

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor’s Legislative Team at MileHighOrdinance@DenverGov.org by **3:00pm on Monday**. For any questions please contact Skye Stuart.

**All fields must be completed.*
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: _____

Please mark one: Bill Request or Resolution Request

1. Has your agency submitted this request in the last 12 months?

Yes No

If yes, please explain:

2. **Title:** Municipal Code Change of Denver Revised Municipal Code 14-33(a) and 14-68(a)

3. **Requesting Agency:** Denver City Attorney’s Office

4. **Contact Person:** (With actual knowledge of proposed ordinance/resolution.)

- **Name:** Bradley Whitfield
- **Phone:** (720) 913-3299
- **Email:** Bradley.Whitfield@denvergov.org

5. **Contact Person:** (With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)

- **Name:** Bradley Whitfield
- **Phone:** (720) 913-3299
- **Email:** Bradley.Whitfield@denvergov.org

6. **General description/background of proposed ordinance including contract scope of work if applicable:**

This proposed ordinance seeks to replace the City’s multiple definitions of “domestic violence” in Chapter 14 of the Denver Revised Municipal Code (“DRMC”) with the state definition, C.R.S. 18-6-800.3. The state definition defines “domestic violence” as:

[An] act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. ‘Domestic Violence’ also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

By replacing the City’s current definitions with the State definition, the City seeks to accomplish the following:

- (1) **Uniformity** – The City’s definitions are found in Section 14-33 and Section 14-68(a). Section 14-33(a) defines “domestic violence” for the purposes of setting bond whereas Section 14-68(a) defines “domestic violence” for the purposes of sentencing. Currently, these definitions conflict. To illustrate, Section 14-33 defines domestic violence as harmful physical contact “between family or household members.” Not only is this language misplaced for domestic-violence scenarios, but such language is not included in Section 14-68. As a result, the court may label cases as “Domestic Violence” at their onset but not at their conclusion. By adopting one uniform definition, the Municipal Court may correctly label such cases from beginning to end.
- (2) **Avoiding Disparate Treatment for Same Conduct** – By having different definitions between the City of Denver and the State, domestic-violence offenders may receive different legal consequences for the same criminal conduct. Whereas the State’s definition acknowledges the dynamic of domestic violence, that is, that any crime can be domestic violence if perpetuated against an intimate partner to control, punish, intimidate, or retaliate against that person, the City’s definition(s) limit domestic violence cases to those involving actual or threatened violence. When a defendant is convicted of a domestic violence crime, the City code and state law require the defendant to complete a domestic-violence treatment program as a

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Date Entered: _____

condition of probation. Such mandated treatment seeks to reduce recidivism. If the municipal court does not find the definition of 14-68(a) is met, however, the municipal judge is not required to send the Defendant to such treatment. As a result, the same criminal conduct may be treated differently depending on whether the Defendant is sent to Municipal court or County court. By adopting the same state-wide definition, this disparity is eliminated.

- (3) **Training** – The Denver Police Department will only need to learn one definition of domestic violence, thereby simplifying training and ensuring a consistent approach to all domestic violence cases;
- (4) **Ensuring Habitual DV Offender Status** – Pursuant to the Colorado habitual domestic violence offender statute, C.R.S. 18-6-801(7), prosecutors may charge defendants facing their fourth domestic-violence-related misdemeanor with a felony, carrying a mandatory jail terms of three years. Under this statute, a defendant’s municipal, domestic violence convictions count towards a defendant’s overall number of DV convictions. By using the same definition, the City can eliminate any potential roadblocks for state-wide prosecutors attempting to identify and charge habitual domestic violence offenders.

****Please complete the following fields:** (Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field – please do not leave blank.)

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:** N/A
- d. **Affected Council District:** ALL
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** N/A

7. Is there any controversy surrounding this ordinance? (Groups or individuals who may have concerns about it?) **Please explain.**

No.

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