

O-2024-2

AN ORDINANCE

AMENDING TITLE IX OF THE LAKEWOOD MUNICIPAL CODE TO COMPLY WITH RECENT STATE LEGISLATION AFFECTING MUNICIPAL PROSECUTION OF ACTS CONSTITUTING CRIMES OF DOMESTIC VIOLENCE

WHEREAS, the City of Lakewood, Colorado, the "City", is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution;

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution, the right to enact, administer and enforce criminal laws through a municipal court is clearly within the Constitutional grant of power to the City and is necessary and proper for the government and administration of local and municipal matters relating to the City;

WHEREAS, pursuant to such authority, the City has created a municipal court and adopted and enacted criminal codes whose enforcement is administered through the municipal court;

WHEREAS, the City prosecutes offenses constituting acts of domestic violence;

WHEREAS, the State of Colorado has enacted legislation prescribing specific requirements applicable to municipal prosecution of offenses constituting acts of domestic violence; and

WHEREAS, the City desires to amend its Code to conform with recently passed State requirements;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Amending Section 9 of the Lakewood Municipal Code. Section 9 of the Lakewood Municipal Code is hereby amended as follows:

A new Section X shall be added, to read as follows:

X. - PROVISIONS APPLICABLE TO VICTIMS' RIGHTS.

Chapter 9.10 VICTIM RIGHTS

9.100.010 Legislative intent and construction.

It is the intent and purpose of this title to bring the City of Lakewood's municipal code in conformity with section 13-10-104.5 of the Colorado Revised Statutes and to ensure the City's code provides specific rights to victims of crimes constituting an act of domestic violence, as defined in section 18-6-800.3 of the Colorado Revised Statutes.

9.100.020 Definitions

The definition of "domestic violence" and "intimate relationship" are defined in section 18-6-800.3 of the Colorado Revised Statutes, which are hereby adopted by the City of Lakewood. Any violation of this Title which fits the definition of domestic violence shall constitute a municipal crime of domestic violence.

9.100.030 Victim Rights

- A. In every case where an act of domestic violence is charged under this Code, the victims, victim's families, and witnesses of such act of domestic violence shall receive the following rights and protections:
1. The Lakewood Police Department shall provide victims the equivalent of the rights that are described in C.R.S. section 24-4.1-303(2), (5), (7), (9), (10), and (14.9);
 2. The City Attorney's Office shall provide victims the equivalent of the rights that are described in C.R.S. section 24-4.1-303(3), (3.5), (4), (5), (6), (7), (9), (11), (12), and (13);
 3. The Municipal Court shall provide victims the equivalent of the rights described in C.R.S. section 24-4.1-303(3.5), (6), (14.4), (14.5), and (14.7);
 4. The Municipal Court Probation Office shall provide victims the equivalent of the rights described in C.R.S. section 24-4.1-303(13.5); and
 5. The Lakewood Police Department, the City Attorney's Office, Municipal Court, and the Municipal Court Probation Office shall provide victims the equivalent of the rights described in C.R.S. section 24-4.1-302.5.
- B. The provisions of Lakewood Municipal Code Section 1.16.080 shall apply to any protection order hearing involving an act of domestic violence.

9.100.040 Adoption of Guidelines for Treatment of Domestic Violence Offenders

- A. The City of Lakewood hereby acknowledges the authority of the Domestic Violence Offender Management Board established pursuant section 16-11.8-103 (4) of the Colorado Revised Statutes and shall follow the Board's guidelines in the use of treatment providers for case of domestic violence.

9.100.050 Prosecutor Continuity

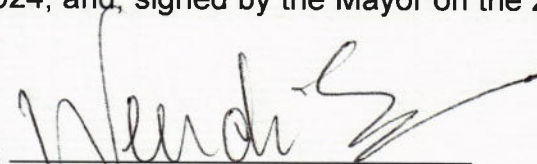
- A. The prosecuting attorney who initially meets with the victim of an act of domestic violence after the charges are filed shall make a reasonable effort to remain as the prosecuting attorney throughout the proceeding.

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.


I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 8th day of January 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 11th day of January 2024; set for public hearing to be held on the 22nd day of January 2024, read, finally passed and adopted by the City Council on the 22nd day of January 2024, and, signed by the Mayor on the 23rd day of January 2024.





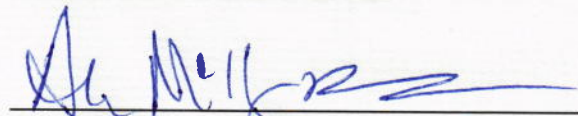
Wendi Strom, Mayor

ATTEST:



Jay Robb, City Clerk

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney