

TOWN OF DE BEQUE ORDINANCE NO. 529

(Series 2023)

AN ORDINANCE AMENDING SECTION 6.03.050 OF THE DE BEQUE MUNICIPAL CODE TO PROVIDE FOR MANDATORY AWARDS OF RESTITUTION AND STATUTORY INTEREST TO VICTIMS IN MUNICIPAL COURT PROCEEDINGS

The following describes the intent and purpose of this ordinance.

- a. From time to time the Town revises its ordinances to address changes in the law or new concerns.
- b. Existing De Beque ordinances provide that the Municipal Court shall order defendants to pay restitution to victims to cover financial losses associated with criminal violations.
- c. Pursuant to Colorado law, statutory interest on unpaid restitution judgments is authorized. The statute provides that interest on restitution accrues at the rate of eight percent (8%) per annum until the judgment is paid, subject to certain limited exceptions.
- d. An award of interest on restitution judgments serves an important public purpose by providing an incentive for defendants to promptly pay ordered restitution.
- e. In recent Municipal Court proceedings questions have been raised as to the authority of the court to award interest on a restitution judgment. It is appropriate that the Town clarify its ordinances on this subject.

THEREFORE, the De Beque Municipal Code is amended to read as follows:

6.03.050 Powers. The presiding Municipal Judge and any assistant or associate municipal judge shall have all judicial powers relating to the operation of the Municipal Court, subject to any rules of procedure governing the operation or conduct of municipal courts promulgated by the Colorado Supreme Court. In sentencing or fining a violator, a Judge shall not exceed the sentence or fine limitations established by an applicable ordinance. Except as may otherwise be provided by law, a Judge may defer the prosecution or a judgment and sentence of any violator, or suspend the sentence or fine of any violator, and place such violator on probation for a period not to exceed one (1) year. A Judge may impose probation subject to the applicable provisions and limitations expressed in Colorado law.

- A. In addition, a Municipal Judge shall require full restitution to the victim(s) injured by the crime or offense of a defendant upon entry of a conviction, a plea of guilty or nolo contendere, or entry of an order of probation, subject to the applicable provisions and limitations of Colorado law. A Judge shall assess the fees and costs set forth in Section 6.09.010 of this Title. (Ord. 259 §1(part), 2001).

- B. Interest shall accrue on all restitution judgments or orders at the rate specified by Colorado law until the restitution is paid in full, except that no interest shall accrue: i) during such time that the defendant is serving a sentence in the Colorado Department of Corrections; or ii) during such time the defendant is in a juvenile delinquency case and is under twenty-one (21) years of age.

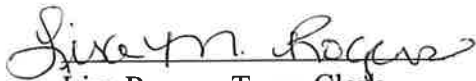
Approved by a majority of the De Beque Board of Trustees, at a regularly scheduled meeting of the Board on January 24, 2023, at which meeting quorum was present. This ordinance shall take effect thirty days from publication.

TOWN OF DE BEQUE


Shanelle Hansen, Mayor

1-24-23
Date

ATTEST:


Lisa Rogers, Town Clerk

01/24/2023
Date



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