



Denver Municipal Victim Rights Act

Safety, Housing, Education & Homelessness Committee,
November 2023

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Outline

- HB 23-1222
- Why Compliance with HB 23-1222 is Imperative
- CAO's Domestic Violence Prosecution in Denver
- Our Proposal
- Timeline

HB 23-1222, Cases of Domestic Violence in Municipal Court



HB 23-1222

- Effective January 1, 2024
- Requires municipalities that prosecute domestic violence to adopt an ordinance establishing:
 - Protections and rights for victims, victims' families, and witnesses
 - Same guidelines and standards as provided under the Victim's Rights Act
 - Additional bond and sentencing standards for DV defendants
 - Additional reporting requirements for Courts on DV cases



Why compliance with HB 23-1222 is imperative

- Without passage of the proposed ordinance in compliance with the requirements of HB 23-1222, the City will lose the ability to prosecute domestic violence offenses in municipal court.
- This will have calamitous effects on victims of domestic violence in Denver.

CAO's Domestic Violence Prosecution



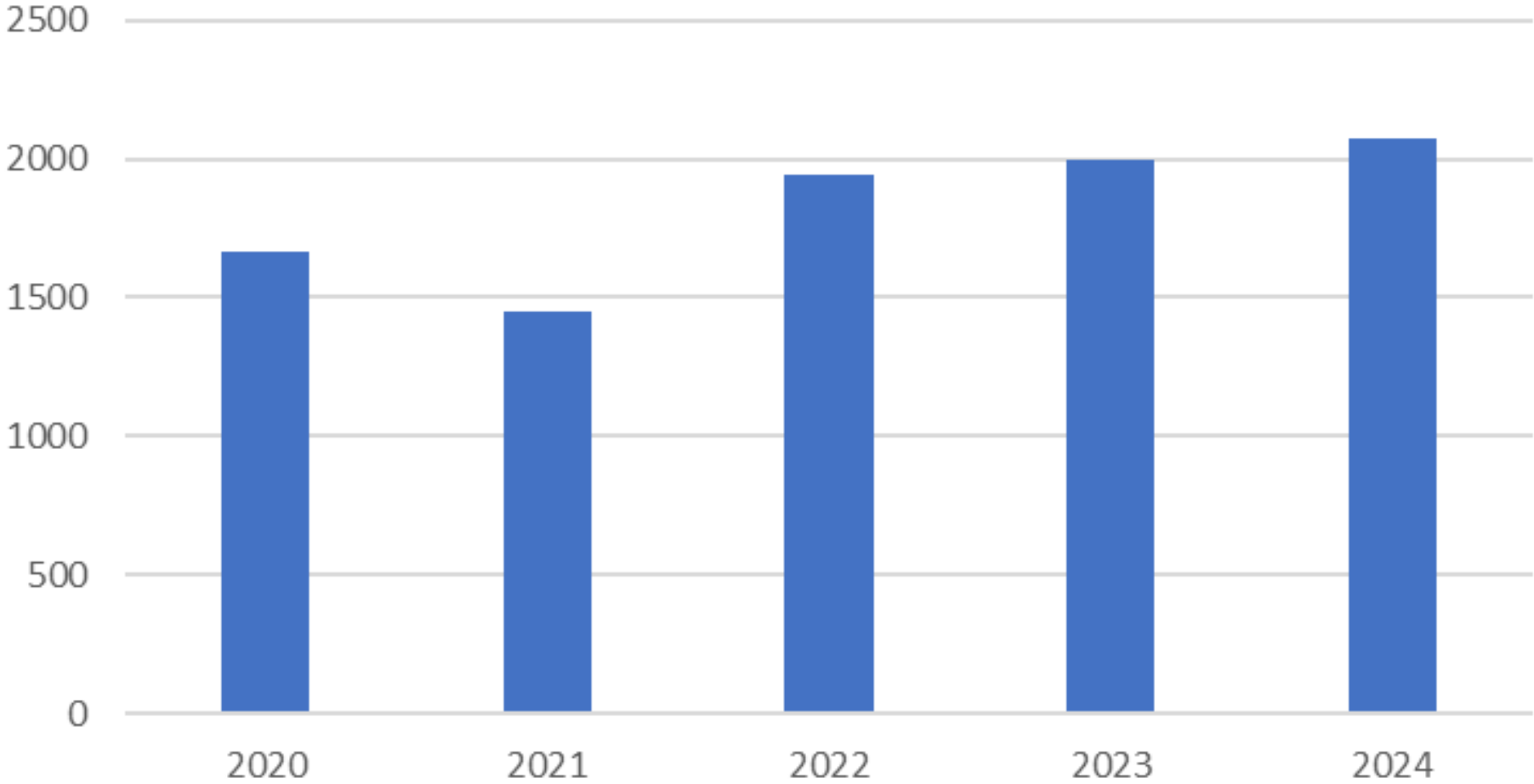
- The CAO prosecutes the most DV cases of any jurisdiction in Colorado.
- CAO also recognized as leader in this area: DV symposium.
- Victims of these crimes are some of the City's most at-risk populations.

Impact on Public Safety

- CAO prosecutes nearly 2,000 DV cases annually
- Nearly all our cases can qualify as state misdemeanors, and sometimes even felonies, including assaults w/ serious bodily injury and attempted strangulation.
- Without the proposed ordinance, there is no guarantee these cases will be heard at all.
- If this is the case, offenders will be given no consequences. Moreover, they will be emboldened to abuse again.
- Municipal DV prosecution is homicide prevention



Municipal Domestic Violence Cases



Our Proposal

- Ordinance that complies with HB 23-1222 and includes the same VRA protections as those afforded to victims in certain state cases
- Requires consistent prosecutor
- Ensures victims are treated with fairness, respect, dignity and that they are free from intimidation harassment, and abuse
- Ensures victims are informed of critical stages of the criminal justice process and that they may be present for and heard at those proceedings



Our Proposal

- Requires additional bond conditions for DV cases in municipal court, including:
 - Mandatory protection orders
 - Firearms relinquishment
- Sets sentencing standards for DV defendants that comply with Domestic Violence Offender Management Board requirements
- Imposes reporting standards on municipal courts for DV charges/convictions (CBI/NCIC)



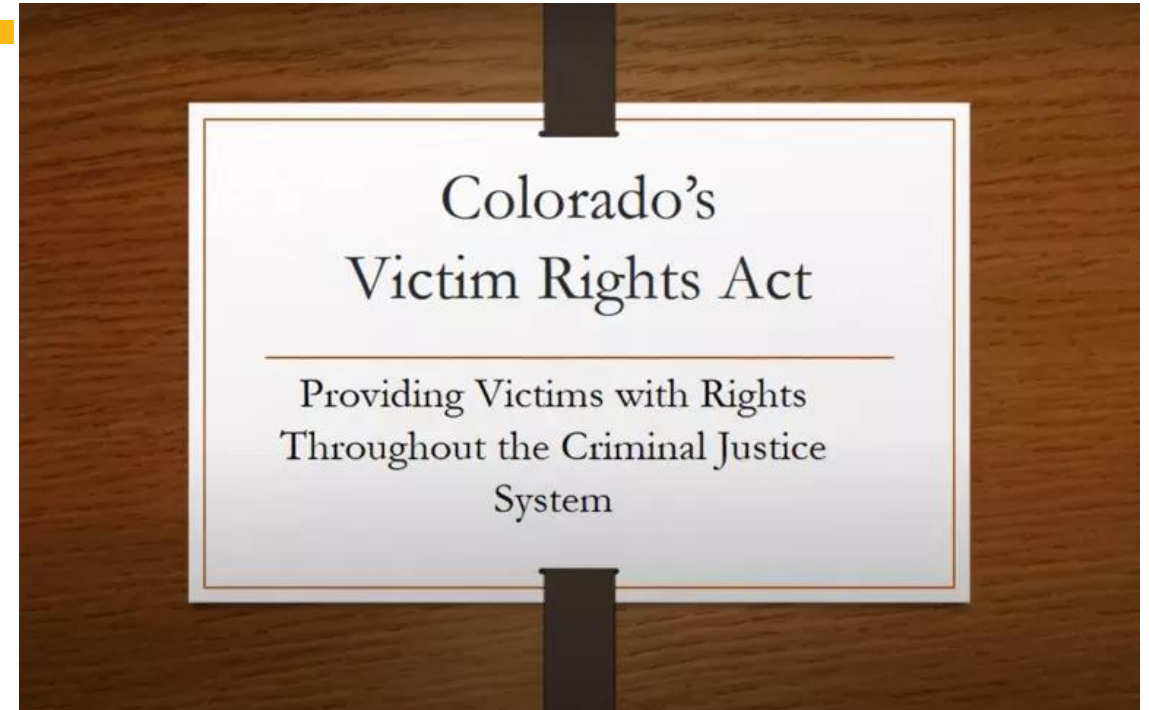
Proposal: Covers the Most Aggravated Criminal Offenses

- Following the spirit of the VRA, the Municipal Victim's Rights Act will apply to:
 - Domestic Violence Crimes
 - Wrongs to Minors
 - Threats
 - Indecent Exposure
 - Class-1 Offenses
 - Bias-motivated offenses
 - Sexually-motivated offenses
 - Offenses against at-risk persons
 - Assault on law enforcement officer
 - Assault with serious bodily harm
 - Assault with strangulation



Our Proposal: Safeguards

- HB 23-1222 directs complaints under VRA to State VRA compliance board
- Goal is to ensure compliance of regulated agencies and complaint review.
- If board determines complaint has basis in fact and cannot be resolved, it is referred to governor, who directs AG to file suit to enforce compliance.



Timeline



- Stakeholder outreach has begun and will continue throughout the process



- Present bill at Safety Committee on November 1, 2023



- Ordinance must be in place no later than January 1, 2024



QUESTIONS?