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Throughout this document the, Colorado Supreme Court Ruling will be referrenced as Camp

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- Camp
- This highlights that specific parts of the offense are under the marked category
- Municipal only offenses
- Proposed Sec. 1-14. (b) Class 2
- Proposed Sec. 1-14. (c) Class 3
- Proposed Sec. 1-14. (d) Class 4
- Proposed Sec. 1-14. (e) Class 5

Before the Colorado Supreme Court Ruling

Denver Revised Municipal Code (DRMC)

Sec. 1-13(b). - General penalty.

General penalty

General penalty. If no definite fine or penalty is provided for a violation and except as otherwise provided in section 1-14, any person who shall be convicted of a violation of any such section may, for each offense, be fined in a sum not more than nine hundred ninety-nine dollars ($999.00) or jailed not to exceed three hundred (300) days, or both so fined and jailed.

- No more than $999
- Not to exceed 300 days

Sec. 1-14. - Offenses classified.

(a) Class 1

Certain offenses present an increased risk of harm to the community and therefore, in the interest of public safety, any person convicted of a class 1 offense may, for each offense, be **fined in a sum not more than nine hundred ninety-nine dollars ($999.00) or jailed not to exceed three hundred sixty-four (364) days**, or both so fined and jailed.

- No more than $999
- Not to exceed 364 days

Shall include the following:

- a. Bias-motivated offenses, as defined in section 14-71(a)(2).
- b. Sexually-motivated offenses, as defined in section 14-71-(a)(9).
- c. Offenses against at-risk persons, as defined in section 14-71(a)(1).
- d. Assault on a law enforcement officer, as defined in section 14-71(a)(5).
- e. Assault with serious bodily harm, as defined in section 14-71 (a)(7).
- f. Assault with strangulation, as defined in section 14-71(a)(10).
- g. Habitual domestic violence offender, as set forth in section 14-68(e).

(b) Class 2

Any person convicted of a class 2 offense may, for each offense, be jailed not to exceed sixty (60) days. Nothing in this section shall be construed to limit sentencing options that are otherwise available to the court, except that no person convicted of a class 2 offense shall be subject to any fine.

- No fine
- Not to exceed 60 days

Shall include, but are not limited to:

- a. Sec. 38-86.1. Sitting or lying in the public right-of-way.
- b. Sec. 38-86.2. Unauthorized camping on public or private property prohibited.
- c. Sec. 38-99. Urinating or defecating in public.
- d. Sec. 38-100. Panhandling.
- e. Sec. 39-3. Curfews and closures.
- f. Sec. 49-254. Storage and loading.
- g. Sec. 49-532. Prohibitions.
- h. Sec. 54-548. Solicitation on or near street or highway.

Colorado Supreme Court Ruling
People v. Camp & People v. Simons

Lists of sentencing impacted by Camp

* This is not a comprehensive list

List of DRMC offenses being aligned with Camp

* This is not a comprehensive list

DRMC SECTION	Title modifications in the draft for clarity
34-46 Other wrongs to minors	Wrongs to minors
Knowingly/Recklessly	
Negligently	
38-31 Interference with police authority	Obstructing a peace officer
38-32 Resisting any police authority	Resisting arrest
38-40 False Info During Investigation	
38-43 Violation of Court Order	Violation of Protection Order
38-51.5 Shoplifting; Retail Theft	
Under $300	
$300-$1000	
38-51.8 Petty theft unlawful	Theft unlawful
Under $300	
$300-$1000	
$1000-$2000	
38-51.12 Trespass to Motor Vehicle	
38-61 Damage Public Property	
Under $300	
$300-$1000	
38-63 Protection of Library Property	
Under $300	
$300-$1000	
38-64 Injuring Sidewalks	
Under $300	
$300-$1000	
38-65 Painting or decorating public buildings	
Under $300	
$300-$1000	
38-71 Damage Personal Property	
Under $300	
$300-$1000	
38-74. – Trespass to a dwelling	
38-86.2. Unauthorized camping on public or private property prohibited	
38-86 Obstruct Streets/Passageways	
38-89 Disturbance of the Peace	Disturbing the peace
38-91 Disturbance by use of telephone	Harassment
38-92 Threats	
38-93 Assault	
38-93.1 Public Fighting	
38-115 Trespass	
38-157.1 Indecent Exposure	
38-157 Public Indecency	
38-158 Prostitution	
39-3 Curfews and closures	

Found throughout this document marked with a purple star

List of offenses specified in the draft to align with Denver values. These are Municipal only offenses.

* This is not a comprehensive list

DRMC SECTION
38-86.1 c. Sitting or lying in the public right-of-way
38-99 Urinating or defecating in public
38-100 Panhandling
49-254. Storage and loading
49-532. Prohibitions
54-548. Solicitation on or near street or highway

Found throughout this document marked with a lime green asterisk

Proposal

Sec. 1-13(b). - General penalty.

General penalty

General penalty. If no definite fine or penalty is provided for a violation and except as otherwise provided in section 1-14, any person who shall be convicted of a violation of any such section may, for each offense, be fined in a sum not more than seven hundred fifty dollars ($750.00) or jailed not to exceed one hundred twenty (120) days, or both so fined and jailed. However, any municipal offense that prohibits the same or identical conduct as an offense under state law shall not be subject to any penalty greater than the penalty allowed under state law.
(1) Nothing in this section shall be construed to limit sentencing options that are otherwise available to the court.
(2) Nothing in this section shall be construed to limit the length of probation provided in section 14-61 of this Code.

- Not more than $750
- Not to exceed 120 days

Sec. 1-14. - Offenses classified.

(a) Class 1

Certain offenses present an increased risk of harm to the community and therefore, in the interest of public safety, any person convicted of a class 1 offense may, for each offense, be **fined in a sum not more than nine hundred ninety-nine dollars ($999.00) or jailed not to exceed three hundred sixty-four (364) days**, or both so fined and jailed.

- Not more than $999
- Not to exceed 364 days

Shall include the following:

- a. Bias-motivated offenses, as defined in section 14-71(a)(2).
- b. Sexually-motivated offenses, as defined in section 14-71-(a)(9).
- c. Offenses against at-risk persons, as defined in section 14-71(a)(1).
- d. Assault on a law enforcement officer, as defined in section 14-71(a)(5).
- e. Assault with serious bodily harm, as defined in section 14-71 (a)(7).
- f. Assault with strangulation, as defined in section 14-71(a)(10).
- g. Habitual domestic violence offender, as set forth in section 14-68(e).

(b) Class 2 (amended)

Certain offenses present an increased risk of harm to the community and therefore, in the interest of public safety, any person convicted of a class 2 offense may, for each offense, be fined in a sum not more than nine hundred ninety-nine dollars ($999.00) or jailed not to exceed three hundred (300) days, or both so fined and jailed. However, if the maximum sentence allowed under state law for a class 1 misdemeanor offense committed on the charged date of offense is lower than the sentence allowed by this subsection, then the maximum sentence for a class 2 offense is the maximum sentence allowed under state law for a class 1 misdemeanor committed on the charged date of offense.

- Not more than $999
- Not to exceed 300 days

Shall include, but are not limited to:

- a. Threats, as defined in section 38-92.
- b. Assault, as defined in section 38-93.
- c. Any other municipal offense that prohibits the same or identical conduct as a class 1 misdemeanor offense under state law, unless designated as a lower-level offense in this Code.

Additional examples listed in the draft:

- Sec. 34-46. - Wrongs to Minors: (e) If a person knowingly or recklessly causes an injury to a child
- Sec. 38-157.1. - Indecent exposure section: (c) A person commits an act of indecent exposure if they knowingly perform an act of masturbation in a manner which exposes the act to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to the other person.
- Sec. 38-44. - Violation of a protection order: if the protection order is issued pursuant to Colorado Revised Statute § 18-1-1001 or the parties were in an intimate relationship
- Sec. 38-74. - Trespass to a dwelling
- Sec. 38-91. – Harassment: (a)(1) Strike, shove, kick, or otherwise touch a person or subject the person to physical contact

(c) Class 3 (new)

Any person convicted of a class 3 offense may, for each offense, be fined in a sum not more than seven hundred fifty dollars ($750.00) or jailed not to exceed one hundred twenty (120) days, or both so fined and jailed. However, if the maximum sentence allowed under state law for a class 2 misdemeanor committed on the charged date of offense is lower than the sentence allowed by this subsection, then the maximum sentence for a class 3 offense is the maximum sentence allowed under state law for a class 2 misdemeanor committed on the charged date of offense.

- Not more than $750
- Not to exceed 120 days

Shall include, but are not limited to:

- a. False information during investigations, as defined in section 38-40.
- b. Trespass to motor vehicles, as defined in section 38-51.12.
- c. Prostitution, as defined in section 38-158(b).
- d. Any other municipal offense that prohibits the same or identical conduct as a class 2 misdemeanor offense under state law, unless designated as a lower-level offense in this Code.

Additional examples listed in the draft:

- Sec. 34-46. - Wrongs to Minors: (f) If a person acts with criminal negligence and causes an injury to a child, (g) If a person does not cause an injury to a child, violation of this section is a
- Sec. 38-31. – Obstructing a peace officer: (a) when, by using or threatening to use violence, force, physical interference, or an obstacle, such person knowingly obstructs, impairs, or hinders the enforcement of the penal law or the preservation of the peace by a peace officer, acting under color of his or her official authority.
- Sec. 38-32. - Resisting arrest
- Sec. 38-44. - Violation of a protection order: **except** that, if the protection order is issued pursuant to Colorado Revised Statute § 18-1-1001 or the parties were in an intimate relationship
- Sec. 38-51.5. - Shoplifting unlawful; retail theft: if the aggregate value of the property involved is three hundred dollars ($300.00) or more but less than one thousand dollars ($1,000.00).
- Sec. 38-51.8. - (Petty) Theft unlawful: if the value of the thing involved is three hundred dollars ($300.00) or more but less than one thousand dollars ($1,000.00).
- Sec. 38-61. - Damaging, defacing or destruction of public property: if the aggregate damage to the real or personal property is three hundred dollars ($300.00) or more but less than one thousand dollars ($1,000.00).
- Sec. 38-71. - Damaging, defacing or destruction of private property: if the aggregate damage to the real or personal property is three hundred dollars ($300.00) or more but less than one thousand dollars ($1,000.00).
- Sec. 38-63. - Protection of public library property: if the aggregate damage to the library property or the aggregate value of the library property taken is three hundred dollars ($300.00) or more but less than one thousand dollars ($1,000.00).
- Sec. 38-64. - Injuring sidewalks: if the aggregate damage to the sidewalk is three hundred dollars ($300.00) or more but less than one thousand dollars ($1,000.00).
- Sec. 38-65. - Painting or decorating public buildings: if the aggregate damage to the building, fence or other structure is three hundred dollars ($300.00) or more but less than one thousand dollars ($1,000.00).
- Sec. 38-91. – Harassment: (a)(3) Directly or indirectly initiate communication with a person or direct language toward another person, anonymously or otherwise, by telephone in a manner intended to threaten bodily injury or property damage, or make any comment, request, suggestion, or proposal by telephone that is obscene; or
(a)(4) Make a telephone call or cause a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation.

(d) Class 4 (new)

Any person convicted of a class 4 offense may, for each offense, be fined in a sum not more than three hundred dollars ($300.00) or jailed not to exceed ten (10) days, or both so fined and jailed. However, if the maximum sentence allowed under state law for a petty offense committed on the charged date of offense is lower than the sentence allowed by this subsection, then the maximum sentence for a class 4 offense is the maximum sentence allowed under state law for a petty offense committed on the charged date of offense.

- Not more than $300
- Not to exceed 10 days

Shall include, but are not limited to:

- a. Conspiracy, as defined in section 38-2.
- b. Obstruction of streets or other public passageways, as defined in section 38-86.
- c. Sitting or lying in the public right-of-way, as defined in section 38-86.1.
- d. Unauthorized camping on public or private property, as defined in section 38-86.2.
- e. Disturbing the peace, as defined in section 38-89.
- f. Public fighting, as defined in section 38-93.1.
- g. Urinating or defecating in public, as defined in section 38-99.
- h. Panhandling, as defined in section 38-100.
- i. Trespass, as defined in section 38-115.
- j. Public indecency, as defined in section 38-157.
- k. Prostitution, as defined in section 38-158(a).
- l. Curfews and closures, as defined in section 39-3.
- m. Storage and loading, as defined in section 49-254.
- n. Prohibitions, as defined in section 49-532.
- o. Solicitation on or near street or highway, as defined in section 54-548.
- p. Any municipal offense that prohibits the same or identical conduct as a petty offense under state law, unless designated as a lower-level offense in this Code.
- q. Any municipal offense for which there is no state offense that prohibits the same or identical conduct, unless designated as a different level offense in this Code.

Additional examples listed in the draft:

- Sec. 38-157.1. - Indecent exposure section (b):A person commits an act of indecent exposure if they knowingly expose their genitals or buttocks to the view of any person under circumstances which are likely to cause a reasonable person affront or alarm.
- Sec. 38-31. – Obstructing a peace officer: (b) It shall be unlawful for any person to fail to obey a lawful order of a police officer if such failure interferes with or hinders such police officer in the discharge of his official duties. It is an affirmative defense to this subsection that the failure to obey did not interfere with or hinder the police officers.
- Sec. 38-43. - Violation of court orders.
- Sec. 38-51.5. - Shoplifting unlawful; retail theft: if the aggregate value of the property involved is less than three hundred dollars ($300.00).
- Sec. 38-51.8. - (Petty) Theft unlawful: if the value of the thing involved is less than three hundred dollars ($300.00).
- Sec. 38-61. - Damaging, defacing or destruction of public property: if the aggregate damage to the real or personal property is less than three hundred dollars ($300.00).
- Sec. 38-71. - Damaging, defacing or destruction of private property: if the aggregate damage to the real or personal property is less than three hundred dollars ($300.00).
- Sec. 38-63. - Protection of public library property: if the aggregate damage to the library property or the aggregate value of the library property taken is less than three hundred dollars ($300.00).
- Sec. 38-64. - Injuring sidewalks: if the aggregate damage to the sidewalk is less than three hundred dollars ($300.00).
- Sec. 38-65. - Painting or decorating public buildings: if the aggregate damage to the building, fence or other structure is less than three hundred dollars ($300.00).
- Sec. 38-91. – Harassment: (a)(2) In a public place direct obscene language or make an obscene gesture to or at another person.
- Sec 38-9. - Smoking on the 16th Street Pedestrian and Transit Mall prohibited. (Not in the draft).

(e) Class 5 (new)

Any person convicted of a class 5 offense may, for each offense, be fined in a sum not more than one hundred dollars ($100.00). However, if the maximum sentence allowed under state law for a civil infraction committed on the charged date of offense is lower than the sentence allowed by this subsection, then the maximum sentence for a class 5 offense is the maximum sentence allowed under state law for a civil infraction committed on the charged date of offense. Nothing in this section shall be construed to limit sentencing options that are otherwise available to the court, except that no person convicted of a class 5 offense shall be subject to any jail time.

- No more than $100
- No person convicted of a class 5 offense shall be subject to any jail time.

Shall include, but are not limited to:

- Any municipal offense that prohibits the **same or identical conduct as a civil infraction under state law**, as defined in Colorado Revised Statute § 16-2.3-101.