

**AN ORDINANCE CONCERNING IN-HOME DETENTION.**

**WHEREAS**, there is a modern trend to provide alternative sentencing techniques for violators of municipal ordinances; and

**WHEREAS**, incarceration or imprisonment is not necessarily an appropriate remedy for many cases; and

**WHEREAS**, heretofore, the City has considered in the past decriminalization ordinances which decriminalize the imposition of sentences from Model Traffic Code violations and further decriminalize certain violations relating to juveniles; and

**WHEREAS**, it is the desire of the City of Las Animas that there be alternative sentencing matters made available which makes a violator subject to punitive sanctions as a result of the violation, and makes the violator subject to responsibility to the community as a whole for those violations; and

**WHEREAS**, in-home detention is a viable sentencing alternative which is practiced throughout the state and throughout the nation; and

**WHEREAS**, the City Council is desirous of making in-home detention a sentencing alternative to be imposed against certain violators of municipal ordinances of the City of Las Animas;

**BE IT THEREFORE ORDAINED AS FOLLOWS:**

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

Section 1-30. Conditions of probation.

- a. The Municipal Judge is authorized to impose probation upon any defendant, upon conviction of any violation of this Code and to enter judgment and conviction, and to place the defendant/violator on probation thereof.
- b. The conditions of probation shall be such as the Court in its discretion deems reasonably necessary to insure that the defendant will lead a law-abiding life and to assist the Defendant in doing so. The Court shall provide as explicit conditions of every sentence to probation that the defendant not commit another offense during the period for which the sentence remains subject to revocation, and that the defendant make

restitution as may be ordered by the Court.

- c. Any defendant placed on probation shall pay reasonable costs of the Court proceedings or costs of supervision of probation, or both. When the payment of costs of court or probation supervision is a condition of probation, the Court shall fix the amount thereof, which shall not exceed an amount the defendant can or will be able to pay, and shall fix the manner of performance.
- d. As a sentencing alternative, any defendant may be subject to home detention as defined herein, if determined by the Court to be an appropriate sentencing alternative.
- e. For purposes of this Section, "home detention" means an alternative correctional sentence or term of legal supervision wherein a defendant charged or convicted of a misdemeanor, nonpayment of any fine or contempt of Court is allowed to serve his or her sentence or term of supervision, or a portion thereof, within his or her home or other approved residence. Such sentence or term of supervision shall cause the defendant to remain within such defendant's approved residence at all times except for approved employment, educational related events, court-ordered activities and medical needs. Supervision of the defendant shall include personal monitoring by an agent or designee of the referring unit of government and monitoring by electronic devices which are capable of detecting and reporting the defendant's absence or presence within the approved residence.
- f. Persons sentenced to jail as a direct sentence or sentenced to the County jail as a condition of probation who are permitted to participate in home detention shall receive day for day credit against their sentences for a period of time spent in such programs.

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

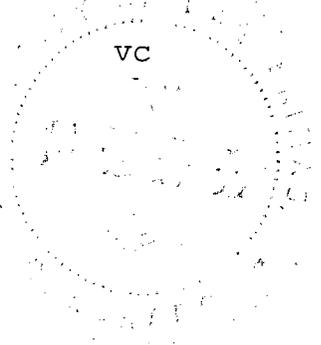
PASSED on second reading this 8th day of April, 2003.

CITY OF LAS ANIMAS

  
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William F. Howland, Mayor

ATTEST:

Charmaine Tripp  
Charmaine Tripp, City Clerk



vc

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CLEAN TOPPER