

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2017

COUNCIL BILL NO. CB17-0134
COMMITTEE OF REFERENCE:
Finance & Governance

5 A BILL

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

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

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

- 15 (a) the infliction or threat of infliction, implied by word or action, of any bodily injury or
16 harmful physical contact upon a person with whom the actor is or has been involved in an
17 intimate relationship; or
- 18 (b) the destruction or threat of destruction, implied by word or action, of property of a person
19 with whom the actor is or has been involved in an intimate relationship.

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

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

24
25 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
26 **DENVER:**

27 **Section 1.** That section 14-33, D.R.M.C., defining domestic violence for purposes of a
28 defendant's right to appear on bond, shall be amended by replacing the language of subsection (a)
29 with the underlined language, to read as follows:

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

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

1 (a) Definitions.

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

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

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

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

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

- 22 (1) The amount of bail shall not be oppressive;
- 23 (2) The defendant's employment status and history and financial condition;
- 24 (3) The nature and extent of the defendant's family relationships;
- 25 (4) The defendant's past and present residences;
- 26 (5) The defendant's character and reputation;
- 27 (6) The identity of persons who agree to assist the defendant in attending court
- 28 at the proper time;
- 29 (7) The nature of the offense presently charged and the apparent probability of
- 30 conviction and the likely sentence;
- 31 (8) The defendant's prior criminal record, if any, and if he or she previously has
- 32 been released pending trial, whether he or she appeared as required;

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

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

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

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

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

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

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

15 (3) Prior domestic violence incidents; and

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

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

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

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

29 **Section 2.** That section 14-68, D.R.M.C., defining domestic violence for purposes of a
30 sentencing, shall be amended by deleting subsection (a)(1) and adding the underlined language to
31 subsection (a)(1), to read as follows:

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

33 (a) *Definitions.*

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

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

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

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

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

25
26 (Ord. No. 227-94, § 1, 3-21-94; Ord. No. 448-01, § 1, 5-29-01)

1 COMMITTEE APPROVAL DATE: (by Consent) February 7, 2017.

2 MAYOR-COUNCIL DATE: February 14, 2017.

3 PASSED BY THE COUNCIL _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

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

10 NOTICE PUBLISHED IN THE DAILY JOURNAL _____; _____

11 PREPARED BY: Bradley Whitfield, Assistant City Attorney DATE: February 16, 2017

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

17 Kristin M. Bronson, Denver City Attorney

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19 BY: _____, Assistant City Attorney DATE: _____