



Legislation Details (With Text)

File #: 16-00199 **Version:** 2 **Name:**

Type: Ordinance **Status:** Mayor's Office

File created: 2/29/2016 **In control:** City Council

On agenda: 4/12/2016 **Final action:** 4/12/2016

Title: Ordinance No. 16-38 amending Section 103 (Presiding Judge; Powers And Duties) Of Article 2 (Judges) And Section 106 (Failure To Pay Fine; Stay Of Execution) Of Article 3 (Procedures) Of Chapter 11 (Municipal Court) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To Municipal Court Fines

Presenter:
Anne Turner, Senior Attorney

Sponsors:

Indexes:

Code sections:

Attachments: 1. MuniCt-FinesORD-2016-02-29, 2. Signed Ordinance No. 16-38.pdf

Date	Ver.	Action By	Action	Result
4/12/2016	2	City Council	finally passed	Pass
3/22/2016	1	City Council	approved on first reading	
3/7/2016	1	Council Work Session	referred	

Ordinance No. 16-38 amending Section 103 (Presiding Judge; Powers And Duties) Of Article 2 (Judges) And Section 106 (Failure To Pay Fine; Stay Of Execution) Of Article 3 (Procedures) Of Chapter 11 (Municipal Court) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To Municipal Court Fines

Presenter:

Anne Turner, Senior Attorney

Summary:

Draft ordinance pertaining to the amending of the Code sections pertaining to the powers and duties of the Municipal Court presiding judge and the failure to pay a fine imposed by the Municipal Court.

Previous Council Action:

N/A

Background:

It is unconstitutional for a judge to convert a monetary sentence imposed on an indigent individual into jail time. In other words, indigent defendants may not satisfy their court-imposed fines and court costs by spending time in jail. Two City Code sections appear to authorize the practice and must be amended.

Financial Implications:

None

Board/Commission Recommendation:

N/A

Stakeholder Process:

N/A

Alternatives:

City Council may choose to approve, deny, or modify the attached draft Ordinances.

Proposed Motion:

Motion to approve an Ordinance amending Section 103 (Presiding Judge; Powers and Duties) of Article 2 (Judges) and Section 106 (Failure to Pay Fine; Stay of Execution) of Article 3 (Procedures) of Chapter 11 (Municipal Court) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Municipal Court fines.

N/A