

Municipal Criminal Sentencing

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Budget and Policy Committee March 9, 2026



DENVER
OFFICE OF CITY COUNCIL

Current Landscape

Currently, most municipal-only offenses in Denver have a maximum sentence of up to 300 days jail and a \$999 fine because this is the city's general penalty. This is the penalty for everything from assault to having your dog off leash, and an issue of inequity in our code that disproportionately impacts poor and immigrant Denverites.

- At least 75% of those charged in Denver municipal courts are at or below the federal poverty line (\$22k/year for a single person). There are over 12,000 municipal criminal case filings per year and rising.
- From Sept 2023 – Sept 2025, about 500 people were sentenced to over 10 days in jail for municipal-only offenses.

Jail sentences carry enormous consequences for those charged, from loss of public benefits like social security and SNAP, to loss of housing, income, custody, and more. Even when the maximum sentence is not imposed on a defendant, simply having longer *potential* sentences on the books in our code can lead to adverse collateral consequences including related to immigration status.

Problem

In 2021, the Colorado state legislature reduced the punishment for many state misdemeanors and petty offenses (SB 21-271). As a result, **municipal sentences for many offenses that are prosecuted at both the state and municipal level became higher than the comparable state sentences.**

People in Denver face jail sentences up to **30x higher** than what is allowed under state law for the same type of misconduct.

The Colorado Supreme Court recently held that municipal sentences which are higher than state sentences for the same conduct **violate the state constitution** and are unconstitutional. **This means that Denver must re-write its sentencing ordinances if we want them to accurately reflect the law,** to reflect that municipal sentences may not be longer than state sentences for the same type of misconduct.

Sponsors' Proposed Solution

1. Revise DRMC to match sentences to the maximum sentences for comparable state offenses (so that what our code says matches what the state constitution requires, and sentences do not have to be litigated case-by-case).
2. For reasons of fairness, cap sentence for all offenses in the municipal code that *do not have* a comparable state offense at the level allowed for petty offenses under state law (up to 10 days jail and a \$300.00 fine).
3. Revise the language of certain offenses (e.g., assault) to align the prohibited conduct with a more stringent state law and retain the ability to impose a higher sentence.
4. Rewrite several offense descriptions to more clearly align with state law, thereby clarifying possible sentences. Does not change severity of punishment available. (New since last commit.)
5. Eliminate mandatory fines on prostitution, aligning with state law.

Proposed Legislation

1. Revise DRMC to match city sentences to equivalent state offenses and 2. revise sentence for municipal-only offenses to match state-law petty offenses.

Proposed Legislation		
Group in D.R.M.C.	Maximum Penalty	Change from existing code
1-13(b) General penalty	120 days jail, \$750 fine	Reduced from 300 days in jail, \$999 fine. Matching Class 3 offenses.
1-14(a) Class 1 offenses	364 days jail, \$999 fine	No change. Most serious municipal offenses.
1-14(b) Class 2 offenses	300 days jail, \$999 fine	New group. Includes offenses comparable to Class 1 misdemeanors under state law, incl. assault and threats.
1-14(c) Class 3 offenses	120 days jail, \$750 fine	New group. Includes offenses comparable to Class 2 misdemeanors under state law.
1-14(d) Class 4 offenses	10 days jail, \$300 fine	New group. Includes offenses comparable to Petty Offenses under state law. Also includes all municipal-only offenses (which have no state comparable).
1-14(e) Class 5 offenses	\$100 fine	New group. Includes offenses comparable to Civil Infractions under state law – not aware of any right now.

Proposed Legislation

3. Ensure that longer jail sentences remain available in domestic violence and other assault cases by amending the Assault ordinance (DRMC 38-93) and Threats ordinance (DRMC 38-92) so these laws track the elements of Class 1 misdemeanors under state law.

This allows Denver municipal court to continue to impose the current maximum punishment in our code (300 days in jail, \$999 fine) when there is an assault or a threat made to do physical harm to another person.

Without this legislation, city prosecutors will no longer be able to seek 300-day sentences for assault and will be limited to seeking shorter sentences. Sponsors and all stakeholders agree that 300 days should be available in serious assault cases.

Proposed Legislation

4. Rewrite several offense descriptions to more clearly align with state law, thereby clarifying possible sentences. Does not change severity of punishment available. Most of these clarifications made based on PACE feedback.

- Wrongs to minors (34-46) - class 2 or 3 offense
- Conspiracy (38-2) - class 4 offense
- Interference with a police officer (38-31) - class 3 offense
- Resisting a police officer (38-32) - class 3 offense
- Violation of court orders (38-43) - class 2 or 3 offense
- Shoplifting unlawful; retail theft (38-51.5) class 3 or 4 offense
- Petty theft unlawful (38-51.8) - class 3 or 4 offense
- Damaging, defacing or destruction of public property (38-61) - class 3 or 4 offense
- Damaging, defacing or destruction of private property (38-71) - class 3 or 4 offense
- Protection of public library property (38-63) - class 3 or 4 offense
- Injuring sidewalks (38-64) - class 3 or 4 offense
- Painting or decorating public buildings (38-65) - class 3 or 4 offense
- Disturbing the peace (38-89) - class 4 offense
- Disturbance by use of telephone (38-91) - class 3 offense



Proposed Legislation

5. Eliminate mandatory fines for prostitution presently required by DRMC 38-158(B).

Currently, Denver's prostitution ordinance imposes mandatory fines for prostitution: \$500 for a first offense, \$750 for a second offense within 5 years, and \$999 for a third or subsequent offense.

These fines are imposed on some of Denver's poorest defendants, and there are no mandatory fines for prostitution under state law. Their mandatory nature makes it harder to use diversionary tools.

This bill would better align Denver's sentences for prostitution with state law by eliminating these mandatory fines. Instead, judges will have discretion to decide whether they want to impose a fine for each offense, and the maximum fine allowed would be the standard \$300.

Stakeholding to date

- Office of Municipal Public Defenders (2023 first meeting)
- City Attorney's Office – Prosecution and Code Enforcement (August 2024 first meeting)
- Municipal Judges and Magistrates (latest meeting March 2026)
- CO State Rep. Mabrey, State Sen. Weissman
- Municipal Sentencing Coalition led by Colorado Freedom Fund (dozens of organizations, not separately listed here)
- Colorado Criminal Justice Reform Coalition
- Mayor council discussion (Feb 2025)
- Budget and Policy presentation (June 2025)
- Department of Public Safety (July 2025)
- Mayor's Office (July 2025)
- Denver District Attorney (October 2025)
- City Council (briefings completed February 2026)
- Budget and Policy presentation (January 2026)
- Violence Free Colorado (February 2026)
- Public webinar (February 2026)
- Mayor's Office (March 2026)

Questions?

Appendix

Section 1 – General Penalty

11 **Section 1.** That section 1-13(b) of the Denver Revised Municipal Code is hereby amended by
12 removing the struck through language and adding the language underlined, to read as follows:

13 (b) *General penalty.* If no definite fine or penalty is provided for a violation and except as
14 otherwise provided in section 1-14, any person who shall be convicted of a violation of any such
15 section may, for each offense, be fined in a sum not more than ~~nine hundred ninety-nine dollars~~
16 ~~(\$999.00) or jailed not to exceed three hundred (300) days~~ seven hundred fifty dollars (\$750.00) or
17 jailed not to exceed one hundred twenty (120) days, or both so fined and jailed. However, any
18 municipal offense that prohibits the same conduct as an offense under state law shall not be subject to
19 any penalty greater than the penalty allowed under state law.

20 (1) Nothing in this section shall be construed to limit sentencing options that are otherwise
21 available to the court.

22 (2) Nothing in this section shall be construed to limit the length of probation provided in
23 section 14-61 of this Code.

Section 2 - Class 2

25 **Section 2.** That section 1-14 of the Denver Revised Municipal Code is amended by removing
26 the struck through language and adding the language underlined, to read as follows:

7 (b) ~~Class 2 offenses.~~

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

11 (2) ~~Class 2 offenses shall include the following:~~

12 a. ~~Sec. 38-86.1. Sitting or lying in the public right-of-way.~~

13 b. ~~Sec. 38-86.2. Unauthorized camping on public or private property prohibited.~~

14 c. ~~Sec. 38-99. Urinating or defecating in public.~~

15 d. ~~Sec. 38-100. Panhandling.~~

16 e. ~~Sec. 39-3. Curfews and closures.~~

17 f. ~~Sec. 49-254. Storage and loading.~~

18 g. ~~Sec. 49-532. Prohibitions.~~

19 h. ~~Sec. 54-548. Solicitation on or near street or highway.~~

20 (b) Class 2 offenses.

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

29 (2) Class 2 offenses shall include, but are not limited to, the following:

30 a. Threats, as defined in section 38-92.

31 b. Assault, as defined in section 38-93.

32 d. Any other municipal offense that prohibits the same conduct as a class 1
33 misdemeanor offense under state law, unless explicitly designated as a lower-level offense in this
34 Code.

Section 2 – Class 2 (continued)

20 (b) Class 2 offenses.

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

29 (2) Class 2 offenses shall include, but are not limited to, the following:

30 a. Threats, as defined in section 38-92.

31 b. Assault, as defined in section 38-93.

32 d. Any other municipal offense that prohibits the same conduct as a class 1
33 misdemeanor offense under state law, unless explicitly designated as a lower-level offense in this
34 Code.

Section 2 – Class 3

1 (c) Class 3 offenses.

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

8 (2) Class 3 offenses shall include, but are not limited to, the following:

9 a. False information during investigations, as defined in section 38-40.

10 b. Trespass to motor vehicles, as defined in section 38-51.12.

11 c. Prostitution, as defined in section 38-158(a)(5).

12 d. Any other municipal offense that prohibits the same conduct as a class 2
13 misdemeanor offense under state law, unless explicitly designated as a lower-level offense in this
14 Code.

Section 2 – Class 4

15 (d) Class 4 offenses.

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

22 (2) Class 4 offenses shall include, but are not limited to, the following:

23 a. Conspiracy, as defined in section 38-2.

24 b. Obstruction of streets or other public passageways, as defined in section 38-86.

25 c. Sitting or lying in the public right-of-way, as defined in section 38-86.1.

26 d. Unauthorized camping on public or private property, as defined in section 38-86.2.

27 e. Disturbing the peace, as defined in section 38-89.

28 f. Public fighting, as defined in section 38-93.1.

29 g. Urinating or defecating in public, as defined in section 38-99.

30 h. Panhandling, as defined in section 38-100.

31 i. Trespass, as defined in section 38-115.

32 j. Public indecency, as defined in section 38-157.

33 k. Indecent exposure, as defined in section 38-157.1.

34 l. Prostitution, as defined in section 38-158(a)(1)-(4), (6)-(7).

1 m. Curfews and closures, as defined in section 39-3.

2 n. Storage and loading, as defined in section 49-254.

3 o. Prohibitions, as defined in section 49-532.

4 p. Solicitation on or near street or highway, as defined in section 54-548.

5 q. Any municipal offense that prohibits the same conduct as a petty offense under
6 state law.

7 r. Any municipal offense for which there is no state offense that prohibits the same
8 conduct.

Section 2 – Class 5

9 (e) Class 5 offenses.

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

17 (2) Class 5 offenses shall include, but are not limited to, any municipal offense that prohibits
18 the same conduct as a civil infraction under state law.

Section 19 – Prostitution

22 Sec. 38-158. - Prostitution.

15 ~~(B) — Persons convicted of violating and persons pleading guilty or nolo contendere to violation~~
16 ~~of subsection (A) shall, in addition to any sentence of jail time, pay a fine of five hundred dollars~~
17 ~~(\$500.00) for the first offense; seven hundred fifty dollars (\$750.00) for the second offense within five~~
18 ~~(5) years; and nine hundred ninety-nine dollars (\$999.00) for the third and subsequent offenses. No~~
19 ~~part of the minimum fine may be suspended, however, the court may order a person convicted of~~
20 ~~violating subsection (A) to perform useful public service, and credit the dollar amount earned through~~
21 ~~such public service toward payment of the minimum fine owed. The person shall be paid at the~~
22 ~~standard hourly rate for such public service as established by the rules and regulations of the court.~~
23 ~~Useful public service shall be considered work which is beneficial to the public and which involves a~~
24 ~~minimum of public cost.~~

In the County Court in and for the City and County of Denver, State of Colorado. The People of the City and County of Denver and/or State of Colorado, Plaintiff vs.

DEFENDANT

Last Name: [REDACTED] First Name: [REDACTED] Middle: [REDACTED] DOB: [REDACTED]

Home Address: [REDACTED] City: Denver State: CO Zip: [REDACTED] Phone: [REDACTED]

Drivers License: TRANSIENT Vehicle License # (Required for Title 42 offenses): [REDACTED] Order-In Existing AB # [REDACTED]

Victim Name(s) Only: [REDACTED]

Location of Offense: [REDACTED] Offense Date: [REDACTED] Offense Time: [REDACTED] Domestic Violence Offense: Yes No

COLORADO REVISED STATUTES (CRS)

VIOLATION(S)	DESCRIPTION
<input type="checkbox"/> 44-3-901(1)(b)	M2 Providing Alcohol to Minor
<input type="checkbox"/> 44-3-901(1)(b)	M2 Sale of Alcohol without a License
<input type="checkbox"/> 18-3-204(1)(a)	M1 Assault 3-Knowledge or Reckless Cause Bodily Injury
<input type="checkbox"/> 18-3-206(1)	M1 Menacing
<input type="checkbox"/> 18-3-412.5(1)(a),(3)	M1 Sex Offender - Failure to Register
<input checked="" type="checkbox"/> 18-4-401(1),(2)(b)	PO Theft - Under \$300
<input type="checkbox"/> 18-4-401(1),(2)(c)	M2 Theft - \$300-\$999
<input type="checkbox"/> 18-4-401(1),(2)(e)	M1 Theft - \$1000-\$1999
<input type="checkbox"/> 18-4-501(1),(4)(a)	PO Criminal Mischief - Under \$300
<input type="checkbox"/> 18-4-501(1),(4)(b)	M2 Criminal Mischief - \$300-\$999
<input type="checkbox"/> 18-4-501(1),(4)(c)	M1 Criminal Mischief - \$1000-\$1999
<input type="checkbox"/> 18-6-603.5(1)(a),(2)(a)	M2 Violation of Protective Order
<input type="checkbox"/> 18-7-201(1),(3)	PO Prostitution

DENVER REVISED MUNICIPAL CODE (DRMC) & CRS

VIOLATION(S)	DESCRIPTION
<input type="checkbox"/> 34-47	UC Curfew
<input type="checkbox"/> 34-65(2)	UC Possession of Tobacco by a Minor
<input type="checkbox"/> 34-58	UC Possession of Grenitile Material by a Minor
<input type="checkbox"/> 34-46	UC Wrongs to Minors
<input type="checkbox"/> 38-31	UC Interference
<input type="checkbox"/> 38-32	UC Resistance
<input type="checkbox"/> 38-40	UC Unlawful to Give False Information
<input checked="" type="checkbox"/> 38-51.5	UC Shoplifting
<input checked="" type="checkbox"/> 38-51.8	UC Petty Theft
<input type="checkbox"/> 38-41	UC Damaging, Defacing, or Destruction of Public Property
<input type="checkbox"/> 38-71	UC Damaging, Defacing, or Destruction of Private Property
<input type="checkbox"/> 38-89(a)	UC Disturbing the Peace
<input type="checkbox"/> 38-89(b)	UC Disturbing the Peace - Sound Amplifying Equipment

<input type="checkbox"/> 18-3-206(1)	M1 Menacing
<input type="checkbox"/> 18-3-412.5(1)(a),(3)	M1 Sex Offender - Failure to Register
<input checked="" type="checkbox"/> 18-4-401(1),(2)(b)	PO Theft - Under \$300
<input type="checkbox"/> 18-4-401(1),(2)(c)	M2 Theft - \$300-\$999
<input type="checkbox"/> 18-4-401(1),(2)(e)	M1 Theft - \$1000-\$1999
<input type="checkbox"/> 18-4-501(1),(4)(a)	PO Criminal Mischief - Under \$300

<input type="checkbox"/> 34-46	UC Wrongs to Minors
<input type="checkbox"/> 38-31	UC Interference
<input type="checkbox"/> 38-32	UC Resistance
<input type="checkbox"/> 38-40	UC Unlawful to Give False Information
<input checked="" type="checkbox"/> 38-51.5	UC Shoplifting
<input checked="" type="checkbox"/> 38-51.8	UC Petty Theft

CRS - Title 42 - Motor Vehicle Traffic - 42-2-1001 - 42-2-1005

<input type="checkbox"/> 42-4-1601(1),(2)(a)	T1 Duty in Accident Involving Injury
<input type="checkbox"/> 42-4-1602	MTO Duty in Accident Involving Property Damage
<input type="checkbox"/> 42-4-1604	T2 Duty upon Striking Unattended Vehicle or Other Property
<input type="checkbox"/> 42-4-1605	T2 Duty upon Striking Hwy Fixtures or Traffic Control Device
<input type="checkbox"/> 42-4-1606(1)	T2 Failing to Report an Accident
<input type="checkbox"/> 44-3-901(1)(b)	CVI Public Consumption of Alcohol
<input type="checkbox"/> 18-13-122(1)(a),(4)(a)	PO Possession/Consumption of Alcohol by Under Age Person
<input type="checkbox"/> 18-18-428(1)	DPO Possession of Drug Paraphernalia
<input type="checkbox"/> 25-14-206(2),(3)	PO Smoking where prohibited
<input type="checkbox"/> 42-3-101(1)	T2 Driving Without a Valid License
<input type="checkbox"/> 42-2-136(1)(a)	T1A Driving While Under Restraint
<input type="checkbox"/> 42-2-136(1)(b)	MTO Driving While Under Restraint - Alcohol Related Offense
<input type="checkbox"/> 42-4-1409(1)	T1 Driving Without Proof of Insurance - OWNER
<input type="checkbox"/> 42-4-1409(2)	T1 Driving Without Proof of Insurance - DRIVER
<input type="checkbox"/> 42-7-422	T1A Driving While Under FRA Suspension
<input type="checkbox"/> 42-2-136(1)(5)	T1A DUR for Outstanding Judgment
<input type="checkbox"/> 42-2-206(1)(a)	T2 DUR due to being a Habitual Traffic Offender

DRMC - Title 38 - Public Safety - 38-43 - 38-89

<input type="checkbox"/> 38-43(a)	UC Violation of Court Orders
<input type="checkbox"/> 38-3	UC Park Carlew and Closures
<input type="checkbox"/> 5-16(f)	UC Violation of Airport Rule / Regulation
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/> 44-3-901(1)(b)	CVI Public Consumption of Alcohol
<input type="checkbox"/> 18-13-122(1)(a),(4)(a)	PO Possession/Consumption of Alcohol by Under Age Person
<input type="checkbox"/> 18-18-428(1)	DPO Possession of Drug Paraphernalia
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<input type="checkbox"/> 42-2-136(1)(b)	MTO Driving While Under Restraint - Alcohol Related Offense
<input type="checkbox"/> 42-4-1409(1)	T1 Driving Without Proof of Insurance - OWNER
<input type="checkbox"/> 42-4-1409(2)	T1 Driving Without Proof of Insurance - DRIVER
<input type="checkbox"/> 42-7-422	T1A Driving While Under FRA Suspension

PAYABLE DRMC, NON-CRIMINAL VIOLATIONS

<input type="checkbox"/> 38-17(a)	P Possession or consumption of Marijuana
<input type="checkbox"/> 38-17(b)	P Marijuana Possession Around School
<input type="checkbox"/> 38-18(a)	P Marijuana Prohibited in Parks



YOU ARE SUMMONED AND ORDERED TO APPEAR BEFORE THE COURT ON [REDACTED] AT 9:00 AM LOCATED AT THE LINDSEY FLANIGAN JUSTICE CENTER, 520 W. COLFAX AVE, ROOM #160, DENVER, CO 80204, to answer the charge(s) in violation of the Denver Revised Municipal Code (DRMC) and/or the Colorado Revised Statutes (CRS) as amended. If this court date is a Saturday, Sunday, or Holiday, you must appear on the NEXT regular court business day following this date. If you are under the age of 18, YOU AND YOUR PARENT OR LEGAL GUARDIAN MUST APPEAR IN COURT ON THE DATE AND TIME AT THE DESIGNATED LOCATION. You may contact the court during normal business hours at 720-337-0410. If you fail to respond to this

Collateral consequences of jail time

- 30-day rule: incarceration exceeding 30 days incarceration are grounds to suspend Social Security benefits
- SSDI: Social Security Disability Insurance
- Supplemental Security Income (SSI)
- Medicaid, SNAP
- Loss of housing
- Loss of employment
- Education
- Inability to care for Children: Custody and Visitation Rights –DHS contact
- Immigration/ deportation

