



Legislation Text

File #: 24-166, **Version:** 1

Ordinance No. 24-20 amending Section 104 (Right to Trial By Jury; Jail; Exceptions) of Part 1 (Trial by Jury) of Article 4 (Jury Provision) of Chapter 11 (Municipal Court) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Careless Driving.

Presenter:

Commander John Koch, Colorado Springs Police Department
Emily Vandenberg, Prosecuting Attorney, City Attorney's Office

Summary:

The proposed ordinance changes will allow incidents of Careless Driving where a driver causes injury to another person to be cited into Municipal Court and modifies ordinance language to improve enforceability.

Background:

Dangerous driving behavior is a serious issue in communities across Colorado, including Colorado Springs. Colorado Springs has long had a Careless Driving ordinance that CSPD officers cite for non-injury violations; however, state law recently changed regarding citing Careless Driving violations that result in non-fatal injury. CSPD wishes to cite allowable violations into Municipal Court, reserving County Court for those violations that cannot be charged municipally (e.g. - driving under the influence, etc.).

CSPD recommends approving an Ordinance Amending Section 202 (Definitions) of Part 2 (Definitions) of Article 1 (Administration and Enforcement) and Section 102 (Careless Driving) of Article 6 (Reckless Driving and Careless Driving) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended; and an Ordinance Amending Section 104 (Right to Trial By Jury; Jail; Exceptions) of Part 1 (Trial by Jury) of Article 4 (Jury Provision) of Chapter 11 (Municipal Court) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Careless Driving.

Because state law already prohibits careless driving that results in non-fatal injury, and because CSPD already cites these violations into County Court, there will be no warning period. CSPD will begin citing violators in accordance with law and department policy once the necessary administrative steps have been taken.

Previous Council Action:

City Code § 10.6.102 was last amended in 2001 by Ord. 01-42.

Financial Implications:

Penalties for Careless Driving where no injury occurs remain the same: a fine not to exceed \$500.00 and/or probation. The penalty for Careless Driving where injury occurs will be in accordance with the

general penalty: possibility of jail not to exceed 189 days, a fine not to exceed \$2,500, probation, or any combination of jail, fine and/or probation. The fines are collected by the Municipal Court and deposited into the City's General Fund.

City Council Appointed Board/Commission/Committee Recommendation:

N/A

Stakeholder Process:

The City Municipal Court and the City Attorney Prosecution Division have been consulted and support the proposed ordinance.

Alternatives:

City Council can adopt the proposed ordinances as presented, amend the proposed ordinances, or decline to adopt the proposed ordinances.

Proposed Motion:

Move approval of Ordinance No. 24-20 Amending Section 104 (Right to Trial By Jury; Jail; Exceptions) of Part 1 (Trial by Jury) of Article 4 (Jury Provision) of Chapter 11 (Municipal Court) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Careless Driving.

An Ordinance amending City Code § 10.6.102 "Careless Driving" to include Careless Driving causing Injury and amending related definitions and penalties.