

**MUNICIPAL JUDGE MEMORANDUM
#1-2019**

DATE: December 16, 2019
TO: Honorable Mayor Meredith Leighty and City Council Members
THROUGH: Heather Geyer, City Manager 
FROM: Amanda Bailhache, Presiding Judge
SUBJECT: Municipal Court Updates & Proposals

PURPOSE

To update the Mayor and City Council about Court issues and proposed municipal code changes.

BACKGROUND

Recent legislative changes have resulted in the need to update our municipal code.

STAFF RECOMMENDATION/UPDATES

I. Proposed Municipal Code Changes:

A. Maximum Possible Penalty

The maximum possible penalties for municipal code violations as codified at Northglenn Municipal Code 1-1-10(a)(2) needs to be updated.

Effective Aug 1, 2019 pursuant to Colo. Rev. Stat. Ann. § 13-10-113 (1)(a) Except as provided in subsection (1)(b) of this section, any person convicted of violating a municipal ordinance in a municipal court of record may be incarcerated for a period not to exceed three hundred sixty four days or fined an amount not to exceed two thousand six hundred fifty dollars, or both.

Our ordinance currently states 365 days jail. It just needs to be changed to 364 days.

B. Cost/Fee Sealing Conviction

We need to set a cost/fee for sealing of convictions. Effective August 2, 2019 pursuant to CRS 24-72-708 defendants can petition to seal municipal convictions. The statutes state that upon filing the petition the defendant shall pay the filing fee required by law. CRS 24-72-708(1)(b). The NGMC 8-2-3(c)(9) only sets a fee of Sixty-five dollars (\$65.00) -- upon defendant's request to seal his or her criminal justice record for violations other than convictions.

My recommendation is to set the filing fee for sealing of municipal convictions at \$100. The statute requires a hearing on all petitions when the Court determines the petition is sufficient on its face. This will require the prosecutor's presence as well. In addition to the administrative time it takes to set the hearing & seal the record should be granted, the Court will also have to cover the cost of court security.

C. Deferred Judgment Fee Increase

I am requesting that City Council change the deferred sentence/prosecution fee from \$30 to \$100. That fee is currently codified at 8-2-3(c)(7).

D. Court Supervision Fee

I am requesting that City Council approve a court supervision fee in the amount of \$100 for 12 months, \$50 for 6 months and under.

II. Additional Information:

A. Update on Legislative changes and possible new legislation for 2020

B. Funding for Colorado Municipal Judge's Association (CMJA) Lobbyist

I would like to discuss with Council the possibility of contributing to CMJA's lobbyist firm. See attached update from Judge Flannigan and Judge Stavig from Lakewood.

C. Resources available in the Courtroom

BUDGET/TIME IMPLICATIONS

None.

STAFF REFERENCE

If Council members have any comments or questions they may contact Judge Amanda Bailhache at abailhache@northglenn.org or 303.450.8701.

ATTACHMENTS

1. Letter/Update from Judge Flannigan and Judge Stavig from Lakewood



August 1, 2019

Dear CMJA members,

CMJA hired Dentons Law firm to be our lobbyist for the 2019 legislative session. We were able to afford this due to the generous contributions by some of our municipalities and individual members. With the combined efforts of Dentons Law Firm and our CML lobbyist Meghan Dollar, we were able to effectively advocate on certain bills that could have had a dramatic and negative impact on municipal courts throughout the state.

CMJA is again soliciting membership to contribute to **CMJ Legislative Services**, our newly created 501(c)(6) organization. It is vital that we have effective and coordinated advocacy on behalf of the municipal courts this upcoming legislative session. Please see the salmon colored invoice enclosed with this newsletter. We would ask that municipalities and individuals contribute towards these efforts, as you deem appropriate.

There is no doubt in my mind that we mitigated much damage due to Dentons presence at the capital on our behalf. Please do not hesitate to call or email with questions.

Best,

Corin M. Flannigan

Associate Municipal Judge

Lakewood Municipal Court

445 South Allison Parkway

Lakewood, CO 80226

(303) 987-7444 corfla@lakewoodco.org

CMJA Board Member and Legislative Liaison Chairperson

DENTONS LEGISLATIVE UPDATE

by Presiding Judge Anne Stavig, Lakewood

CMJA, in December 2018, hired lobbyists to represent the interests of the municipal courts in Colorado. The Dentons US LLP came highly recommended and had long standing relationships with legislators based on past positions held by the principal of the firm, Amy Stephens, and the managing director of the firm, Matt LaCrue. The need for professional lobbyists became apparent to the CMJA Board of Directors as well as to a majority of the CMJA members after legislation passed during the 2017 and 2018 sessions mandating costly and labor intensive processes for municipal courts.

Tax and ethical implications were studied and a new legislative committee was formed and a 501(c) 6, CMJ Legislative Services, was established to allow donations and expenditures separate from regular CMJA business. The Colorado Municipal League lobbyists had worked hard to present the municipal courts' concerns but it became clear that additional voices and more efforts were needed. Amy and Matt worked closely with CML and coordinated efforts to influence the many bills focused on courts, particularly municipal courts. The spring conference in Beaver Creek provided the first opportunity for Amy and Matt to report to CMJA membership about their activities and progress.

The 2019 General Assembly consisted of 41 Democrats and 24 Republicans in the House and 19 Democrats and 16 Republicans in the Senate. By April 27, 2019, 595 bills had been introduced and 154 had been passed and signed by Governor Polis. 330 bills were still pending at the time of the conference with several significant bills concerning bonds and juvenile expungement appearing to be headed toward passage. Amy and Matt started their presentation describing the legislature, particularly the members of the House Judiciary Committee, and their outlooks on criminal justice. At a time when criminal justice reform is one of the few areas with bipartisan cooperation, the need for influence on the particulars of each of the bills was emphasized.

The "No Monetary Bond for Low Level Offenses" bill, HB19-1225, did pass but with changes suggested by Dentons which made the impact of this bill much less dramatic for municipal courts. The provisions allowing personal recognizance bonds prior to any appearance before a judge were removed after the Dentons educated legislators on the "revolving door" of frequent offenders having no incentive to come to court and handle their cases. The cumbersome mandates in the juvenile expungement bill were lifted with HB19-1335, relieving the municipal courts, and the OJW bill was postponed for further study. Amy and Matt described their efforts to represent the municipal courts' interests on many bills including each of these items.

The importance of preparing for the legislative session was emphasized by the Dentons with various committees and groups working hard to prepare bills and set agendas over the summer and fall preceding each session. They believe that once the session starts, many bills are drafted and supported with such momentum that it is almost too late to have much influence over the final result. Bond reform continues to be an area of much interest and special interest groups continue to question the role of municipal courts in the criminal justice system.

Amy and Matt encouraged CMJA members to attend Colorado Criminal Justice Committee meetings to be heard as the Governor's initiatives are debated and formulated. They also suggested that judges meet their legislators and offer to familiarize them with the municipal courts. Preparation for the 2020 session must begin with a coordinated effort to have the voices and opinions of CMJA heard. Dentons hopes to continue to work to that end.