



Legislation Text

File #: 17-0134, Version: 1

Other/Miscellaneous Request Template (Appointments; ROW; Code Changes; Zoning Action, etc.)

Date Submitted: 1-31-17

Requesting Agency: City Attorney's Office

Division:

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Item Title & Description:

(Do not delete the following instructions)

*These appear on the Council meeting agenda. Initially, the requesting agency will enter a 2-3 sentence description. Upon bill filling, the City Attorney's Office should enter the title above the description (the title should be in **bold** font).*

*Both the title and description must be entered between the red "title" and "body" below. Do **not** at any time delete the red "title" or "body" markers from this template.*

A bill for an ordinance amending Section 14-33(a) and Section 14-68 (a) of the Denver Revised Municipal Code to establish a uniform definition of Domestic Violence.

Amends Chapter 14 of the Denver Revised Municipal Code by replacing the City's multiple definitions of "domestic violence" with the state definition, C.R.S. 18-6-800.3, to create uniformity, avoid disparate treatment for the same conduct, provide clearer officer training, and ensure proper use of habitual domestic violence offender status. The Committee approved filing this bill by consent on 2-7-17.

Affected Council District(s) or citywide? Citywide

Executive Summary with Rationale and Impact:

Detailed description of the item and why we are doing it. This can be a separate attachment.

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 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.*

Address/Location (if applicable):

Legal Description (if applicable):

Denver Revised Municipal Code (D.R.M.C.) Citation (if applicable):

Draft Bill Attached?