

1 CITY OF LITTLETON, COLORADO

2
3 ORDINANCE NO. 7

4
5 Series, 2020

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7
8 AN ORDINANCE OF THE CITY OF LITTLETON,
9 COLORADO, AMENDING TITLE 1 SECTIONS 4 AND 6 OF
10 THE LITTLETON MUNICIPAL CODE PERTAINING TO
11 GENERAL PENALTY AND MUNICIPAL COURT
12 ADMINISTRATION

13
14 WHEREAS, the City Council of the City of Littleton desires to update the Littleton
15 Municipal Code to reflect the current Colorado Revised Statutes; and

16
17 WHEREAS, the revisions clean up language in the code, clarify process and terms,
18 and allow judicial discretion.

19
20 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
21 THE CITY OF LITTLETON, COLORADO, THAT:

22
23 Section 1: Section 4 of Title 1, General Penalty Administration, is hereby amended
24 as follows:

25 **1-4-1: GENERAL PENALTY:**

26 Whenever in this code or any other ordinance of the city hereinafter enacted any act is prohibited
27 or is declared to be unlawful or an offense, or the doing of any act is required or the failure to do
28 any act is declared to be unlawful or an offense, where no specific penalty is provided therefor,
29 any person eighteen (18) years of age or older who pleads guilty, no contest, or is convicted of
30 the violation of any such provision of this code or other ordinance of the city hereinafter enacted,
31 shall be punished by a fine of not more than two thousand six hundred fifty dollars (\$2,650.00);
32 or by imprisonment in jail not exceeding ~~one year~~ THREE HUNDRED SIXTY-FOUR (364)
33 DAYS, or by probation not exceeding one year, or by such fine, imprisonment, probation and
34 restitution as provided for in this code.

35
36 Excluding those violations committed under [title 9](#) of this code, and any codes adopted by
37 reference therein for which penalties as specified in the first paragraph of this section may be
38 applied, all violations of this code or any other ordinance of the city hereinafter enacted by any
39 minor under the age of eighteen (18) years shall not be punishable by imprisonment, but shall be
40 punishable by a fine of not more than two thousand six hundred fifty dollars (\$2,650.00) or by
41 probation not exceeding one year, or by such fine, probation and restitution as provided for in
42 this code.

43
44 Every day that a violation of any provision of this code, or any other ordinance of the city
45 hereafter enacted or any rule or regulation promulgated under the provisions of this code,

1 continues, it shall be deemed to constitute a separate offense regardless of whether or not any
2 specific penalty clause, if applicable, so provides.

3
4 The limitation on fines set forth herein shall be adjusted for inflation on January 1, 2014, and on
5 January 1 of each year thereafter; "inflation" means the annual percentage change in the United
6 States department of labor, bureau of labor statistics, consumer price index for Denver-Boulder,
7 all items, all urban consumers, or its successor index.

8 **Section 2:** Section 6 of Title 1, Municipal Court Administration, is hereby
9 amended as follows:

10 **1-6-3: COMPENSATION OF JURORS:**

11
12 Each member of a jury panel who shall attend the municipal court shall receive as compensation
13 ~~therefor the sum of three dollars (\$3.00) for each part of a day he shall be in attendance. Each~~
14 ~~juror shall be paid six dollars (\$6.00) per day for actual service as a juror.~~ NO MORE THAN
15 FIFTY DOLLARS (\$50.00) PER DAY AS FOLLOWS:

16
17 (A) REGULARLY EMPLOYED JURORS: SHALL BE COMPENSATED HIS OR HER
18 REGULAR WAGES UP TO FIFTY DOLLARS (\$50.00) PER DAY OF SERVICE,
19 UNLESS AN AGREEMENT HAS BEEN MADE BY THE EMPLOYER TO
20 COMPENSATE THE JUROR FOR JURY DUTY.

21 (B) UNEMPLOYED JURORS: SHALL BE REIMBURSED FOR TRAVEL, CHILD CARE,
22 AND OTHER REASONABLY NECESSARY OUT-OF-POCKET COSTS RELATED
23 TO JURY SERVICE (EXCEPT FOOD) UP OT FIFTY DOLLARS (\$50.00) PER DAY
24 OF SERVICE.

25 The cost of such jury and jury panel may be assessed against the defendant in the event he shall
26 be found guilty.

27
28 **1-6-8: MUNICIPAL COURT PROCESS:**

29
30 (A) The following persons shall have the authority to issue, execute and serve city municipal
31 court process: (Ord. 24, Series of 1991; amd. Ord. 15, Series of 2012)

32 1. Any commissioned employee of the city's police department or other person who is lawfully
33 deputized by the chief of police for such limited purposes as the chief may designate in writing;
34 (Ord. 18, Series of 2002; amd. Ord. 15, Series of 2012)

35 2. The city's animal control and parking enforcement officers;

36 3. Any commissioned police officer working within the city, but who is not employed by the city
37 and who is lawfully deputized by the city's chief of police or the chief of police's designee;

38 4. Any city zoning or building inspection enforcement official;

1 5. The city's sales tax administrator; and

2 6. ~~The city's fire marshal or any city fire prevention~~ ANY SOUTH METRO FIRE RESCUE
3 officer. (Ord. 24, Series of 1991; amd. Ord. 15, Series of 2012)

4 7. On those properties owned or managed by the south suburban park and recreation district, its
5 ~~senior and seasonal~~ park rangers may issue, execute and serve municipal court process, but only
6 that process, related to alleged violations of title 6, chapters 1 and 2 and sections [6-9-1](#), 6-9-2, 6-
7 9-3 and [6-9-5](#) of this code. Parking violations of sections 1204 and 1208 of the model traffic
8 code, and subsection [9-1-7](#)(A) of this code, and possession or use of fireworks in violation of
9 section 7802.3 of the uniform fire code. (Ord. 21, Series of 2001; amd. Ord. 15, Series of 2012)

10 8. The city manager, or his designee, but only as to proceedings or alleged violations under [title](#)
11 [8, chapter 4](#) of this code. (Ord. 3, Series of 2014)

12 9. The city's library director, but only as to proceedings or alleged violations under section [6-9-6](#)
13 of this code. (Ord. 5, Series of 1994; amd. Ord. 15, Series of 2012)

14 10. ON THOSE PROPERTIES OWNED OR MANAGED BY ARAPAHOE COMMUNITY
15 COLLEGE, ANY OF ITS CAMPUS POLICE OFFICERS.

16 (B) The following persons shall have the authority to execute and serve, but not to issue, city
17 municipal court process:

18 1. Any authorized law enforcement official employed outside of the jurisdiction of the city
19 pursuant to sections 13-10-111 and 31-16-110 Colorado Revised Statutes; and

20 2. Any person lawfully deputized by the city's chief of police or the chief of police's designee.

21 (C) The clerk of the municipal court shall issue a subpoena requiring a witness to appear and
22 testify in the municipal court upon the request of either the prosecuting attorney or the
23 defendant. Any subpoena shall be served in conformance with the Colorado municipal court
24 rules of procedure. (Ord. 24, Series of 1991; amd. Ord. 15, Series of 2012)

25 **1-6-11: COMMITMENT TO JAIL FOR FAILURE TO PAY MONETARY**
26 **OBLIGATIONS:**
27

28 (A) Any person against whom any monetary obligation, including, but not limited to, fines,
29 costs, fees, surcharges, or restitution, has been assessed upon conviction under the ordinance of
30 the city of any offense for which jail is a possible penalty may be committed to jail until such
31 monetary obligations are satisfied, for a period of time not to exceed fifteen (15) days. ~~Prior to~~
32 ~~such commitment to jail, the municipal court must comply with the procedures as set forth in~~
33 ~~Colorado Revised Statutes 18-1.3-702, as amended.~~
34

1 (C) WHEN THE COURT IMPOSES A SENTENCE, ENTERS A JUDGMENT, OR
2 ISSUES AN ORDER THAT OBLIGATES A PERSON TO PAY ANY MONETARY
3 AMOUNT, THE COURT SHALL INSTRUCT THE PERSON AS FOLLOWS:
4

5 1. IF AT ANY TIME THE PERSON IS UNABLE TO PAY THE MONETARY
6 AMOUNT DUE, THE PERSON MUST CONTACT THE COURT'S DESIGNATED
7 OFFICIAL OR APPEAR BEFORE THE COURT TO EXPLAIN WHY HE OR SHE IS
8 UNABLE TO PAY THE MONETARY AMOUNT;
9

10 2. IF THE PERSON LACKS THE PRESENT ABILITY TO PAY THE MONETARY
11 AMOUNT DUE WITHOUT UNDUE HARDSHIP TO THE PERSON OR HIS OR HER
12 DEPENDANTS, THE COURT SHALL NOT JAIL THE PERSON FOR FAILURE TO PAY;
13 AND

14 3. IF THE PERSON HAS THE ABILITY TO PAY THE MONETARY AMOUNT AS
15 DIRECTED BY THE COURT OR THE COURT'S DESIGNEE BUT WILLFULLY FAILS TO
16 PAY, THE PERSON MAY BE IMPRISONED FOR FAILURE TO COMPLY WITH THE
17 COURT'S LAWFUL ORDER TO PAY PURSUANT TO THIS SECTION AND COLORADO
18 REVISED STATUTES SECTION 18-1.3.702.
19

20 (C) THE COURT SHALL NOT IMPRISON THE PERSON WHEN HE OR SHE IS UNABLE
21 TO PAY A MONETARY AMOUNT DUE WITHOUT UNDUE HARDSHIP TO HIMSELF
22 OR HERSELF OR HIS OR HER DEPENDENTS.
23

24 (D) EXCEPT IN THE CASE OF A CORPORATION, IF THE PERSON FAILED TO PAY A
25 MONETARY AMOUNT DUE AND THE RECORD INDICATES THAT THE DEFENDANT
26 HAS WILLFULLY FAILED TO PAY THAT MONETARY AMOUNT, THE COURT, WHEN
27 APPROPRIATE, MAY CONSIDER A MOTION TO IMPOSE PART OR ALL OF A
28 SUSPENDED SENTENCE, MAY CONSIDER A MOTION TO REVOKE PROBATION, OR
29 MAY INSTITUTE PROCEEDINGS FOR CONTEMPT OF COURT. WHEN INSTITUTING
30 CONTEMPT OF COURT PROCEEDINGS, THE COURT, INCLUDING A MUNICIPAL
31 COURT, SHALL PROVIDE ALL PROCEDURAL PROTECTIONS MANDATED IN RULE
32 107 OF THE COLORADO RULES OF CIVIL PROCEDURE OR RULE 407 OF THE
33 COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE.
34

35 (E) THE COURT SHALL NOT FIND THE PERSON IN CONTEMPT OF COURT, NOR
36 IMPOSE A SUSPENDED SENTENCE, NOR REVOKE PROBATION, NOR ORDER HIM
37 OR HER TO JAIL FOR FAILURE TO PAY UNLESS THE COURT HAS MADE FINDINGS
38 ON THE RECORD, AFTER PROVIDING NOTICE TO HIM OR HER AND A HEARING,
39 THAT HE OR SHE HAS THE ABILITY TO COMPLY WITH THE COURT'S ORDER TO
40 PAY A MONETARY AMOUNT DUE WITHOUT UNDUE HARDSHIP TO HIMSELF OR
41 HERSELF OR HIS OR HER DEPENDENTS AND THAT THE PERSON HAS NOT MADE A
42 GOOD-FAITH EFFORT TO COMPLY WITH THE ORDER.
43

44 (F) THE COURT SHALL NOT ACCEPT A PERSON'S GUILTY PLEA FOR CONTEMPT OF

1 COURT FOR FAILURE TO PAY OR FAILURE TO COMPLY WITH THE COURT'S
2 ORDER TO PAY A MONETARY AMOUNT UNLESS THE COURT HAS MADE FINDINGS
3 ON THE RECORD THAT HE OR SHE HAS THE ABILITY TO COMPLY WITH THE
4 COURT'S ORDER TO PAY A MONETARY AMOUNT DUE WITHOUT UNDUE
5 HARDSHIP TO HIMSELF OR HERSELF OR HIS OR HER DEPENDENTS AND THAT HE
6 OR SHE HAS NOT MADE A GOOD-FAITH EFFORT TO COMPLY WITH THE ORDER.
7

8 (G) FOR PURPOSES OF THIS SECTION, A PERSON OR HIS OR HER DEPENDENTS ARE
9 CONSIDERED TO SUFFER UNDUE HARDSHIP IF HE, SHE, OR THEY WOULD BE
10 DEPRIVED OF MONEY NEEDED FOR BASIC LIVING NECESSITIES, SUCH AS FOOD,
11 SHELTER, CLOTHING, NECESSARY MEDICAL EXPENSES, OR CHILD SUPPORT. IN
12 DETERMINING WHETHER A PERSON IS ABLE TO COMPLY WITH AN ORDER TO
13 PAY A MONETARY AMOUNT WITHOUT UNDUE HARDSHIP TO HIMSELF OR
14 HERSELF OR HIS OR HER DEPENDENTS, THE COURT SHALL CONSIDER:

- 15 1. WHETHER THE PERSON IS EXPERIENCING HOMELESSNESS;
- 16 2. THE PERSON'S PRESENT EMPLOYMENT, INCOME, AND EXPENSES;
- 17 3. THE PERSON'S OUTSTANDING DEBTS AND LIABILITIES, BOTH SECURED
18 AND UNSECURED;
- 19 4. WHETHER THE PERSON HAS QUALIFIED FOR AND IS RECEIVING ANY
20 FORM OF PUBLIC ASSISTANCE, INCLUDING FOOD STAMPS, TEMPORARY
21 ASSISTANCE FOR NEEDY FAMILIES, MEDICAID, OR SUPPLEMENTAL
22 SECURITY INCOME BENEFITS;
- 23 5. THE AVAILABILITY AND CONVERTIBILITY, WITHOUT UNDUE HARDSHIP
24 TO THE PERSON OR HIS OR HER DEPENDENTS, OF ANY REAL OR PERSONAL
25 PROPERTY OWNED BY THE PERSON;
- 26 6. WHETHER THE PERSON RESIDES IN PUBLIC HOUSING;
- 27 7. WHETHER THE PERSON'S FAMILY INCOME IS LESS THAN TWO HUNDRED
28 PERCENT OF THE FEDERAL POVERTY LINE, ADJUSTED FOR FAMILY SIZE;
29 AND
- 30 8. ANY OTHER CIRCUMSTANCES THAT WOULD IMPAIR THE PERSON'S
31 ABILITY TO PAY.
32

33 (H) WHEN A SENTENCE OF IMPRISONMENT AND A MONETARY AMOUNT
34 ISIMPOSED, THE AGGREGATE OF THE PERIOD AND THE TERM OF THE SENTENCE
35 SHALL NOT EXCEED THE MAXIMUM TERM OF IMPRISONMENT AUTHORIZED FOR
36 THE OFFENSE.
37

38 (I) NOTHING IN THIS SECTION PREVENTS THE COLLECTION OF A MONETARY
39 AMOUNT IN THE SAME MANNER AS A JUDGMENT IN A CIVIL ACTION.
40

41 (J) Under no circumstances shall the municipal court impose a jail sentence for failure to pay a
42 monetary obligation assessed for a conviction of an offense that does not carry a possible jail
43 sentence as a penalty.
44

1 **1-6-12: PROBATION**

2
3 (A) ~~Suspension Of Sentence:~~ Generally, whenever any person pleads guilty, no contest, or is
4 convicted of the violation of any ordinance of the city where the court has discretion as to the
5 penalty, and it shall appear to the satisfaction of the court that the ends of justice and the best
6 interests of the public, as well as the defendant, will be served thereby, the municipal court
7 shall have the power to suspend the imposition or execution of any sentence for such period
8 and upon such reasonable terms and conditions as it may deem best, TO INCLUDE
9 SUSPENSION OF UP TO THREE HUNDRED SIXTY-FOUR (364) DAYS IN JAIL. THE
10 COURT MAY IMPOSE TERMS OF SUPERVISED OR UNSUPERVISED PROBATION.
11 The court may impose as a condition of probation a work program to be performed by the
12 defendant. The court may revoke or modify any condition of probation or may change the
13 period of probation. The period of probation shall not exceed INTIALLY one year. THE
14 TERM OF PROBATION MAY BE EXTENDED IF A COMPLAINT TO REVOKE HAS
15 BEEN FILED, THE DEFENDANT CONSENTS TO EXTENSION, OR THE
16 DEFENDANT FAILS TO APPEAR FOR ANY PROBATION RELATED COURT
17 APPEARANCE. (Ord. 1, Series of 1988; amd. Ord. 15, Series of 2012)

18 (B) Restitution And Cost: A defendant who has been granted probation may be required, so far
19 as possible upon such reasonable terms as the court may impose, to make restitution or
20 reparation to any aggrieved person for actual damage or loss caused by the offense for which
21 the conviction was had. The defendant may also be required to give his fingerprints to the
22 police department and to pay the court costs. (1971 Code § 16.32; amd. Ord. 15, Series of
23 2012)

24 (C) Statement Of Conditions: Whenever probation is granted, the court shall set forth in writing
25 the conditions under which such probation is granted and shall furnish to each person
26 released on probation a copy of the statement of such conditions. Each defendant shall be
27 required to sign an acceptance of the conditions of probation before the order of probation is
28 granted.

29 (D) Duties Of Probation Officers: It shall be the duty of the probation officer or such other
30 officers or employees of the city as may be assigned to such duties, whenever they may have
31 reason to believe that the conditions of probation have been violated by any probationer, to
32 bring the matter to the attention of the court. (Ord. 15, Series of 2012). THE CITY
33 PROSECUTOR MAY ALSO BRING SUCH MATTERS TO THE ATTENTION OF THE
34 COURT.

35 (E) Hearing Upon Violation Of Probation; Revocation: If facts are presented to the court from
36 which it reasonably appears that the conditions of probation have been violated by any
37 person on probation, the court ~~shall~~ MAY issue a SUMMONS OR A warrant for the arrest of
38 the person. SUCH WARRANT WOULD ~~and~~ requireing that The PROBATIONER be
39 brought before the court to show cause why the probation should not be revoked. If the
40 probationer is taken into custody, the court may admit such probationer to bail, conditioned

1 upon HIS OR HER appearance before the court on a day certain. Such bail may be continued
2 from time to time until final order of the court. THE COURT SHALL HOLD A HEARING
3 ON SUCH COMPLAINT TO REVOKE PROBATION. If at such a hearing the judge
4 determines that such probationer is not guilty of a violation of the conditions of probation, he
5 shall enter an order in accordance therewith and forthwith order the probationer's release, if
6 in custody. If the judge determines that the violation of the conditions of such probation has
7 been committed, he shall either revoke or continue the probation SUBSEQUENT TO THAT
8 FINDING IN A TIMELY MANNER. ~~within three (3) days after the hearing.~~ In the event
9 probation is revoked and no sentence has been previously imposed, the court may impose
10 any sentence which might originally have been imposed. In the event probation is revoked
11 and A SUSPENDED sentence has been previously imposed, the court may vacate the
12 suspension of sentence and reinstate the sentence originally imposed. Any person who has
13 been admitted to probation and against whom proceedings for the revocation of probation
14 have not been commenced within the term of probation, INCLUDING ANY EXTENSION
15 OF PROBATION, shall be conclusively presumed to have satisfied the sentence and/or fine
16 imposed. (1971 Code § 16.35; amd. Ord. 15, Series of 2012)

17

18 **1-6-13: GENERAL VIOLATIONS BUREAU:**

19

20 (A) Created; Duties: The judge of the municipal court shall establish within such court a general
21 violations bureau to assist the court with the clerical work and handling and expediting
22 routine cases of alleged violations of the ordinances and codes. (1971 Code § 16.36; amd.
23 1976 Code; Ord. 15, Series of 2012)

24 (B) Designation Of Offenses Which Bureau May Receive Payments Of Fines: The judge of the
25 municipal court from time to time shall designate those offenses under the ordinances and
26 codes in respect to which payments or fines may be accepted by the general violations bureau
27 in satisfaction thereof, and shall specify by suitable schedules the amount of such fines for
28 first, second or subsequent offenses, providing such fines are within the limits declared by
29 ordinance, and shall further specify what number of such offenses shall require appearance
30 before the court. (1971 Code § 16.37; amd. 1976 Code; Ord. 15, Series of 2012)

31 (C) Option To Appear Before Judge And Pay Fine Or Upon Plea Of Not Guilty Entitled To
32 Trial: Any person charged with an offense for which payment of a fine may be made to the
33 general violations bureau shall have the option of paying such fine within the time specified
34 within the notice or the summons and complaint at the general violations bureau upon
35 entering a plea of guilty in writing and upon waiving appearance in court; or, upon a plea of
36 not guilty shall be entitled to a trial as authorized by law. (1971 Code § 16.38; amd. Ord. 15,
37 Series of 2012)

38 (D) Failure To Appear:

1 1. If the defendant fails to appear for his or her first appearance or any hearing involving a
2 traffic infraction, the court ~~shall~~ MAY enter judgment against the defendant.

3 2. For purposes of this section, a "traffic infraction" is defined as in section [9-1-12](#) of this
4 code.

5 3. In any action in which the commission of a traffic infraction and a traffic offense are
6 charged in one complaint or summons and complaint, all charges shall be returnable and the
7 action shall be treated as one proceeding governed by the rules, statutes and ordinances
8 applicable to municipal violations which are not traffic infractions.

9 4. The amount of the judgment entered pursuant to subsection (D)1 of this section shall be
10 the fine and costs assessable for such charge under this code upon conviction or a plea of
11 guilty or no contest.

12 5. The court may set aside a judgment entered under subsection (D)1 of this section on a
13 showing of good cause or excusable neglect by the defendant, or a showing that the court did
14 not have jurisdiction over the subject matter of the alleged infraction or over the person of the
15 alleged violator. A motion to set aside the judgment, submitted by the defendant, shall be
16 made to the court not more than ten (10) days after the entry of judgment. The court may set
17 aside a judgment entered under this rule at any time after the ten (10) day period herein
18 referenced provided that such request to set aside judgment is submitted and approved by the
19 prosecution. (Ord. 15, Series of 2012)

20 **1-6-16: DEFERRED PROSECUTION AND DEFERRED SENTENCING**

21 (A) Deferred Prosecution:

22 1. In any case, the municipal judge may, prior to trial or entry of a plea of guilty and with the
23 consent of the defendant and the city attorney, order the prosecution of the offense to be deferred
24 for a period not to exceed one year; except that the period of deferred prosecution may be
25 extended for an additional time up to one year if the failure to pay the amounts specified in
26 subsection (A)2 of this section is the sole condition of deferred prosecution which has not been
27 fulfilled, because of inability to pay, and the defendant has shown a future ability to pay. During
28 that time, the municipal judge may require the defendant to undergo counseling or treatment for
29 the defendant's mental condition, or for alcohol or drug abuse, or for both such conditions and be
30 obligated to adhere to any other terms and conditions the municipal judge may impose.

31 2. Upon the defendant's satisfactory completion of all conditions of the deferred prosecution, the
32 charge against the defendant shall be dismissed with prejudice. If the conditions of the deferred
33 prosecution are violated, the defendant shall be tried for the offense for which he is charged. The
34 violation of conditions of the deferred prosecution shall be determined by a hearing before the
35 municipal judge which granted the deferred prosecution. The burden in such hearing shall be
36 upon the city attorney by a preponderance of the evidence to show that a violation has in fact

1 occurred. However, if the alleged violation is the failure to pay court ordered compensation to
2 appointed counsel, probation fees, court costs, restitution, or reparations, evidence of the failure
3 to pay shall constitute prima facie evidence of a violation. The presiding judge at the hearing
4 may temper the rules of evidence in the exercise of sound judicial discretion. IF AFTER THE
5 HEARING, THE COURT FINDS THE DEFENDANT HAS VIOLATED THE TERMS OF
6 THE DEFERRED PROSECUTION, THE DEFENDANT MUST THEN ENTER A PLEA
7 (GUILTY, NOT GUILTY, OR NOLO CONTENDERE). THE COURT MAY GRANT A
8 CONTINUANCE FOR ENTRY OF SUCH PLEA.

9 3. Upon consenting to a deferred prosecution as provided in this section, the defendant shall
10 execute a written waiver of his right to a speedy trial. SPEEDY TRIAL WOULD RUN FROM
11 THE DATE THE DEFENDANT ENTERS A NOT GUILTY PLEA FOLLOWING A
12 REVOCATION OF THE DEFERRED PROSECUTION, IF SUCH SHOULD OCCUR. Consent
13 to a deferred prosecution under this section shall not be construed as an admission of guilt, nor
14 shall such consent be admitted in evidence in a trial for the offense for which he is charged.

15 (B) Deferred Sentencing Of Defendant:

16 1. In any case in which the defendant has entered a plea of guilty, the municipal judge accepting
17 the plea has the power, with the written consent of the defendant and the city attorney, to
18 continue the case for a period not to exceed one year for the purpose of entering judgment and
19 sentence upon such plea of guilty; except that such period may be extended for an additional
20 time up to one year if the failure to pay restitution is the sole condition of the deferred judgment
21 and sentence which has not been fulfilled, because of inability to pay, and the defendant has
22 shown a future ability to pay. IT MAY ALSO BE EXTENDED IF A COMPLAINT TO
23 REVOKE THE DEFERRED SENTENCE HAS BEEN FILED, THE DEFENDANT
24 CONSENTS TO EXTENSION, OR THE DEFENDANT FAILS TO APPEAR FOR ANY
25 DEFERRED SENTENCE RELATED COURT APPEARANCE.

26 2. Prior to entry of a plea of guilty to be followed by deferred judgment and sentence, the city
27 attorney is authorized to enter into a written stipulation, to be signed by the defendant and the
28 city attorney, under which the defendant is obligated to adhere to such stipulation and be
29 obligated to adhere to any other terms and conditions the municipal judge may impose. The
30 stipulation may require the defendant to perform community or charitable work service projects
31 or make donations thereto. Upon full compliance with such conditions by the defendant, the plea
32 of guilty previously entered shall be withdrawn and the charge upon which the judgment and
33 sentence of the municipal judge was deferred shall be dismissed with prejudice. Such stipulation
34 shall specifically provide that, upon a breach by the defendant of any condition regulating the
35 conduct of the defendant, the municipal judge shall enter judgment and impose sentence upon
36 such guilty plea. When, as a condition of the deferred sentence, the municipal judge orders the
37 defendant to make restitution, evidence of failure to pay the said restitution shall constitute prima
38 facie evidence of a violation. Whether a breach of condition has occurred shall be determined by
39 the municipal judge without a jury upon notice of hearing thereon of not less than five (5) days to
40 the defendant or the defendant's attorney of record. Application for entry of judgment and

1 imposition of sentence may be made by the city attorney at any time within the term of the
2 deferred judgment or within thirty (30) days thereafter. The burden of proof at such hearing shall
3 be by a preponderance of the evidence, and the procedural safeguards required in a revocation of
4 probation hearing shall apply.

5 3. When a defendant signs a stipulation by which it is provided that judgment and sentence shall
6 be deferred for a time certain, he thereby waives all rights to a speedy trial.

7 ~~4. A warrant for the arrest of any defendant for breach of a condition of a deferred sentence may~~
8 ~~be issued by any judge of the municipal court upon the report of a probation officer, or upon the~~
9 ~~verified complaint of any person, establishing to the satisfaction of the judge probable cause to~~
10 ~~believe that a condition of the deferred sentence has been violated and that the arrest of the~~
11 ~~defendant is reasonably necessary. The warrant may be executed by any probation officer or by a~~
12 ~~peace officer authorized to execute warrants in the county in which the defendant is found.~~

13 4. HEARING UPON VIOLATION OF DEFERRED SENTENCING; REVOCATION: IF
14 FACTS ARE PRESENTED TO THE COURT FROM WHICH IT REASONABLY APPEARS
15 THAT THE CONDITIONS OF THE DEFERRED SENTENCE HAVE BEEN VIOLATED,
16 THE COURT MAY ISSUE A SUMMONS OR A WARRANT FOR THE ARREST OF THE
17 PERSON. SUCH WARRANT WOULD REQUIRE THAT THE PERSON BE BROUGHT
18 BEFORE THE COURT TO SHOW CAUSE WHY THE DEFERRED SENTENCE SHOULD
19 NOT BE REVOKED. IF THE PERSON IS TAKEN INTO CUSTODY, THE COURT MAY
20 ADMIT SUCH PERSON TO BAIL, CONDITIONED UPON HIS OR HER APPEARANCE
21 BEFORE THE COURT ON A DAY CERTAIN. SUCH BAIL MAY BE CONTINUED FROM
22 TIME TO TIME UNTIL FINAL ORDER OF THE COURT. THE PERSON HAS A RIGHT TO
23 A HEARING ON SUCH COMPLAINT TO REVOKE THE DEFERRED SENTENCE. IF AT
24 THAT HEARING THE JUDGE DETERMINES THAT SUCH PERSON HAS NOT
25 VIOLATED THE DEFERRED SENTENCE, HE SHALL ENTER AN ORDER IN
26 ACCORDANCE THEREWITH AND FORTHWITH ORDER THE PERSON'S RELEASE, IF
27 IN CUSTODY. IF AT THAT HEARING THE JUDGE DETERMINES THAT PERSON HAS
28 VIOLATED THE TERMS OF THE DEFERRED SENTENCE, HE SHALL REVOKE THE
29 DEFERRED SENTENCE. IN THE EVENT THE DEFERRED SENTENCE IS REVOKED
30 AND NO SENTENCE HAS BEEN PREVIOUSLY IMPOSED, THE COURT MAY IMPOSE
31 ANY SENTENCE WHICH MIGHT ORIGINALLY HAVE BEEN IMPOSED. IN THE EVENT
32 THE DEFERRED SENTENCE IS REVOKED AND A SUSPENDED SENTENCE HAS BEEN
33 PREVIOUSLY IMPOSED, THE COURT MAY VACATE THE SUSPENSION AND
34 REINSTATE THE SENTENCE ORIGINALLY IMPOSED. ANY PERSON WHO HAS BEEN
35 GRANTED A DEFERRED SENTENCE AND AGAINST WHOM PROCEEDINGS FOR A
36 REVOCATION HAVE NOT BEEN COMMENCED WITHIN THE TERM OF THE
37 DEFERRED SENTENCE AS OUTLINED ABOVE IN (B)2 SHALL BE CONCLUSIVELY
38 PRESUMED TO HAVE SATISFIED THE DEFERRED SENTENCE.

39 (C) Voluntary Treatment Or Counseling: The municipal judge may impose treatment or
40 counseling for alcohol or drug abuse in connection with any deferred prosecution or deferred

1 judgment and sentence. If the defendant voluntarily submits himself or herself for such
2 treatment or counseling, the city attorney and the municipal judge may consider his or her
3 willingness to correct his or her condition as a basis for granting deferred prosecution or
4 deferred judgment and sentence. (Ord. 7, Series of 2002; amd. Ord. 4, Series of 2012; Ord.
5 15, Series of 2012)

6 **1-6-17: ~~RESTRAINING ORDER AGAINST DEFENDANT~~: MANDATORY**
7 **PROTECTION ORDER**

8
9 (A) There is hereby created a mandatory ~~restraining~~ PROTECTION order against any person
10 charged with a violation of any of the provisions of this code IN WHICH DOMESTIC
11 VIOLENCE IS ALLEGED. ~~which~~ SUCH order shall remain in effect from the time that the
12 person is advised of his OR HER rights at arraignment or the person's first appearance before
13 the municipal judge and informed of such order until final disposition of the action or until
14 further order of the municipal judge. Such order shall restrain the person charged from
15 harassing, molesting, intimidating, retaliating against, or tampering with any witness to or
16 victim of the acts charged. A PROTECTION ORDER MAY BE ENTERED IN ANY NON-
17 DOMESTIC VIOLENCE CASE IN THE DISCRETION OF THE MUNICIPAL JUDGE.

18 (B) At the time of arraignment or the person's first appearance before the municipal judge, the
19 municipal judge shall inform the defendant of the ~~restraining~~ PROTECTION order effective
20 pursuant to this section and shall inform the defendant that a violation of such order is
21 punishable by contempt or by fine or imprisonment as provided by this section.

22 (C) The municipal judge is authorized to order any further appropriate restraint on the conduct of
23 the defendant or to continue, dismiss or modify any existing restraining order.

24 (D) Violation of a ~~restraining~~ PROTECTION order is a criminal offense, punishable by a fine or
25 imprisonment, or both, as provided in section [1-4-1](#) of this title.

26 (E) Any sentence imposed pursuant to subsection (D) of this section shall run consecutively and
27 not concurrently with any sentence imposed for any crime which gave rise to the issuing of
28 the restraining order.

29 (F) Nothing in this section shall be construed to alter or diminish the inherent authority of the
30 municipal judge to enforce its orders through civil or criminal contempt proceedings.

31 (G) No person charged with violation of a restraining order pursuant to this section shall be
32 permitted, in the criminal action resulting from such charge, to collaterally attack the validity
33 of the order which such person is accused of violating. (Ord. 12, Series of 2003; amd. Ord. 4,
34 Series of 2012; Ord. 15, Series of 2012)

35 **1-6-21: COMPENSATION OF JUDGES:**
36

- 1 (A) The compensation of the municipal court judge shall be a fixed annual amount, payable on a
2 monthly or other periodic basis, and on such other terms as set by agreement entered into
3 between the city and the appointed judge, or by resolution of the city council.
- 4 (B) The compensation of the substitute judges shall be based on number of court sessions served
5 and on such other terms as set by agreement entered into between the city and the appointed
6 judge, or by resolution of the city council.
- 7 (C) The ~~municipal court judge~~ and substitute judges shall, for all purposes, be independent
8 contractors of the city. Nothing contained in this section shall be construed or deemed to
9 make the ~~municipal court judge~~ or substitute judges employees of the city.

10
11 **Section 3:** Severability. If any part, section, subsection, sentence, clause or
12 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
13 validity of the remaining sections of this ordinance. The City Council hereby declares that it would
14 have passed this ordinance, including each part, section, subsection, sentence, clause or phrase
15 hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or
16 phrases may be declared invalid.

17
18 **Section 4:** Repealer. All ordinances or resolutions, or parts thereof, in conflict
19 with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer
20 clauses of such ordinance nor revive any ordinance thereby.

21
22
23 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
24 of the City of Littleton on the 3rd day of March, 2020, passed on first reading by a vote of 6 FOR
25 and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
26 Municipal Courthouse and on the City of Littleton Website.

27 PUBLIC HEARING on the Ordinance to take place on the 17th day of March¹,
28 2020, in the Council Chamber², Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,
29 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

1 Public Hearing rescheduled to May 5, 2020 due to COVID-19 closures

2 Due to COVID19, the City of Littleton is providing virtual coverage of city council meetings to protect the health of citizens, council members and staff. Meetings will not be held in the council chamber until further notice.

1 PASSED on second and final reading, following public hearing, by a vote of _____FOR
2 and _____ AGAINST on the 5th day of May, 2020 and ordered published by posting at Littleton
3 Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

4 ATTEST:

5 _____
6 Colleen L. Norton
7 CITY CLERK

Jerry Valdes
MAYOR

8
9
10 _____
11 Reid Betzing
12 CITY ATTORNEY

13
14

