

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2010

COUNCIL BILL NO. _0943_____
COMMITTEE OF REFERENCE:
4 Health, Safety, Education & Services

5 A BILL

6 For an ordinance amending Section 14-65, D.R.M.C. concerning county court
7 procedures in regard to violation of probation
8

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

10 **Section 1.** That section 14-65, D.R.M.C. shall be amended by deleting the language stricken,
11 to read as follows:

12
13 **Sec. 14-65. Violation of probation.**

14 A peace officer may arrest any person who has been placed on probation
15 when that officer has probable cause to believe that the conditions of probation or
16 other terms of probation or other order of the court relating to sentencing of the
17 probationer have been violated. Any probationer who has been arrested under these
18 circumstances shall be brought before the court without unreasonable delay to show
19 cause why the probation should not be revoked. Alternatively, if facts are presented
20 to the court from which it reasonably appears that the conditions of probation have
21 been violated by any person on probation, the court shall issue a warrant for the
22 arrest of the person and requiring that the person be brought before the court to
23 show cause why the probation should not be revoked. If the probationer is taken into
24 custody, the court may admit such probationer to bail conditioned upon the person's
25 appearance before the court on a day certain. Such bail may be continued from time
26 to time until final order of the court. If at such a hearing the judge determines that
27 such probationer is not guilty of a violation of the conditions of probation, the judge
28 shall enter an order in accordance therewith and forthwith order the probationer's
29 release, if in custody. If the judge determines that the violation of the conditions of
30 such probation has been committed, the judge shall either revoke or continue the
31 probation within three (3) days after the hearing. If probation is revoked and no
32 sentence has been previously imposed, the court may impose any sentence which
33 might originally have been imposed. If probation is revoked and sentence has been
34 previously imposed, the court may vacate the suspension of sentence and reinstate

1 the sentence originally imposed. ~~Any person who has been admitted to probation~~
2 ~~and against whom proceedings for the revocation of probation have not been~~
3 ~~commenced within the term of probation shall be conclusively presumed to have~~
4 ~~satisfied the sentence or fine imposed.~~

5
6 COMMITTEE APPROVAL DATE: November 5, 2010 (Consent.)

7 MAYOR-COUNCIL DATE: November 9, 2010.

8 PASSED BY THE COUNCIL: _____, 2010

9 _____ - PRESIDENT

10 APPROVED: _____ - MAYOR _____, 2010

11 ATTEST: _____ - CLERK AND RECORDER,
12 EX-OFFICIO CLERK OF THE
13 CITY AND COUNTY OF DENVER

14 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2010; _____, 2010

15 PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE: November 10, 2010

16 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
17 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
18 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
19 3.2.6 of the Charter.

20 David R. Fine, City Attorney

21 BY: _____, Assistant City Attorney DATE: _____, 2010