

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2026

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:

4
5 A BILL

6
7 **For an ordinance aligning criminal municipal sentences with the sentences for**
8 **similar crimes under state law.**
9

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

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 or identical conduct as an offense under state law shall not
19 be subject to 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.
24

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:

27 **Sec. 1-14. - Offenses classified.**

28 (a) *Class 1 offenses.*

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

33 (2) Class 1 offenses shall include the following:

34 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 offenses.~~

~~(1) 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.~~

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

- ~~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.~~

(b) Class 2 offenses.

(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 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 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.

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

- 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.

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

14 (d) Class 4 offenses.

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

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

- 22 a. Conspiracy, as defined in section 38-2.
- 23 b. Obstruction of streets or other public passageways, as defined in section 38-86.
- 24 c. Sitting or lying in the public right-of-way, as defined in section 38-86.1.
- 25 d. Unauthorized camping on public or private property, as defined in section 38-86.2.
- 26 e. Disturbing the peace, as defined in section 38-89.
- 27 f. Public fighting, as defined in section 38-93.1.
- 28 g. Urinating or defecating in public, as defined in section 38-99.
- 29 h. Panhandling, as defined in section 38-100.
- 30 i. Trespass, as defined in section 38-115.
- 31 j. Prostitution, as defined in section 38-158(a).
- 32 k. Curfews and closures, as defined in section 39-3.
- 33 l. Storage and loading, as defined in section 49-254.
- 34 m. Prohibitions, as defined in section 49-532.

1 n. Solicitation on or near street or highway, as defined in section 54-548.

2 o. Any municipal offense that prohibits the same or identical conduct as a petty
3 offense under state law, unless designated as a lower-level offense in this Code.

4 p. Any municipal offense for which there is no state offense that prohibits the same
5 or identical conduct, unless designated as a different level offense in this Code.

6 (e) Class 5 offenses.

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

14 (2) Class 5 offenses shall include, but are not limited to, any municipal offense that prohibits
15 the same or identical conduct as a civil infraction under state law, as defined in section 16-2.3-101,
16 C.R.S.

17
18 **Section 3.** That section 10-18 of the Denver Revised Municipal Code is here by amended by
19 adding the language underlined, to read as follows:

20 **Sec. 10-18. - Unlawful to violate codes.**

21 (a) It shall be unlawful to violate any portion of any of the above codes or any order of any
22 building or fire official enforcing said codes.

23 (b) Any person convicted of violating this section may, for each offense, be fined in a sum
24 not more than nine hundred ninety-nine dollars (\$999.00) or jailed not to exceed ten (10) days, or both
25 so fined and jailed.

26
27 **Section 4.** That section 32-4 of the Denver Revised Municipal Code is here by amended by
28 adding the language underlined, to read as follows:

29 **Sec. 32-4. - License required.**

30 (a) It shall be unlawful for any person, whether or not they are licensed in another
31 jurisdiction, to engage in an activity for which a license issued by the department is required without
32 first having obtained such license from the department.

33 (b) Any person convicted of violating this section may, for each offense, be fined in a sum
34 not more than nine hundred ninety-nine dollars (\$999.00) or jailed not to exceed ten (10) days, or both

1 so fined and jailed.

2
3 **Section 5.** That section 34-46 of the Denver Revised Municipal Code is hereby amended by
4 removing the struck through language and adding the language underlined, to read as follows:

5 **Sec. 34-46. - Other Wrongs to minors.**

6 (a) ~~It shall be unlawful for any person knowingly, intentionally or negligently and without~~
7 ~~justifiable excuse, to cause:~~

8 (1) ~~The life of a minor to be endangered;~~

9 (2) ~~The health or physical well-being of a minor to be injured or endangered;~~

10 (3) ~~The punishment or tormenting of any minor not in the legal care, custody or control of~~
11 ~~such person; or~~

12 (4) ~~The endangerment or impairment of the morals of any minor.~~

13 (a) A person commits wrongs to minors if such person knowingly, recklessly, or with criminal
14 negligence:

15 (1) Causes an injury to a child's life or health, and the injury does not rise to the level of
16 serious bodily injury;

17 (2) Permits a child to be unreasonably placed in a situation that poses a threat of injury to
18 the child's life or health; or

19 (3) Engages in a continued pattern of conduct that results in malnourishment, cruel
20 punishment, or mistreatment that ultimately results in injury to a minor that does not rise to the level of
21 serious bodily injury.

22 (b) ~~It shall be unlawful for any person having the legal care, custody or control of any minor~~
23 ~~knowingly, intentionally or negligently, and without justifiable excuse to:~~

24 (1) ~~Abandon any such minor;~~

25 (2) ~~Torture, torment or cruelly punish any such minor;~~

26 (3) ~~Deprive any such minor of food, clothing or shelter;~~

27 (4) ~~Injure such minor unnecessarily in any other manner; or~~

28 (5) ~~Allow any such minor to be so abandoned; tortured; tormented; cruelly punished;~~
29 ~~deprived of food, clothing or shelter; or injured unnecessarily in any other manner.~~ (c) ~~It shall be~~
30 ~~unlawful for any person to intentionally or knowingly provide a weapon to any minor.~~

31 (d) ~~It shall be unlawful for any parent or legal guardian of any minor, who knows such minor~~
32 ~~possesses or has been provided a weapon, to fail to remove the weapon from the minor's possession~~
33 ~~or control, unless removing this weapon cannot be accomplished without jeopardizing the safety of the~~
34 ~~parent or legal guardian.~~

1 (e) — In the event that the weapon in the possession of a minor cannot be removed from the
2 possession of the minor by the parent or legal guardian without jeopardizing the safety of the parent or
3 legal guardian, it shall be unlawful for the parent or legal guardian to fail to notify the Denver Police
4 Department that the minor possesses the weapon.

5 (f) — The term "weapon," for purposes of this section, shall have the same meaning as set
6 forth in D.R.M.C. section 38-116, as amended.

7 (g) — The term "firearm," for the purposes of this section, shall have the same meaning as set
8 forth in D.R.M.C. section 38-116, as amended.

9 (h) — It shall be an affirmative defense to charges brought under subsections 34-46(c), (d), (e)
10 or (f) that the parent or legal guardian of the minor provided a weapon to the minor or allowed the
11 minor to remain in possession or control of a weapon in the following situations:

12 (1) — The minor possesses a current and authentic written permit to carry a weapon, issued by
13 the chief of police of a Colorado city, mayor of a Colorado town, or sheriff of a Colorado county; and
14 the carrying of such weapon is within the terms of such permit; or

15 (2) — The weapon is a household knife, and there are reasonable grounds for the minor having
16 and carrying the knife; or

17 (3) — The minor possesses or controls the weapon in the course of a lawful act of self-defense
18 or defense of the minor's home or property; or

19 (4) — The minor possesses or controls the weapon during the course of, or incidental to, being
20 legally summoned to the aid of a Colorado peace officer or a member of the United States armed
21 forces or the Colorado National Guard in the performance of their duties; or

22 (5) — The minor possesses or controls the firearm, while accompanied by the minor's parent or
23 legal guardian, in the course of a bona fide hunting trip; in the sporting use of such firearms at licensed
24 shooting galleries or any other business licensed for the use of firearms; in cleaning or caring for such
25 firearm; or for transportation to or from any of the aforementioned activities, provided that all firearms
26 being transported shall be unloaded when transported to or from such place of use; or

27 (6) — The minor possesses or controls the firearm, while accompanied by the minor's parent or
28 legal guardian or an instructor certified by the Colorado Division of Wildlife, while receiving instruction
29 in the safe use of such firearms.

30 (b) In this section, "child" means a person under the age of sixteen years.

31 (c) As used in this section, "serious bodily injury" means bodily injury that, either at the time
32 of the actual injury or at a later time, involves a substantial risk of death; a substantial risk of serious
33 permanent disfigurement; a substantial risk of protracted loss or impairment of the function of any part
34 or organ of the body; or breaks, fractures, a penetrating knife or penetrating gunshot wound, or burns

1 of the second or third degree.

2 (d)(1) If a parent is charged with permitting a child to be unreasonably placed in a situation that
3 poses a threat of injury to the child’s life or health, pursuant to subsection (b) of this section, and the
4 child was seventy-two hours old or younger at the time of the alleged offense, it is an affirmative
5 defense to the charge that the parent safely, reasonably, and knowingly handed the child over to a
6 firefighter, as defined under section 18-3-201(1.5), C.R.S., or to a staff member who engages in the
7 admission, care, or treatment of patients at a hospital or community clinic emergency center, as
8 defined in subsection (d)(2) of this section.

9 (2) “Community clinic emergency center” means a community clinic licensed by the
10 department of public health and environment pursuant to section 25-3-101(2)(a)(I)(B) , C.R.S., that:

11 a. Delivers emergency services; and

12 b. Provides emergency care twenty-four hours per day and seven days a week
13 throughout the year, except if located in a rural or frontier area that does not have the demand to
14 support twenty-four-hour service or only operates each year during a specified time period due to
15 seasonal population influx.

16 (e) If a person knowingly or recklessly causes an injury to a child, violation of this section is a
17 class 2 offense.

18 (f) If a person acts with criminal negligence and causes an injury to a child, violation of this
19 section is a class 3 offense.

20 (g) If a person does not cause an injury to a child, violation of this section is a class 3
21 offense.

22

23 **Section 6.** That section 38-2 of the Denver Revised Municipal Code is hereby amended by
24 removing the struck through language and adding the language underlined, to read as follows:

25 **Sec. 38-2. - Conspiracy.**

26 It shall be unlawful for any person to conspire with any other person to commit any act which is
27 a violation of a provision of this Code.

28 (a) A person commits conspiracy to commit a crime if, with the intent to promote or facilitate
29 its commission, such person agrees with another person or persons that they, or one or more of them,
30 will engage in conduct which constitutes a crime under a provision of this Code, or such person agrees
31 to aid the other person or persons in the planning or commission of a crime under a provision of this
32 Code.

33 (b) No person may be convicted of conspiracy to commit a crime, unless an overt act in
34 pursuance of that conspiracy is proved to have been done by such person or by a person with whom

1 such person conspired.

2 (c) If a person knows that one with whom the original person conspires to commit a crime
3 has conspired with another person or persons to commit the same crime, such person is guilty of
4 conspiring to commit a crime with the other person or persons, whether or not the person knows their
5 identity.

6 (d) If a person conspires to commit a number of crimes, such person is guilty of only one
7 conspiracy so long as such multiple crimes are part of a single criminal episode.

8
9 **Section 7.** That section 38-31 of the Denver Revised Municipal Code is hereby amended by
10 removing the struck through language and adding the language underlined, to read as follows:

11 **Sec. 38-31. – Interference with police authorityObstructing a peace officer.**

12 ~~(a) It shall be unlawful for any person, in any way, to interfere with or hinder any police~~
13 ~~officer, any member of the police department, or any person duly empowered with police authority,~~
14 ~~while such officer, member, or person duly empowered with police authority is discharging or~~
15 ~~apparently discharging their duties.~~

16 ~~(b) It shall be unlawful for any person, in any way, to interfere with or hinder any deputy~~
17 ~~sheriff, prison steward or deputy warden while any such officials are discharging or apparently~~
18 ~~discharging their duties.~~

19 (a) A person commits obstructing a peace officer when, by using or threatening to use
20 violence, force, physical interference, or an obstacle, such person knowingly obstructs, impairs, or
21 hinders the enforcement of the penal law or the preservation of the peace by a peace officer, acting
22 under color of the peace officer's official authority.

23 ~~(eb) It shall be unlawful for any person to fail to obey a lawful order of a police officer if such~~
24 ~~failure interferes with or hinders such police officer in the discharge of his~~the peace officer's
25 ~~official duties. It is an affirmative defense to this subsection that the failure to obey did not interfere with or~~
26 ~~hinder the police officers.~~

27 (c) A person shall not be charged with the offense described in this section because the
28 person remained silent or because the person stated a verbal opposition to an order by a government
29 official.

30 (d) It is not a defense to a prosecution under this section that the peace officer was acting in
31 an illegal manner, if the officer was acting under color of the officer's official authority. A peace officer
32 acts "under color of the officer's official authority" if, in the regular course of assigned duties, the peace
33 officer makes a judgment in good faith based on surrounding facts and circumstances that the officer
34 must act to enforce the law or preserve the peace.

1 (e) If a person is alleged to have committed the offense described in subsection (a) of this
2 section by using or threatening to use an unmanned aircraft system as an obstacle, the offense does
3 not apply if the person who operates the unmanned aircraft system:

4 (1) Obtains permission to operate the unmanned aircraft system from a law enforcement
5 agency or other entity that is coordinating the response of peace officers, firefighters, emergency
6 medical service providers, rescue specialists, or volunteers to an emergency or accident;

7 (2) Continues to communicate with such entity during the operation of the unmanned aircraft
8 system; and

9 (3) Complies immediately with any instructions from the entity concerning the operation of
10 the unmanned aircraft system.

11 (f) "Peace officer" has the same meaning as described in section 16-2.5-101, C.R.S., and
12 includes a peace officer in uniform or, if out of uniform, one who has identified themselves by exhibiting
13 their credentials as a peace officer.

14 (g) Violation of subsection (a) of this section is a class 3 offense.

15 (h) Violation of subsection (b) of this section is a class 4 offense.

16
17 **Section 8.** That section 38-32 of the Denver Revised Municipal Code is hereby amended by
18 removing the struck through language and adding the language underlined, to read as follows:

19 **Sec. 38-32. - Resisting any police authority arrest.**

20 ~~(a) It shall be unlawful for any person to resist any police officer, any member of the police~~
21 ~~department, or any person duly empowered with police authority, while such officer, member or person~~
22 ~~duly empowered with police authority is discharging or apparently discharging their duties.~~

23 ~~(b) It shall be unlawful for any person to resist any deputy sheriff, prison steward or deputy~~
24 ~~warden while any such officials are discharging or apparently discharging their duties.~~

25 (a) A person resists arrest if such person knowingly prevents or attempts to prevent a peace
26 officer, acting under color of the peace officer's official authority, from effecting an arrest of the actor or
27 another, by:

28 (1) Using or threatening to use physical force or violence against the peace officer or
29 another; or

30 (2) Using any other means which creates a substantial risk of causing bodily injury to the
31 peace officer or another.

32 (b) It is no defense to prosecution under this section that the peace officer was attempting to
33 make an arrest which in fact was unlawful, if the officer was acting under color of the officer's official
34 authority, and in attempting to make the arrest the officer was not resorting to unreasonable or

1 excessive force giving rise to the right of self-defense. A peace officer acts “under color of the officer’s
2 official authority” when, in the regular course of assigned duties, the peace officer is called upon to
3 make, and does make, a judgment in good faith based upon surrounding facts and circumstances that
4 an arrest should be made by the officer.

5 (c) “Peace officer” has the same meaning as described in section 16-2.5-101, C.R.S., and
6 means a peace officer in uniform or, if out of uniform, one who has identified themselves by exhibiting their
7 credentials as a peace officer to the person whose arrest is attempted.

8 (d) Violation of this section is a class 3 offense.

9
10 **Section 9.** That section 38-43 of the Denver Revised Municipal Code is amended by removing
11 the struck through language and adding the language underlined, to read as follows:

12 **Sec. 38-43. - Violation of court orders.**

13 (a) It shall be unlawful for any person to violate any provision of a court order issued by any
14 court of record within the United States of America, including Indian tribal courts, or for such person to
15 fail to perform any act unrelated to child custody or parenting time mandated by such an order, after
16 such person has been personally served with any such order or otherwise acquired from the court
17 actual knowledge of the contents of any such order.

18 ~~(b) Any sentence imposed for violation of subsection (a) shall run consecutively and not~~
19 ~~concurrently with any sentence imposed for any other violation.~~

20 (be) Nothing in this section shall be construed to alter or diminish the inherent authority of the
21 court to enforce its orders through civil or criminal contempt proceedings.

22 (cd) No person charged with violation of an order pursuant to this section shall be permitted,
23 in the criminal action resulting from such charges, to collaterally attack the validity of the order which
24 such person is accused of violating.

25 (d) Violation of this section is a class 4 offense.

26
27 **Section 10.** That section 38-44 of the Denver Revised Municipal Code is amended by adding
28 the language underlined, to read as follows:

29 **Sec. 38-44. - Violation of a protection order.**

30 (a) A person commits the crime of violation of a protection order if, after the person has been
31 personally served with a protection order that identifies the person as a restrained person or otherwise
32 has acquired from the court or law enforcement personnel actual knowledge of the contents of a
33 protection order that identifies the person as a restrained person, the person:

34 (1) Contacts, harasses, injures, intimidates, molests, threatens, or touches the protected

- 1 person or protected property, including an animal identified in the protection order;
- 2 (2) Enters or remains on premises or comes within a specified distance of the protected
3 person, protected property, including animal, or premises;
- 4 (3) Possesses or consumes alcohol or controlled substances if prohibited by the protection
5 order;
- 6 (4) Violates any other provision of the protection order to protect the protected person from
7 imminent danger to life or health, and the conduct is prohibited by the protection order;
- 8 (5) Violates a civil protection order issued pursuant to section 13-14-105.5, C.R.S. by:
9 a. Possessing a firearm or ammunition while the protection order is in effect; or
10 b. Failing to timely file a signed affidavit or written statement with the court as
11 described in section 13-14-105.5, C.R.S.; or
- 12 (6) Violates a mandatory protection order issued pursuant to section 18-1-1001, C.R.S.,
13 that includes terms required by section 18-1-1001(9), C.R.S., by:
14 a. Possessing a firearm or ammunition while the protection order is in effect.; or
15 b. Failing to timely file a signed affidavit or written statement with the court as
16 described in sections 18-1-1001(9)(i) or 18-6-801(8)(i), C.R.S.
- 17 (b) As used in this section:
- 18 (1) "Protected person" means the person or persons identified in the protection order as the
19 person or persons for whose benefit the protection order was issued. "Protected person" does not
20 include the defendant.
- 21 (2) "Protection order" means any order that prohibits the restrained person from contacting,
22 harassing, injuring, intimidating, molesting, threatening, or touching any protected person or protected
23 animal, or from entering or remaining on premises, or from coming within a specified distance of a
24 protected person or protected animal or premises or any other provision to protect the protected
25 person or protected animal from imminent danger to life or death, that is issued by any court of record
26 within the United States of America, including Indian tribal courts.
- 27 (3) "Restrained person" means the person identified in the order as the person prohibited
28 from doing the specified act or acts.
- 29 (c) Nothing in this section shall be construed to alter or diminish the inherent authority of
30 the court to enforce its orders through civil or criminal contempt proceedings.
- 31 (d) No person charged with violation of an order pursuant to this section shall be permitted,
32 in the criminal action resulting from such charges, to collaterally attack the validity of the order which
33 such person is accused of violating.
- 34 (e) Violation of this section is a class 3 offense; except that, if the protection order is issued

1 pursuant to section 18-1-1001, C.R.S. or the parties were in an intimate relationship, the violation is a
2 class 2 offense.

3
4 **Section 11.** That section 38-51.5 of the Denver Revised Municipal Code is hereby amended by
5 removing the struck through language and adding the language underlined, to read as follows:

6 **Sec. 38-51.5. - Shoplifting unlawful; retail theft.**

7 (a) It shall be unlawful for any person to take or conceal or exercise control over any goods,
8 wares or merchandise (property) of another which is displayed or in any other manner offered for sale
9 and which has an aggregate value of less than one thousand dollars (\$1,000.00), when the person
10 intends to avoid payment for the merchandise or knowingly deprives the person entitled to possession
11 of the property of the use and benefit of the property.

12 (b) Violation of this section is a class 4 offense if the aggregate value of the property
13 involved is less than three hundred dollars (\$300.00).

14 (c) Violation of this section is a class 3 offense if the aggregate value of the property
15 involved is three hundred dollars (\$300.00) or more but less than one thousand dollars (\$1,000.00).

16
17 **Section 12.** That section 38-51.8 of the Denver Revised Municipal Code is hereby amended by
18 removing the struck through language and adding the language underlined, to read as follows:

19 **Sec. 38-51.8. Petty ~~t~~heft unlawful.**

20 (a) It shall be unlawful for any person to commit theft.

21 (b) A person commits theft when ~~he~~the person knowingly obtains or exercises control over
22 anything of value of another without authorization, or by threat or deception, and:

23 (1) Intends to deprive the other person permanently of the use or benefit of the thing of
24 value; or

25 (2) Knowingly uses, conceals or abandons the thing of value in such manner as to
26 permanently deprive the person entitled to possession of the thing of value's use or benefit; or

27 (3) Uses, conceals or abandons the thing of value intending that such use, concealment or
28 abandonment will permanently deprive the person entitled to possession of the thing of value's use
29 and benefit; or

30 (4) Demands any consideration to which ~~he~~the person is not legally entitled as a condition of
31 restoring the thing of value to the person entitled to possession.

32 (c) This section shall apply only where the value of the thing involved is less than ~~two~~ one
33 thousand dollars (\$~~2~~1,000.00).

34 (d) As used in this section the terms "thing of value" and "anything of value" mean any

1 property, tangible or intangible, including, but not limited to, personal property, services, and wages for
2 labor.

3 (e) Violation of this section is a class 4 offense if the value of the thing involved is less than
4 three hundred dollars (\$300.00).

5 (f) Violation of this section is a class 3 offense if the value of the thing involved is three
6 hundred dollars (\$300.00) or more but less than one thousand dollars (\$1,000.00).

7
8 **Section 13.** That section 38-61 of the Denver Revised Municipal Code is hereby amended by
9 adding the language underlined, to read as follows:

10 **Sec. 38-61. - Damaging, defacing or destruction of public property.**

11 (a) It shall be unlawful for any person knowingly to damage, deface, destroy or injure the real
12 or personal property of the city in the course of a single episode where the aggregate damage to the
13 real or personal property is less than one thousand dollars (\$1,000.00).

14 (b) Deface as used in subsection (a) shall include, but not be limited to, the writing, painting,
15 inscribing, drawing, scratching or scribbling upon any public wall or public surface owned, operated or
16 maintained by the city, unless the city grants written permission for said writing, painting, inscribing,
17 drawing, scratching or scribbling.

18 (c) Violation of this section is a class 4 offense if the aggregate damage to the real or
19 personal property is less than three hundred dollars (\$300.00).

20 (d) Violation of this section is a class 3 offense if the aggregate damage to the real or
21 personal property is three hundred dollars (\$300.00) or more but less than one thousand dollars
22 (\$1,000.00).

23
24 **Section 14.** That section 38-63 of the Denver Revised Municipal Code is hereby amended by
25 adding the language underlined, to read as follows:

26 **Sec. 38-63. - Protection of public library property.**

27 (a) It shall be unlawful for any person to write in, injure, deface, tear or destroy any book,
28 plate, picture, engraving, map, newspaper, magazine, pamphlet, periodical, manuscript, film or
29 phonograph record belonging to the public library.

30 (b) It shall be unlawful for any person to damage or deface the grounds, building, furniture,
31 fixtures or other property of the public library.

32 (c) It shall be unlawful for any person to fail to return any books or other items borrowed
33 from and belonging to the public library in accordance with the requirements of the bylaws or other
34 rules and regulations of the library commission.

1 (d) It shall be unlawful for any person to remove or to assist in the removal from the
2 public library or any of its regional libraries, branch libraries, or neighborhood libraries, deposit stations,
3 collections or bookmobiles, any book, plate, picture, engraving, map, newspaper, magazine, pamphlet,
4 periodical, manuscript, film, phonograph record, or other item belonging to the public library without
5 first having the same charged or checked out by the proper agent or employee of the public library in
6 accordance with the requirements of the bylaws or other rules and regulations of
7 the library commission.

8 (e) Violation of this section is a class 4 offense if the aggregate damage to the library
9 property or the aggregate value of the library property taken is less than three hundred dollars
10 (\$300.00).

11 (f) Violation of this section is a class 3 offense if the aggregate damage to the library
12 property or the aggregate value of the library property taken is three hundred dollars (\$300.00) or more
13 but less than one thousand dollars (\$1,000.00).

14
15 **Section 15.** That section 38-64 of the Denver Revised Municipal Code is hereby amended by
16 adding the language underlined, to read as follows:

17 **Sec. 38-64. - Injuring sidewalks.**

18 (a) It shall be unlawful for any person to break or otherwise injure any sidewalk.

19 (b) Violation of this section is a class 4 offense if the aggregate damage to the sidewalk is
20 less than three hundred dollars (\$300.00).

21 (c) Violation of this section is a class 3 offense if the aggregate damage to the sidewalk is
22 three hundred dollars (\$300.00) or more but less than one thousand dollars (\$1,000.00).

23
24 **Section 16.** That section 38-65 of the Denver Revised Municipal Code is hereby amended by
25 adding the language underlined, to read as follows:

26 **Sec. 38-65. - Painting or decorating public buildings.**

27 (a) It shall be unlawful for any person to paint or decorate any building, fence or other
28 structure or property owned, leased or used by the city without the written permission of the
29 department head responsible for such building, fence or other structure or property.

30 (b) In the case of a building, fence or other structure or property managed or in any other
31 way controlled by the parks and recreation department, such permission shall consist of the approval
32 of the subject or type of decoration by a majority of the parks and recreation advisory board, in addition
33 to the approval of the manager of parks and recreation, before actual decoration may lawfully begin.

34 (c) Violation of this section is a class 4 offense if the aggregate damage to the building,

1 fence or other structure is less than three hundred dollars (\$300.00).

2 (d) Violation of this section is a class 3 offense if the aggregate damage to the building,
3 fence or other structure is three hundred dollars (\$300.00) or more but less than one thousand dollars
4 (\$1,000.00).

5
6 **Section 17.** That section 38-71 of the Denver Revised Municipal Code is hereby amended by
7 adding the language underlined, to read as follows:

8 **Sec. 38-71. - Damaging, defacing or destruction of private property.**

9 (a) It shall be unlawful for any person knowingly to damage, deface, destroy or injure the real
10 or personal property of one (1) or more other persons in the course of a single episode where the
11 aggregate damage to the real or personal property is less than one thousand dollars (\$1,000.00).

12 (b) Deface as used in subsection (a) shall include, but not be limited to, the writing, painting,
13 inscribing, drawing, scratching or scribbling upon any wall or surface owned, operated or maintained
14 by any person, unless there is written permission for said writing, painting, inscribing, drawing,
15 scratching or scribbling.

16 (c) Violation of this section is a class 4 offense if the aggregate damage to the real or
17 personal property is less than three hundred dollars (\$300.00).

18 (d) Violation of this section is a class 3 offense if the aggregate damage to the real or
19 personal property is three hundred dollars (\$300.00) or more but less than one thousand dollars
20 (\$1,000.00).

21
22 **Section 18.** That section 38-74 of the Denver Revised Municipal Code is hereby amended by
23 adding the language underlined, to read as follows:

24 **Sec. 38-74. – Trespass to a dwelling.**

25 (a) It shall be unlawful for any person to knowingly and unlawfully enter or remain in the
26 dwelling of another.

27 (b) Violation of this section is a class 2 offense.

28
29 **Secs. 38-745—38-85. - Reserved.**

30
31 **Section 19.** That section 38-89 of the Denver Revised Municipal Code is hereby amended by
32 removing the struck through language and adding the language underlined, to read as follows:

33 **Sec. 38-89. - Disturbanceing of the peace.**

34 (a) ~~Generally. It shall be unlawful for any person to disturb or tend to disturb the peace of~~

~~another person or persons by violent, tumultuous, offensive or obstreperous conduct or by loud or unusual noises or by unseemly, profane, obscene or offensive language calculated to provoke a breach of the peace or for any person to permit any such conduct in any house or upon any premises owned or possessed by such person or under their management or control, when within such person's power to prevent, so that another person or persons in the vicinity are or may be disturbed thereby.~~

(a) It shall be unlawful for a person to intentionally, knowingly, or recklessly:

(1) Make a coarse and obviously offensive utterance, gesture, or display in a public place and the utterance, gesture, or display tends to incite an immediate breach of the peace; or

(2) Make unreasonable noise in a public place or near a private residence that such person has no right to occupy.

(b) *Sound-amplifying equipment.* No person shall use or operate or allow to be used or operated any loudspeaker, public address system, radio, tape player, disc player or other sound-amplifying equipment in or on a motor vehicle in such a manner as to be plainly audible at twenty-five (25) feet from the motor vehicle unless a permit has been issued by the manager of excise and licenses pursuant to subsection (e) herein which allows such amplification. If such a permit has been issued, the intensity and loudness of any amplified sound which is transmitted shall comply with the provisions of chapter 36.

(c) *Exception.* The provisions of subsection (b) above shall not apply to sound made or controlled by the city, the federal government or to any branch, subdivision, institution or agency of the government of this state or any political subdivision within it or when such sound is made by an activity of the governmental body or sponsored by it or by others pursuant to the terms of a contract, lease or permit granted by such governmental body.

(d) *Definition.* For the purposes of this section, *plainly audible* means that the information content of sound is unambiguously transferred to the auditor, such as but not limited to understanding of spoken speech, comprehension of raised or normal voices or comprehension of musical rhythms.

(e) *Permit.* Any person, partnership, association or corporation desiring to use or operate any loudspeaker, public address system or other sound-amplifying equipment in or from a motor vehicle for either commercial or noncommercial purposes which is plainly audible at twenty-five (25) feet must first obtain a permit from the manager of excise and licenses. The permit may authorize the use or operation of such sound-amplifying equipment between the hours of 7:00 a.m. and 10:00 p.m. for one (1) day. The application for the permit shall be filed with the manager of excise and licenses and shall provide the following information:

(1) The name, address and telephone number of both the owner and the user of the sound-amplifying equipment;

- 1 (2) The license number of the motor vehicle which is to be used;
- 2 (3) The general description of the sound-amplifying equipment which is to be used;
- 3 (4) Whether the sound-amplifying equipment will be used for commercial or noncommercial
- 4 purposes; and
- 5 (5) The date upon which and the streets over which the equipment is proposed to be
- 6 operated.

7 ~~(f) *Penalty.* Any person, firm, or corporation who pleads guilty or nolo contendere, or is~~

8 ~~convicted of violating subsection (b) of this section shall be punished by a fine of at least fifty dollars~~

9 ~~(\$50.00) for the first offense; at least two hundred fifty dollars (\$250.00) for a second offense within five~~

10 ~~(5) years; and, at least five hundred dollars (\$500.00) for a third offense within five (5) years. For fourth~~

11 ~~and subsequent offenses within five (5) years the fine shall not be less than five hundred dollars~~

12 ~~(\$500.00), nor more than nine hundred ninety-nine dollars (\$999.00). No part of the minimum fine may~~

13 ~~be suspended or discharged, except upon proof and a finding of indigence by the court. Indigent~~

14 ~~defendants may pay fines imposed under this section by participation in the Denver County Court work~~

15 ~~program, crediting the dollar amount earned through such public service toward payment of the~~

16 ~~minimum fine owed. A term of incarceration not to exceed one (1) year in the Denver County Jail may~~

17 ~~be imposed in place of, or in addition to, any fine assessed under this subsection.~~

18 (f) Violation of this section is a class 4 offense.

19

20 **Section 20.** That section 38-91 of the Denver Revised Municipal Code is hereby amended by

21 removing the struck through language and adding the language underlined, to read as follows:

22 **Sec. 38-91. – Disturbance by use of telephoneHarassment.**

23 ~~It shall be unlawful for any person by means or use of the telephone to disturb, or tend to~~

24 ~~disturb, the peace, quiet or right of privacy of any other person or family by repeated and continued~~

25 ~~anonymous or identified telephone messages intended to harass or disturb such other person or family~~

26 ~~to whom such message is directed; or by a single telephone call or repeated telephone calls to use~~

27 ~~obscene, profane, indecent or offensive language, or suggest any lewd or lascivious act over or~~

28 ~~through a telephone in the city; or to attempt to extort money or other thing of value from any other~~

29 ~~person or family by means of use of the telephone; or to threaten any physical violence or harm to any~~

30 ~~other person or family by means or use of the telephone; or repeatedly and continuously to ring the~~

31 ~~telephone of any other person or family with intent to disturb such person or family, provided, however,~~

32 ~~that the normal use of the telephone for the purpose of requesting payment of debts or obligations or~~

33 ~~for other legitimate business purposes shall not constitute a violation hereof.~~

34 (a) It shall be unlawful for a person, with intent to harass, annoy, or alarm another person to:

1 (1) Strike, shove, kick, or otherwise touch a person or subject the person to physical contact;

2 (2) In a public place direct obscene language or make an obscene gesture to or at another
3 person;

4 (3) Directly or indirectly initiate communication with a person or direct language toward
5 another person, anonymously or otherwise, by telephone in a manner intended to threaten bodily injury
6 or property damage, or make any comment, request, suggestion, or proposal by telephone that is
7 obscene; or

8 (4) Make a telephone call or cause a telephone to ring repeatedly, whether or not a
9 conversation ensues, with no purpose of legitimate conversation; or

10 (5) Make repeated communications at inconvenient hours that invade the privacy of another
11 and interfere in the use and enjoyment of another's home or private residence or other private
12 property.

13 (b) As used in this section, "obscene" means a patently offensive description of ultimate
14 sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are
15 normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus, or
16 excretory functions.

17 (c) Violation of subsection (a)(1) of this section is a class 2 offense.

18 (d) Violation of subsection (a)(2) of this section is a class 4 offense.

19 (e) Violation of subsection (a)(3) or (a)(4) of this section is a class 3 offense.

20
21 **Section 21.** That section 38-92 of the Denver Revised Municipal Code is hereby amended by
22 removing the struck through language and adding the language underlined, to read as follows:

23 **Sec. 38-92. - Threats.**

24 ~~(a) It shall be unlawful for any person knowingly to make, convey or cause to be imparted or~~
25 ~~conveyed, in any manner or by any means, to any other person, any threat concerning an attempt or~~
26 ~~alleged attempt being made, or to be made, to injure or to kill any person, or to damage or to destroy~~
27 ~~any property.~~

28 ~~(b) It shall be unlawful for any person knowingly to convey, or cause to be imparted or~~
29 ~~conveyed, in any manner or by any means, to any other person, any false information with knowledge~~
30 ~~of the falsity thereof, concerning an attempt or alleged attempt being made, or to be made, to injure or~~
31 ~~to kill any person, or to damage or to destroy any property.~~

32 (a) It shall be unlawful for any person, by any threat or physical action, to knowingly place or
33 attempt to place another person in fear of imminent serious bodily injury.

34 (b) As used in this section, "serious bodily injury" means bodily injury that, either at the time

1 of the actual injury or at a later time, involves a substantial risk of death; a substantial risk of serious
2 permanent disfigurement; a substantial risk of protracted loss or impairment of the function of any part
3 or organ of the body; or breaks, fractures, a penetrating knife or penetrating gunshot wound, or burns
4 of the second or third degree.

5 (c) Violation of this section is a class 2 offense.

6
7 **Section 22.** That section 38-93 of the Denver Revised Municipal Code is hereby amended by
8 removing the struck through language and adding the language underlined, to read as follows:

9 **Sec. 38-93. - Assault.**

10 ~~It shall be unlawful for any person to intentionally or recklessly assault, beat, strike, fight or inflict~~
11 ~~violence on any other person.~~

12 (a) It shall be unlawful for any person to knowingly or recklessly cause bodily injury to
13 another person.

14 (b) "Bodily injury" means physical pain, illness, or any impairment of physical or mental
15 condition.

16 (c) Violation of this section is a class 2 offense.

17
18 **Section 23.** That section 38-93 of the Denver Revised Municipal Code is hereby amended by
19 removing the struck through language and adding the language underlined, to read as follows:

20 **Sec. 38-157. - Public indecency.**

21 (a) It shall be unlawful for any person to perform an act of public indecency.

22 (b) Any person commits public indecency who performs any of the following in a public place
23 or where the conduct may reasonably be expected to be viewed by members of the public:

24 (1) An act of sexual intercourse;

25 (2) An act of deviate sexual intercourse;

26 (3) Insertion of one (1) or more fingers or other object into the vagina or anus;

27 ~~(4) Masturbation;~~

28 ~~(5) Caressing or fondling of the genitals of another person;~~

29 ~~(6) Patently offensive representations or imitations of sexual intercourse, masturbation or~~
30 ~~excretory functions accompanied by exhibition of the genitals;~~

31 ~~(7) Lewd fondling or caressing of the body of another person.~~

32 (c) Violation of this section is a class 4 offense.

33

34 **Section 24.** That section 38-93 of the Denver Revised Municipal Code is hereby amended by

1 adding the language underlined, to read as follows:

2 **Sec. 38-157.1. - Indecent exposure.**

3 (a) It shall be unlawful for a person to commit an act of indecent exposure.

4 (b) A person commits an act of indecent exposure if they knowingly expose their genitals or
5 buttocks to the view of any person under circumstances which are likely to cause a reasonable person
6 affront or alarm.

7 (c) A person commits an act of indecent exposure if they knowingly perform an act of
8 masturbation in a manner which exposes the act to the view of any person under circumstances in
9 which such conduct is likely to cause affront or alarm to the other person.

10 (d) Violation of subsection (b) of this section is a class 4 offense.

11 (e) Violation of subsection (c) of this section is a class 2 offense.

12

13 **Section 25.** That section 38-158 of the Denver Revised Municipal Code is hereby amended by
14 removing the struck through language and adding the language underlined, to read as follows:

15 **Sec. 38-158. - Prostitution.**

16 (Aa) It shall be unlawful for any person:

17 (1) Knowingly to solicit, induce, entice, or otherwise engage another person for the purpose
18 of obtaining an offer or an agreement for any act of prostitution. Evidence of such illegal conduct
19 includes, but is not limited to, the following:

20 In the context of discussing sexual acts, money, or other things of value:

21 a. Inquiring about whether a person is a police officer;

22 b. Searching for articles that would identify a person as a police officer;

23 c. Requesting a person to perform acts to prove that the person is not a police
24 officer, including, but not limited to:

25 (i) The touching or exposure of genitals or female breasts; or

26 (ii) The consumption or use of alcohol, marijuana, or illegal controlled substances;

27 (2) To arrange or offer to arrange a meeting of or to procure persons for the purpose
28 of prostitution;

29 (3) To direct another person to a place knowing such direction is for the purpose
30 of prostitution;

31 (4) Knowingly to arrange or offer to arrange a situation in which a person may
32 practice prostitution;

33 (5) To perform, offer or agree to any act of prostitution;

34 (6) To enter or remain in a house of prostitution with the intent to engage in an act

1 of prostitution.

2 (b5) It shall be unlawful for any person tTo have or exercise or control the use of any facility,
3 and:

4 (1)a. Knowingly to grant or permit the use of such facility for the purpose of prostitution; or
5 (2)b. Knowingly to permit the continued use of such facility for the purpose of prostitution, after
6 becoming aware of facts or circumstances from which such person should reasonably know
7 that such facility is being used for purposes of prostitution;_

8 ~~(6) To perform, offer or agree to any act of prostitution;~~

9 ~~(7) To enter or remain in a house of prostitution with the intent to engage in an act~~
10 ~~of prostitution.~~

11 ~~(B) Persons convicted of violating and persons pleading guilty or nolo contendere to violation~~
12 ~~of subsection (A) shall, in addition to any sentence of jail time, pay a fine of five hundred dollars~~
13 ~~(\$500.00) for the first offense; seven hundred fifty dollars (\$750.00) for the second offense within five~~
14 ~~(5) years; and nine hundred ninety-nine dollars (\$999.00) for the third and subsequent offenses. No~~
15 ~~part of the minimum fine may be suspended, however, the court may order a person convicted of~~
16 ~~violating subsection (A) to perform useful public service, and credit the dollar amount earned through~~
17 ~~such public service toward payment of the minimum fine owed. The person shall be paid at the~~
18 ~~standard hourly rate for such public service as established by the rules and regulations of the court.~~
19 ~~Useful public service shall be considered work which is beneficial to the public and which involves a~~
20 ~~minimum of public cost.~~

21 ~~(C)~~ The police shall immediately notify the manager of public health and environment of
22 persons charged with violations of this section, and the manager may, pursuant to state law, order a
23 medical examination pursuant to section 24-131 of the Revised Municipal Code.

24 (d) Violation of subsection (a) of this section is a class 4 offense.

25 (e) Violation of subsection (b) of this section is a class 3 offense.

26

27

28

29 COMMITTEE APPROVAL DATE: _____, 2026.

30 MAYOR-COUNCIL DATE: _____, 2026.

31 PASSED BY THE COUNCIL _____ 2026

32 _____ - PRESIDENT

33 APPROVED: _____ - MAYOR _____ 2026

34 ATTEST: _____ - CLERK AND RECORDER,

EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

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NOTICE PUBLISHED IN THE DENVER POST _____ 2026; _____ 2026

PREPARED BY: _____; DATE: _____

Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form and have no legal objection to the proposed ordinance. The proposed ordinance _____ is/ _____ is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Miko Ando Brown, Denver City Attorney

BY: _____, _____ City Attorney DATE: _____

