

ORDINANCE NO. 2016-30

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 13 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 13-107 PERTAINING TO HOME DETENTION ALTERNATIVE PROGRAM; POWERS AND DUTIES; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-107 pertaining to Home Detention Alternative Program; powers and duties and which shall read as follows:

Sec. 13-107. Home Detention Alternative Program; powers and duties.

(a) The HDAP shall allow the sentencing judge to impose a period of home detention that will be at least ~~two times~~ the number of days required by statute for institutionalized incarceration, not including those days which are suspended by the Court.

(b) The Court shall order that persons participating in the HDAP be subject to all of the following:

(1) Electronic monitoring or any form of geographic monitoring that will advise the Court or its designee of the location of the person participating in HDAP at all times.

(2) If the person is employed within Maricopa County or the City of Peoria or attending a licensed or accredited educational institution in Maricopa County and located within 35 miles of the City of Peoria, the Court may designate work hours during which electronic or geographic monitoring is not required and the person may be outside of their home. The person participating in HDAP must provide written proof of their work and/or school hours to the Court of its designee.

(3) Being tested for the use of alcohol or drugs at such frequencies, not less than weekly, as determined by the Court, and participation in an alcohol or drug treatment program approved by the Court.

(4) Restrictions on association with individuals that the Court has determined to be detrimental to the person's successful completion of the HDAP.

(5) Compliance with all other conditions in the initial release order issued by the Court.

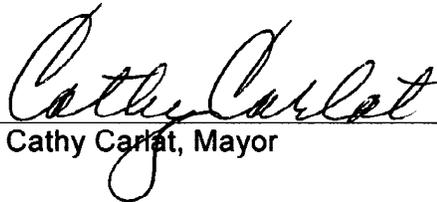
(6) Compliance with any other provision that the Court may impose pursuant to A.R.S. §9-499.07.

(7) Completion of at least the statutory minimum number of days of imprisonment as established by Arizona Revised Statutes in the custody of jail authorities. In calculating the statutory minimum number of days of imprisonment to be served, any partial numbers shall be rounded up to the nearest whole number.

SECTION 2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 4th day of October, 2016.

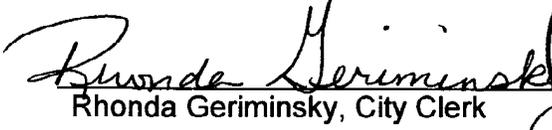


Cathy Carlat, Mayor

10-6-2016

Dated:

ATTEST:


Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:


Stephen J. Burg, Acting City Attorney

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