

**AN ORDINANCE CONCERNING JUVENILE
EXEMPTION FROM INCARCERATION.**

WHEREAS, the City of Las Animas is desirous of enforcing certain violations of Municipal Code against the juveniles residing within the City of Las Animas; and

WHEREAS, the City Council is desirous of clarifying that there shall be no incarceration of juveniles, in part due to the lack of appropriate control facilities of the City of Las Animas; and

WHEREAS, the City is desirous of clarifying that as a result of the decriminalization of certain offenses, that the right to trial by jury may be precluded as relates to juveniles, in as much as the juveniles shall not be subject to imprisonment and incarceration as a result of any violations of certain offenses; and

BE IT THEREFORE ORDAINED AS FOLLOWS:

SECTION 1. That a new Section 12-30 is adopted and provides as follows:

Section 12-30. No person under the age of eighteen (18) years of age shall be subject to imprisonment for violation of any provision of this Code.

SECTION 2. That a new Section 12-31 is adopted and provides as follows:

Section 12-31. No person under the age of eighteen (18) years of age shall be entitled to a trial by jury for any offense within this Code.

SECTION 3. That a new Section 12-32 is adopted and provides as follows:

Section 12-32.

- a. For the purposes of this Section, a "minor offender" or "juvenile" shall be defined as any person accused of an offense contrary to this Code who, on the date of the alleged offense, was at least ten (10) years of age, but had not yet attained the age of eighteen (18) years. Except as to alleged violations of Chapter 13 of this Code (the Traffic Code of the City), any minor offender convicted of a violation of this Code, or any rule or regulation promulgated thereunder,

shall be punished by a fine of not more than two thousand dollars (\$2,000.00) or subject to perform useful community service or both.

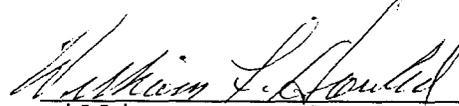
- b. Nothing contained herein shall be construed to abrogate, abolish or otherwise limit the power of this code set forth in Section 12-31 of this Code to punish any person before it for contempt of court, whether by failure to obey a summons, subpoena or other lawful order of the Court, or by personal conduct before the Court.
- c. The Judge of the Municipal Court may promulgate such rules or orders regarding the procedural processing of minor offenders appearing before the Municipal Court as he may, from time to time, deem appropriate.
- d. In addition to the provisions of Subsection (a) above, or in lieu of the provisions of this Section, any violation of any of the offenses against the Municipal Code may be punishable with minimum sentencing levels as follows:
 - 1. On a conviction of a first offense: four (4) hours of useful public service.
 - 2. On a conviction of each subsequent offense: four (4) additional hours of useful public service per conviction.

Nothing contained herein shall prohibit the imposition of a fine in addition to the minimum standards set forth herein.

ADOPTED on first reading this 11th day of March, 2003.

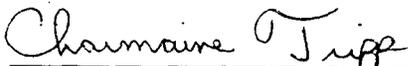
PASSED on second reading this 8th day of April, 2003.

CITY OF LAS ANIMAS



William F. Howland, Mayor

ATTEST:



Charmaine Tripp, City Clerk

vc

