



DENVER
THE MILE HIGH CITY

Conforming DRMC Amendments

2019 State Legislative Justice
Reforms

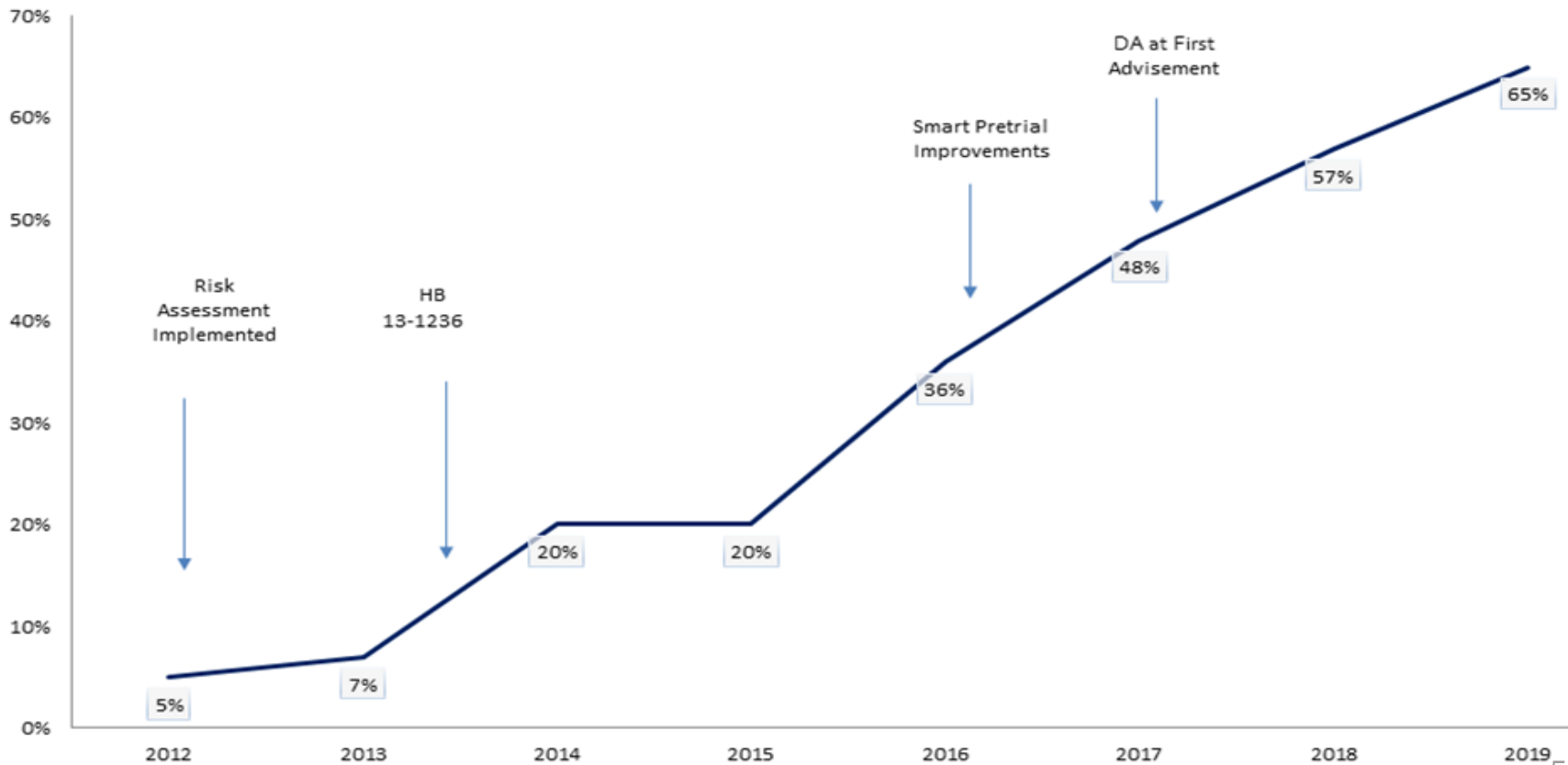
FOR CITY SERVICES VISIT | CALL
DenverGov.org | **311**

- Two code changes required to conform Denver Revised Municipal Code (DRMC) to state legislation passed last year
 - HB19-1225: Prohibits cash bail for certain low level offenses
 - HB19-1148: Max sentence for municipal offenses lowered to 364 days
- Both changes have already been implemented; these bills are formality to properly codify
- Both state bills build on past reform efforts the City has already undertaken

- HB19-1225 took effect April 2019 upon signature from Governor
 - Bill ends cash bail for low level offenses that have no corresponding State offense
 - For City purposes, that puts offenses into 3 categories:
 - Offenses that do have a corresponding State offense and are still eligible for cash bond
 - Offenses that do not have a closely matching State offense and are no longer eligible for cash bond
 - Offenses that potentially are still eligible for cash bond depending on specific circumstance
 - Example: Shoplifting, if the value is greater than \$50, would still be eligible for cash bond, but shoplifting if the value is less than \$50 would now be PR bond

- Code change would explicitly repeal portions of the DRMC that disallow use of personal recognizance (PR) bonds
 - PR bonds are used to release someone without need for monetary bail
 - Bond is set by the Courts – the State bill and this code change clarify Courts’ discretion
 - With collaboration and education, Denver has already increased use of PR bonds dramatically since 2012

Percentage of Felony PR Bonds Granted 2012-2019



- HB19-1148 changed the max sentence for a municipal offense to 364 days, effective 8/2/2019
- Previous maximum was one year
 - 365 days has immigration consequences for:
 - Anyone with a legal status
 - Legal permanent residents
 - Student Visas
 - Work Visas
 - In Federal law, a noncitizen is deportable for a single conviction of a crime involving moral turpitude committed within 5 years of admission, if the offense has a potential sentence of one year or more

- What about undocumented immigrants?
 - In the case of an undocumented immigrant, the Federal government has a basis for deportation based solely on being in the country without proper documentation
 - This new law (364 vs. 365 days) will not change risk of deportation for these immigrants
- Purpose of this bill and previous Denver reform efforts is to protect against deportation consequence for people otherwise here legally if committing a municipal offense



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CCD Sentencing Reform - Background

- In 2017, with stakeholder feedback, Denver adjusted our sentencing structure
 - Rather than one uniform penalty structure, different classes of offenses were considered
 - General penalty – unless otherwise defined as Class 1 or 2, max sentence is 300 days
 - Class 2: low level “quality of life offenses”, with max sentence of 60 days
 - Class 1: limited number of extraordinary risk offenses that involved violent or bias motivated crimes, max 365 days
 - Penalty left at 365 due to the violent nature of the offenses

| General Penalty | Class 2 Offenses | Class 1 Offenses |
|---|---|---|
| <p>Most offenses are in this category</p> <p>Examples:</p> <ul style="list-style-type: none"> • Simple assault • 1st or 2nd Domestic Violence • Shoplifting • Petty theft • Trespassing • Most other violations <p>Max fine \$999; 0-300 days</p> | <p>Quality of Life Offenses</p> <ul style="list-style-type: none"> • Panhandling • Urinating or defecating in public • Sit-Lie • Unauthorized camping • Park curfew • Encumbrances <p>No fines would be assessed; 0-60 days</p> | <p>Extraordinary Risk Offenses</p> <ul style="list-style-type: none"> • Bias-Motivated offense • Sexually motivated offense • Offenses against at-risk persons • Assault on a law enforcement officer • Assault with bodily harm • Assault with strangulation • 3rd or more domestic violence offense <p>Max fine \$999; 0-365 days</p> |

- This code change would now set the max sentence for Class 1 offenses at **364 days**
- Fines would remain unchanged
- Nothing in this bill or previous legislation limits alternative sentencing options that are otherwise available to the court

- Approve two changes to the code to conform with required changes to state law
 - BR20-1179 Concerning personal recognizance bonds
 - BR20-1178 Modifying the penalty for Class 1 offenses



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Appendix

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- Municipal penalty maximums are set in state statute
 - Before 1993, statutory max was 180 days
 - Denver updated maximums in 1993 and then again in 2017
 - Many local jurisdictions still carry a lower max reflecting previous statutory limits and this did not need to make confirming code amendments here