

DENVER COUNTY COURT

Proposed Language for ordinance changes:

Sec. 14-65. – Violation of Probation.

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

Language for Proposed New Ordinance:

14-? Attachment of Earnings.

If the defendant does not pay fines, fees, court costs, or restitution as ordered or in accordance with the agreed upon time payment plan, the clerk of court may issue an attachment of earnings requiring that a certain portion of a defendant's earnings, not to exceed fifty percent, be withheld and applied to any unpaid fines, fees, court costs, or restitution, if such an attachment does not adversely impact the defendant's ability to comply with other orders of the court. An attachment of earnings under this paragraph may be modified to a lesser or greater amount based upon changes in a defendant's circumstances as long as the amount withheld does not exceed fifty percent and may be suspended or cancelled at the court's discretion. An attachment of earnings issued pursuant to this paragraph shall be enforceable in the same manner as a garnishment in a civil action.