word or action, of property~~
10 ~~of a person with whom the actor is or has been involved in an intimate~~
11 ~~relationship.~~

12 (1) “Domestic violence” means an act or threatened act of violence upon a person with
13 whom the actor is or has been involved in an intimate relationship. “Domestic Violence” also
14 includes any other crime against a person, or against property, including an animal, or any
15 municipal ordinance violation against a person, or against property, including an animal,
16 when used as a method of coercion, control, punishment, intimidation, or revenge directed
17 against a person with whom the actor is or has been involved in an intimate relationship.

18 (2) *Intimate relationship* means a relationship between spouses, former spouses, past
19 or present unmarried couples, or persons who are both the parents of a child
20 regardless of whether the persons have been married or have lived together at any
21 time.

22 (b) *Domestic violence; sentencing.* If the court places any person on probation who is
23 convicted of any crime, the underlying factual basis of which has been found by the court
24 on the record to include an act of *domestic violence*, the person shall be ordered, as a
25 condition of probation, to complete a treatment evaluation and treatment program that
26 has been approved by the state *domestic violence* offender management board or other
27 similar board created by statutes of the state. Nothing in this section shall preclude the
28 court from ordering such treatment in any appropriate case.

29
30 (Ord. No. 227-94, § 1, 3-21-94; Ord. No. 448-01, § 1, 5-29-01)

31
32 COMMITTEE APPROVAL DATE: _____, 2016.

33 MAYOR-COUNCIL DATE: _____, 2016.

34 PASSED BY THE COUNCIL _____ 2016

1 _____ - PRESIDENT
2 APPROVED: _____ - MAYOR _____ 2016
3 ATTEST: _____ - CLERK AND RECORDER,
4 EX-OFFICIO CLERK OF THE
5 CITY AND COUNTY OF DENVER
6
7 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2016; _____ 2016
8

9 PREPARED BY: Bradley Whitfield, Asst. City Attorney; DATE: _____
10

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.
15

16 Kristin Bronson
17 City Attorney
18

19 BY: _____, _____ City Attorney
20 DATE: _____
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