

ORDINANCE NUMBER 608

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING CHAPTER 2.40, MUNICIPAL COURT, OF THE COTTONWOOD MUNICIPAL CODE, BY ADDING A NEW SECTION 2.40.140, HOME DETENTION AND CONTINUOUS ALCOHOL MONITORING.

WHEREAS, the City Council finds it necessary and appropriate to provide for the possibility of home detention in certain cases for certain defendants sentenced by the Cottonwood Municipal Court to terms of incarceration for criminal offenses.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That Chapter 2.40, Municipal Court, of the Cottonwood Municipal Code is hereby amended by adding a new Section 2.40.140, Home Detention and Continuous Alcohol Monitoring as follows:

Section 2.40.140 Home detention and continuous alcohol monitoring.

A. If a person is sentenced to jail confinement by the municipal court, the court may substitute home detention or continuous alcohol monitoring or both for a portion of the jail term as provided in this section.

B. A person is not eligible for home detention or continuous alcohol monitoring when substituted for jail if any of the following apply:

1. The person constitutes a risk to himself or other members of the community;
2. The person has a history of violent behavior;
3. The sentencing judge states at the time of the sentence that the person may not be eligible for a home detention program; or
4. The person is not eligible under Section 9-499.07 of the Arizona Revised Statutes.

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C. Any person placed on home detention or continuous alcohol monitoring may be ordered to serve one day in jail, except as provided in Subsection D. The person shall pay the cost of incarceration.

D. If the person is sentenced under Section 28-1381, Subsection K or Section 28-1382, Subsection D or E of the Arizona Revised Statutes, the person must first serve a minimum of 20 percent of the initial term of incarceration in jail before being placed under home detention or continuous alcohol monitoring.

E. A person placed under home detention shall be subject to electronic monitoring in the person's home and shall be required to remain at home during the hours specified by the Court. If a person is sentenced under Section 28-1381 or 28-1382 of the Arizona Revised Statutes, the person shall be tested at least once daily for the use of alcohol or drugs in a manner approved by the Court.

F. If the person attends educational classes or is employed, the Court may permit the person to attend classes or leave home for employment during specified hours. The Court may permit the person to attend religious services, funerals, or seek medical care.

G. The Court may require a person under home detention to participate in community service work or impose other reasonable requirements or restrictions the Court deems necessary.

H. A person under home detention or continuous alcohol monitoring shall be required to pay the full cost of the electronic monitoring and alcohol or drug testing plus thirty dollars. The Court may assess a lesser amount based on the ability of the person to pay.

I. The Court shall terminate a person's home detention or continuous alcohol monitoring and require the person to complete the remaining term of the jail sentence by jail confinement if the Court finds the person has not successfully completed Court ordered alcohol or drug screening and treatment pursuant to Section 28-1381 or 28-1382 of the Arizona Revised Statutes, or the person has improperly left the home during home detention, or failed to comply with the continuous alcohol monitoring program requirements. The Court may terminate a person's home detention or continuous alcohol monitoring and require jail confinement for any other violation of the terms of the home detention or continuous alcohol monitoring order.

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J. The Court may use continuous alcohol monitoring alone or in conjunction with any other sentence requirements as a term of probation.

Section 2. That if any section, subsection, clause, phrase or portion 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 provisions hereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, ARIZONA, THIS 17TH DAY OF FEBRUARY 2015.



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Diane Joens, Mayor

APPROVED AS TO FORM:



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Steven B. Horton, Esq.  
City Attorney

ATTEST:



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Marianne Jiménez, City Clerk

