

Municipal Sentencing

Councilmembers Gonzales-Gutierrez, Lewis, and Parady
Budget and Policy Committee June 9, 2025



DENVER
OFFICE OF CITY COUNCIL

Problem

Disparate sentencing ranges under state law vs. Denver municipal code for the same conduct create arbitrary and unfair punishments.

People in Denver can face jail sentences up to 30x higher than what is allowed in state law.



"The difference between 10 days or nearly a year in jail should not boil down to a question over which corner someone was ticketed on." - Jay Fisher, Former CO Asst. Attorney General

"To me it's analogous to *Brown v. Board of Education*, or southern states having all-white juries in cases where a defendant is Black. It's a very fundamental question of civil rights." CO Representative Javier Mabrey





Example: Petty theft

One example:
Petty theft
under \$300

Denver has a theft ordinance that is almost identical to the state theft ordinance.

Therefore, a person, who commits theft in Denver, can be prosecuted in either state or municipal court.

Compare § 18-4-401, C.R.S., with D.R.M.C. § 38-51.8

One example:
Petty theft
under \$300

Denver's code allows for a jail sentence up to 30x longer than what state court allows for the same offense of theft under \$300.

Theft amount (\$)	Colorado Revised Statutes (state sentencing scheme)	Denver Revised Municipal Code (Muni sentencing scheme)
< \$300	10 days in jail, \$300 fine	300 days in jail, \$999 fine



One example:
Petty theft
under \$300

The exact same crime committed in the same place in the same city has very different consequences if a person is prosecuted in municipal court instead of state court.

In most cases, individual officers from the Denver Police Department decide whether a person will be charged in state or municipal court, and there is no policy that tells officers where a person should be charged.

There is also no system for reviewing an officer's charging decisions.



DPD shared that during the pandemic, officers generally defaulted to municipal-level charges for public health reasons and that that practice is likely continuing.

Last Name	First Name	Middle	DOB
Home Address	City	State	Phone
Drivers License #	Vehicle License # (prepared for this address)		
Victim Name(s) Only	Order-in-jailed <input type="checkbox"/> Existing All <input type="checkbox"/>		
Location of Offense	Offense Date	Offense Time	Domestic Violence Offense <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

COLORADO REVISED STATUTES (CRS)

<input type="checkbox"/> 28-11.8-11(1)(b)	M2	Working as an Escort or Escort Business Runner without a license
<input type="checkbox"/> 28-11.8-11(1)(c)	M2	Working as an Escort or Escort Business Runner without an identity card
<input type="checkbox"/> 28-11.8-11(1)(d)	M2	Providing Alcohol to Minor
<input type="checkbox"/> 28-11.8-11(1)(e)	M2	Sale of Alcohol without a license
<input type="checkbox"/> 28-11.8-11(1)(f)	M1	Assault 3rd Degree or Negligently Caused Bodily Injury
<input type="checkbox"/> 28-11.8-11(1)(g)	M1	Stalking
<input checked="" type="checkbox"/> 18-6-601(1)(a)(i)	PO	Theft - Under \$300
<input type="checkbox"/> 18-6-601(1)(a)(ii)	M2	Theft - \$300-\$999
<input type="checkbox"/> 18-6-601(1)(a)(iii)	M1	Theft - \$1000-\$1999
<input type="checkbox"/> 18-6-601(1)(a)(iv)	PO	Criminal Mischief - Under \$300
<input type="checkbox"/> 18-6-601(1)(a)(v)	M2	Criminal Mischief - \$300-\$999
<input type="checkbox"/> 18-6-601(1)(a)(vi)	M1	Criminal Mischief - \$1000-\$1999
<input type="checkbox"/> 18-7-201(1)(a)	PO	Prostitution
<input type="checkbox"/> 18-7-201(1)(b)(i)	PO	Soliciting for Prostitution
<input type="checkbox"/> 18-6-101	M2	Resisting Arrest
<input type="checkbox"/> 18-6-104(1)(a)	M2	Obstructing a Peace Officer
<input type="checkbox"/> 18-6-111(1)(a)	M2	False Reporting to Authorities - Identification
<input type="checkbox"/> 18-12-105(1)	M1	Unlawful Carrying of a Concealed Weapon
<input type="checkbox"/> 42-4-121(1)(a)	WFO	Driving While Under the Influence of Alcohol/Drugs
<input type="checkbox"/> 42-4-121(1)(b)	MFO	Driving While Ability Impaired by Alcohol/Drugs
<input type="checkbox"/> 42-4-121(1)(c)	MFO	Driving While Under the Influence - Per Se
<input type="checkbox"/> 42-4-141	T2	Reckless Driving - Motor Vehicle
<input type="checkbox"/> 42-4-142(1)(a)	T2	Careless Driving - Motor Vehicle
<input type="checkbox"/> 42-4-142(1)(b)	T1	Careless Driving - Motor Vehicle Resulting in Injury
<input type="checkbox"/> 42-4-142(1)(c)	T1	Death in Accident Involving Injury
<input type="checkbox"/> 42-4-142	WFO	Death in Accident Involving Property Damage
<input type="checkbox"/> 42-4-144	T2	Duty upon Striking Unattended Vehicle or Other Property
<input type="checkbox"/> 42-4-146	T2	Duty upon Striking Heavy Vehicle or Traffic Control Device
<input type="checkbox"/> 42-4-148(1)	T2	Failing to Report an Accident
<input type="checkbox"/> 44-3-301(1)(a)	CIV	Public Consumption of Alcohol
<input type="checkbox"/> 18-13-122(1)(a)(i)(A)	PO	Possession/Consumption of Alcohol by Under Age Person
<input type="checkbox"/> 18-13-122(1)(a)(i)(B)	PO	Possession of Drug Paraphernalia
<input type="checkbox"/> 18-13-122(1)(a)(i)(C)	PO	Smoking where prohibited
<input type="checkbox"/> 42-2-101(1)	T2	Driving without a Valid License
<input type="checkbox"/> 42-2-101(1)(a)	T1A	Driving While Under Restraint
<input type="checkbox"/> 42-2-101(1)(b)	MFO	Driving While Under Restraint - Alcohol Related Offense
<input type="checkbox"/> 42-4-140(1)	T1	Driving Without Proof of Insurance - DRIVER
<input type="checkbox"/> 42-4-140(2)	T1	Driving Without Proof of Insurance - DRIVER
<input type="checkbox"/> 42-7-422	T1A	Driving While Under FRA Suspension

DENVER REVISED MUNICIPAL CODE (DRMC) & CRS

<input type="checkbox"/> 34-51	UC	Carfax
<input type="checkbox"/> 34-51(1)	UC	Possession of Tobacco by a Minor
<input type="checkbox"/> 34-51	UC	Possession of Gun/4 Material by a Minor
<input type="checkbox"/> 34-51	UC	Interference
<input type="checkbox"/> 34-51	UC	Resistance
<input type="checkbox"/> 34-51	UC	Unlawful to Give False Information
<input type="checkbox"/> 34-51	UC	Smuggling
<input checked="" type="checkbox"/> 34-51	UC	Petty Theft
<input type="checkbox"/> 34-51	UC	Damaging, Defacing, or Destruction of Public Property
<input type="checkbox"/> 34-51	UC	Damaging, Defacing, or Destruction of Private Property
<input type="checkbox"/> 34-51	UC	Disrupting the Peace
<input type="checkbox"/> 34-51	UC	Disrupting the Peace - Sound Amplifying Equipment
<input type="checkbox"/> 34-51	UC	Threat to Injure a Person or Damage Property
<input type="checkbox"/> 34-51	UC	Assault
<input type="checkbox"/> 34-51	UC	Public Fighting
<input type="checkbox"/> 34-51	UC	Unlawful Acts Around Schools
<input type="checkbox"/> 34-51	UC	Unlawful in Public
<input type="checkbox"/> 34-51	UC	Trespass
<input type="checkbox"/> 34-51	UC	Flourishing a Weapon
<input type="checkbox"/> 34-51	UC	Unlawful Public Intoxication
<input type="checkbox"/> 34-51	UC	Indecent Exposure
<input type="checkbox"/> 34-51	UC	Soliciting for Prostitution
<input type="checkbox"/> 34-51	UC	Partying, offering or agreeing to any act of prostitution
<input type="checkbox"/> 34-51	UC	Park Curfew
<input type="checkbox"/> 34-51	UC	Alcohol Prohibited 3.2 Beer within 50' Road / Park
<input type="checkbox"/> 34-51	UC	Glass Bottle Prohibited in Park

PAYABLE DRMC NON-CRIMINAL VIOLATIONS

<input type="checkbox"/> 34-51	UC	Possession or consumption of Marijuana
<input type="checkbox"/> 34-51	UC	Marijuana Possession Around School
<input type="checkbox"/> 34-51	UC	Marijuana Prohibited in Parks

YOU ARE SUMMONED AND ORDERED TO APPEAR BEFORE THE COURT ON 05/04/2024 AT 9:00 a.m. LOCATED AT THE LINDSEY FLAMIGAN 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 summons, a warrant will be issued for your arrest; however, if you are charged with only Payable Non-Criminal Infraction(s) and you fail to respond by the court date, a default judgment will be entered and you will be liable for fines, costs and collection fees. IF YOU POSTED BOND, THE DATE ON YOUR BOND IS YOUR COURT DATE.

Example summons and complaint form from OMPD case for food theft under \$30:

Last Name	First Name	Middle	DOB
Home Address		City	State
Drivers License #	Vehicle License # (prepared for this address)		
Victim Name(s) Only	Order-in-jailed <input type="checkbox"/> Existing All <input type="checkbox"/>		
Location of Offense	Offense Date	Offense Time	Domestic Violence Offense <input type="checkbox"/> Yes <input type="checkbox"/> No

COLORADO REVISED STATUTES (CRS)

DENVER REVISED MUNICIPAL CODE (DRMC) & CRS

<input type="checkbox"/> 18-6-111(1)(b)	M2	Working as an Escort or Escort Business Runner without a license
<input type="checkbox"/> 18-6-111(1)(c)	M2	Working as an Escort or Escort Business Runner without an identity card
<input type="checkbox"/> 18-6-601(1)(a)	M2	Providing Alcohol to Minor
<input type="checkbox"/> 18-6-601(1)(b)	M2	Sale of Alcohol without a license
<input type="checkbox"/> 18-6-601(1)(c)	M1	Assault 3: Knowingly or Recklessly Causing Bodily Injury

<input type="checkbox"/> 34-51	UC	Carjacking
<input type="checkbox"/> 34-61(1)	UC	Possession of Tobacco by a Minor
<input type="checkbox"/> 34-66	UC	Possession of Controlled Substance by a Minor
<input type="checkbox"/> 38-31	UC	Interference
<input type="checkbox"/> 38-32	UC	Resistance

<input type="checkbox"/> 18-3-206 (1)	M1	Menacing
<input 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"/> 38-40	UC	Unlawful to Give False Information
<input type="checkbox"/> 38-51.5	UC	Shoplifting
<input type="checkbox"/> 38-51.6	UC	Petty Theft
<input type="checkbox"/> 38-61	UC	Damaging, Defacing, or Destruction of Public Property
<input type="checkbox"/> 38-71	UC	Damaging, Defacing, or Destruction of Private Property

<input type="checkbox"/> 18-6-111(1)(a)	M2	Officer (25%) a Peace Officer
<input type="checkbox"/> 18-6-111(1)(d)	M2	False Reporting to Authorities - Identification
<input type="checkbox"/> 18-12-105(1)	M1	Unlawful Carrying of a Concealed Weapon
<input type="checkbox"/> 42-4-131(1)(a)	UTO	Driving While Under the Influence of Alcohol/Drugs
<input type="checkbox"/> 42-4-131(1)(b)	UTO	Driving While Ability Impaired by Alcohol/Drugs
<input type="checkbox"/> 42-4-131(2)(a)	MTO	Driving While Under the Influence - Per Se
<input type="checkbox"/> 42-4-131(2)(b)	T2	Reckless Driving - Motor Vehicle
<input type="checkbox"/> 42-4-1401(1)(2)(a)	T2	Careless Driving - Motor Vehicle
<input type="checkbox"/> 42-4-1401(1)(2)(b)	T1	Careless Driving - Motor Vehicle Resulting in Injury
<input type="checkbox"/> 42-4-1401(1)(2)(c)	T1	Duty in Accident Involving Injury
<input type="checkbox"/> 42-4-1402	MTO	Duty in Accident Involving Property Damage
<input type="checkbox"/> 42-4-1404	T2	Duty upon Striking Unattended Vehicle or Other Property
<input type="checkbox"/> 42-4-1405	T2	Duty upon Striking Heavy Vehicle or Traffic Control Device
<input type="checkbox"/> 42-4-1405(1)	T2	Failing to Report an Accident
<input type="checkbox"/> 18-6-601(1)(b)(i)	CVI	Public Consumption of Alcohol
<input type="checkbox"/> 18-6-601(1)(b)(ii)	PO	Possession/Consumption of Alcohol by Under Age Person
<input type="checkbox"/> 18-6-601(1)(b)(iii)	PO	Possession of Drug Paraphernalia
<input type="checkbox"/> 18-6-601(1)(b)(iv)	PO	Smoking where prohibited
<input type="checkbox"/> 42-2-101(1)	T2	Driving Without a Valid License
<input type="checkbox"/> 42-2-131(1)(a)	T1A	Driving While Under Restraint
<input type="checkbox"/> 42-2-131(1)(b)	MTO	Driving While Under Restraint - Alcohol Related Offense
<input type="checkbox"/> 42-4-1401(1)	T1	Driving Without Proof of Insurance - DRIVER
<input type="checkbox"/> 42-4-1401(2)	T1	Driving Without Proof of Insurance - DRIVER
<input type="checkbox"/> 42-7-402	T1A	Driving While Under FRA Suspension

<input type="checkbox"/> 38-31	UC	Interference
<input type="checkbox"/> 38-32	UC	Resistance
<input type="checkbox"/> 38-51.5	UC	Shoplifting
<input type="checkbox"/> 38-51.6	UC	Petty Theft
<input type="checkbox"/> 38-61	UC	Damaging, Defacing, or Destruction of Public Property
<input type="checkbox"/> 38-71	UC	Damaging, Defacing, or Destruction of Private Property
<input type="checkbox"/> 38-101(1)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(2)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(3)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(4)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(5)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(6)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(7)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(8)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(9)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(10)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(11)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(12)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(13)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(14)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(15)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(16)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(17)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(18)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(19)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(20)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(21)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(22)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(23)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(24)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(25)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(26)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(27)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(28)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(29)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(30)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(31)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(32)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(33)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(34)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(35)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(36)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(37)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(38)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(39)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(40)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(41)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(42)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(43)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(44)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(45)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(46)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(47)	UC	Unlawful Use of Motor Vehicle
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<input type="checkbox"/> 38-101(54)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(55)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(56)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(57)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(58)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(59)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(60)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(61)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(62)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(63)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(64)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(65)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(66)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(67)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(68)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(69)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(70)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(71)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(72)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(73)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(74)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(75)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(76)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(77)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(78)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(79)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(80)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(81)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(82)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(83)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(84)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(85)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(86)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(87)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(88)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(89)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(90)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(91)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(92)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(93)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(94)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(95)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(96)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(97)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(98)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(99)	UC	Unlawful Use of Motor Vehicle
<input type="checkbox"/> 38-101(100)	UC	Unlawful Use of Motor Vehicle

YOU ARE SUMMONED AND ORDERED TO APPEAR BEFORE THE COURT ON 05/01/2024 AT 9:00 a.m. LOCATED AT THE LINDSEY FLAMIGAN JUSTICE CENTER, 520 W. COLFAX AVE, ROOM #160, DENVER, CO 80202, 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 summons, a warrant will be issued for your arrest; however, if you are charged with only Payable Non-Criminal Infraction(s) and you fail to respond by the court date, a default judgment will be entered and you will be liable for fines, costs and collection fees. IF YOU POSTED BOND, THE DATE ON YOUR BOND IS YOUR COURT DATE.



Sentencing consequences

Collateral consequences - direct

- 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 (Supplemental
Nutrition Assistance Pr
ogram)/Food stamps
- No ability to pay bills
(no access to your
accounts) including
rent, loans

Collateral consequences - indirect

- Loss of housing
- Employment-Loss of income
- Education
- Inability to care for Children: Custody and Visitation Rights –DHS contact
- Federal sentencing guidelines
- Certain Licensing – Applications/Renewals
- Immigration/deportation

Collateral consequences - immigration

In May of 2017, Denver undertook its first major sentencing reform effort for violations of the municipal code in more than 20 years in response to federal immigration pressures. 17-0513 passed unanimously.

Denver municipal offenses generally carried a maximum possible sentence of 365 days, meaning that many low-level offenses had the potential to trigger deportation, even for those who are in lawful immigration status.

City council passed sentencing reform including:

- For minor crimes (urinating in public, violating park curfew, encumbrances) the maximum penalty would be 60 days;
- For most crimes the maximum sentence would be 300 days, (the city's general penalty)

Collateral consequences - immigration

2019: DENVER DISTRICT ATTORNEY'S INTERNAL OFFICE POLICY REGARDING IMMIGRATION COLLATERAL CONSEQUENCES

- "Different individuals charged with the same crime may face markedly different consequences depending upon various factors, including an individual's immigration status."
- "Deportation may result from serious offenses or a single minor offense even for lawful immigrant residents. It may be by far the most serious penalty flowing from a conviction."
- **Made it the policy of the Denver DA to consider factors relevant to immigration in recommending dispositions: "The length of both a potential sentence and a total sentence imposed, regardless of time actually served, in some cases determines whether a particular offense triggers specific immigration consequences."**

Collateral consequences - immigration

Denver Municipal Public Defender experience:

Many of the 40,000+ immigrants who have come to Denver since Dec 2022 have been eligible for and seeking Temporary Protected Status (TPS) and work permits in addition to applying for asylum or other immigration relief.

- One critical component of TPS eligibility is that a person cannot have two misdemeanor and/or municipal offenses, or they are ineligible for TPS status.
- **However, a crime is considered a "misdemeanor" for TPS purposes if it is punishable by more than five days in jail regardless of the actual sentence imposed. Thus, a conviction for many Denver municipal ordinance violations may render someone ineligible for TPS status.**

Furthermore, after the passage of the Laken Riley Act, undocumented clients accused of even minor shoplifting or theft cases face deportation.



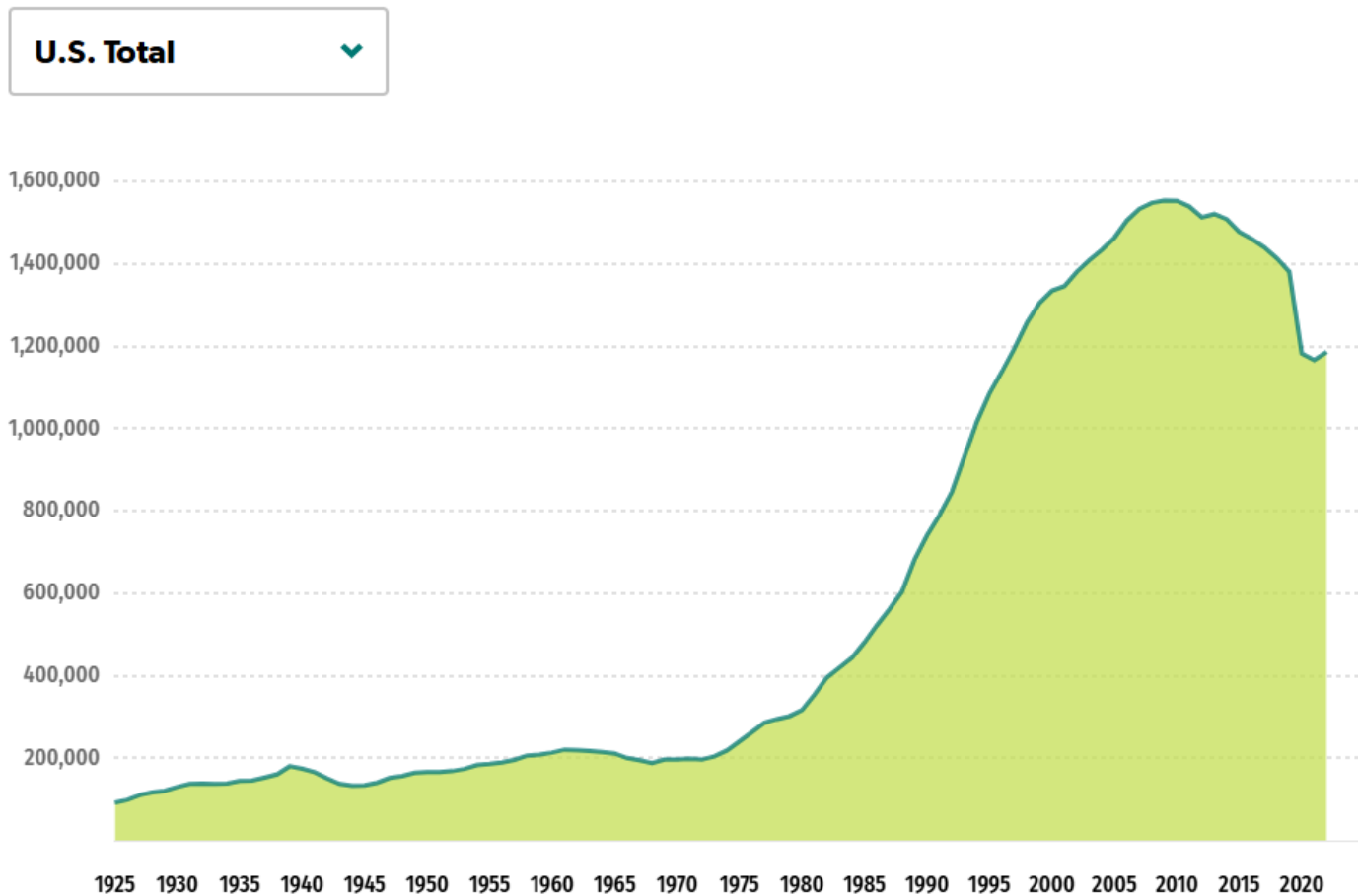
Historical Context

How did we get here?

Historical Overview: US Sentencing

- 1971 President Nixon "War on Drugs"
 - "We knew we couldn't make it illegal to be either against the war or Black, but by getting the public to associate the hippies with marijuana and Blacks with heroin, and then criminalizing both heavily, we could disrupt those communities." - policy chief John Ehrlichman
- Since 1975, American jurisdictions have established statutory sentencing standards; enacted mandatory minimum sentences; created parole and sentencing guidelines systems
- 1976 CO enacted mandatory sentencing law
- CO DOC reports inmate population tripled from 1979 to 1989. Prisons over capacity, drug sentences increase 147% over 2 years
- 500% increase in prison/jail population over last 40 years – due to changes in sentencing/policy, not crime rates
- Collection of changes after this period to sentence ranges, parole, earned time
- 2009 creation of CO Commission on Criminal and Juvenile Justice - decrease felony-level drug offenses, modified crime penalties, expanded probation, and more

US total jail/prison population over time



Historical Overview: Denver Sentencing

General penalty

- **Before 1982:** 90 days/\$300
- **1982** charter amendment 1 (recommended by city council): 180 days/\$999
- **1993:** 365 days/\$999
 - Connection to the "Summer of Violence"
 - Media coverage and crime wave narrative
- **2017:** 300 days/\$999
 - With seven Class 1 offenses at 365 days max
 - With eight Class 2 offenses at 60 days max

Racial disparity and crimes of poverty

Our municipal courts sentence a disproportionate number of people who are:

- Poor
- Experiencing homelessness
- Black, Indigenous, and people of color

Resulting in racial disparities in our municipal justice system

MDHI reports found that Black people were 24% of homeless population in 2020 despite being only 5% of the city population.

"People experiencing chronic homelessness are more likely to interact with police and face citations, arrests, and incarceration due to a historical and national trend in criminalizing homelessness. This results in a "homelessness to jail" cycle where individuals rotate in and out of jails, shelters, emergency rooms, detoxifications facilities, and other emergency services. "

Racial disparity and crimes of poverty

"In the 1980s and 1990s, some experts theorized that aggressive enforcement of lower-level offenses can prevent both future low-level misconduct and more serious crime."

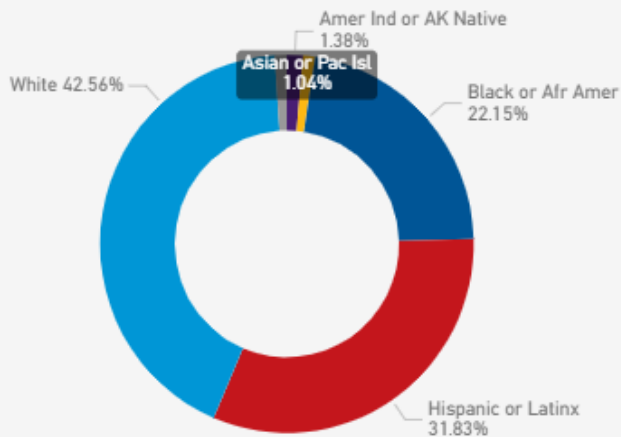
"Lower-level arrests have had a disproportionate impact on communities of color. Research continually shows that young men of color (Black and Latino men, in particular) are arrested for lower-level offenses at disproportionately high rates. This is despite evidence that Black and Latino individuals are no more likely to take part in criminalized activities as their white (and/or female) counterparts."

Denver jail population (Avg daily population 2017-2021)

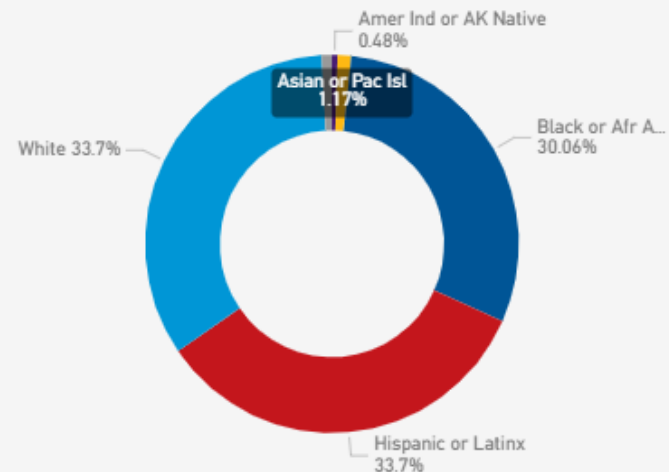
Race:

- Female population 57% BIPOC
- Male population 66% BIPOC

Female Jail Population by Race & Ethnicity



Male Jail Population by Race & Ethnicity



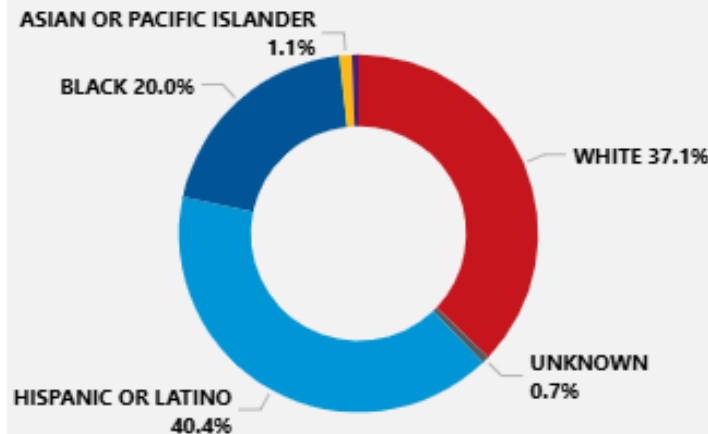
Denver jail population (Avg daily population 2021 – 2023)

Race:

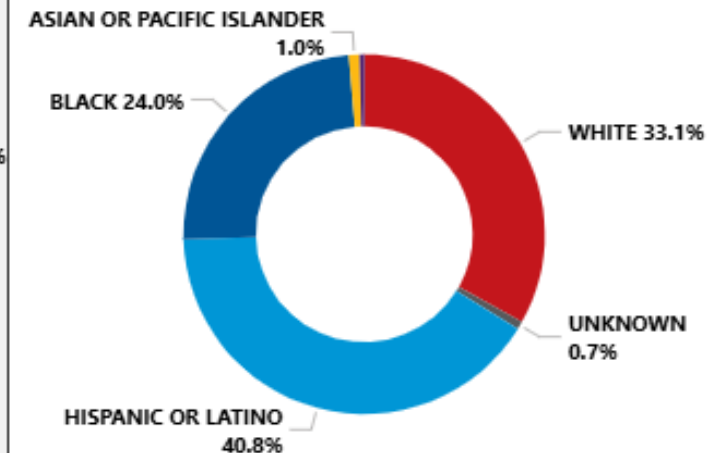
- Female population 63% BIPOC
- Male population 67% BIPOC

Higher average % of people of color in our jails in recent years

Female Race and Ethnicity

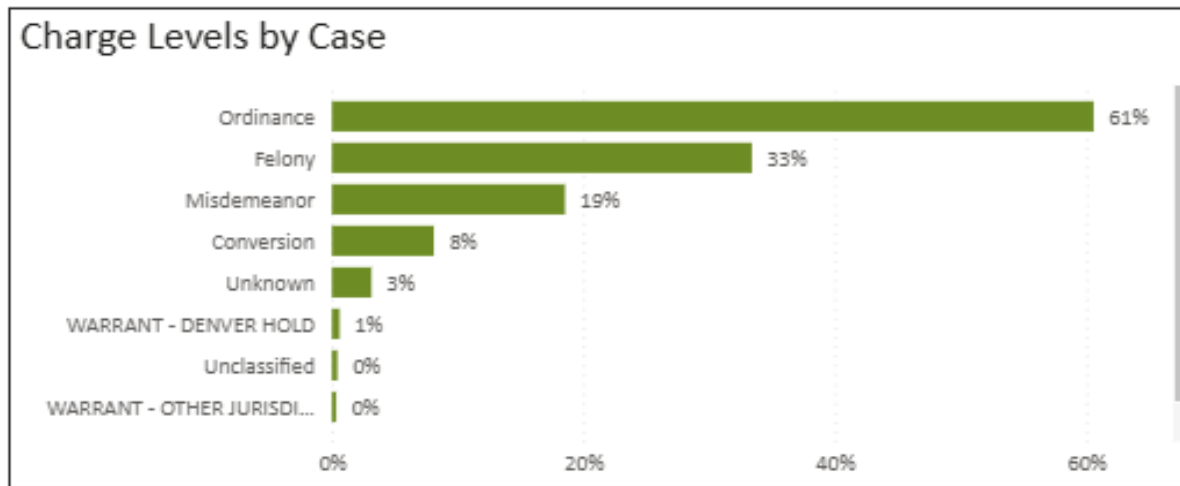


Male Race and Ethnicity



Currently in our Jails

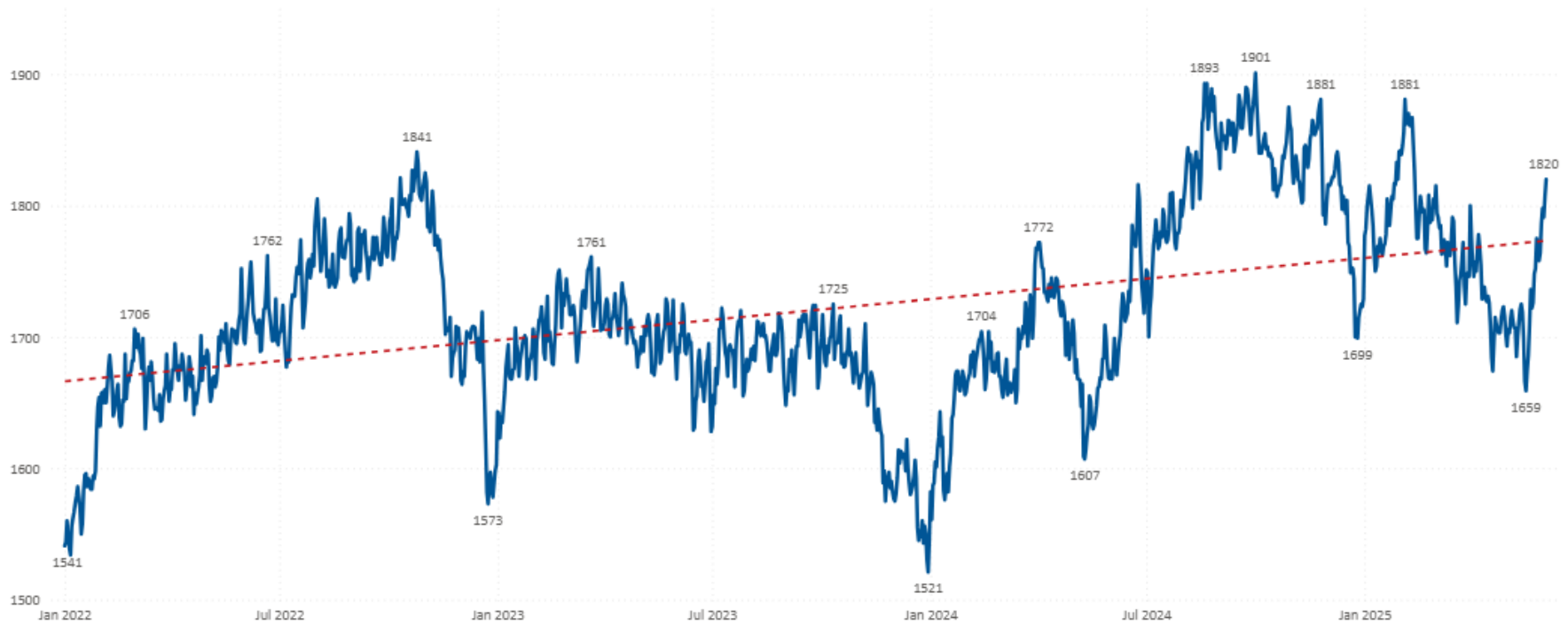
- 61% of charges for folks in our jails currently are municipal level
- Average length of stay for municipal-level charges is 20 days (compared to 24 days average for misdemeanor charges)
- Overall population: 1,820 (as of 6/3)



Jail population change over time

- Daily population has steadily increased since 2022, increasing beyond pre-pandemic levels (chart depicts 2022 – 2025)
- Low of 950 in July 2020

Daily Population 2022-present



Court filings

Data provided by the City Attorney in 2023 on CAO prosecutions showed that over 40% of PACE overall cases 2019 – 2023 were for crimes mainly involving people experiencing homelessness.

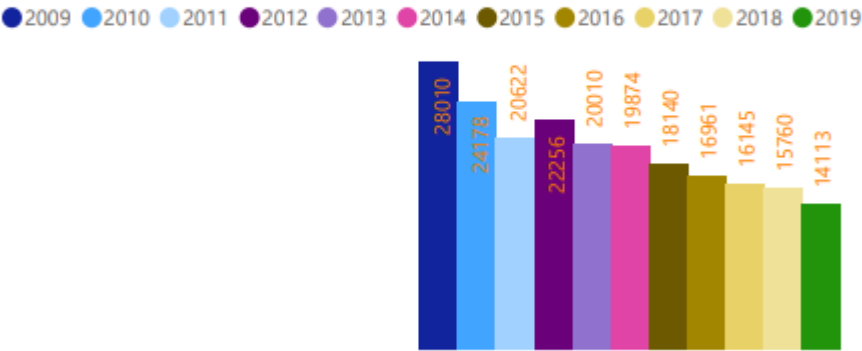
Trespassing alone made up 25% of 2023 CAO prosecutions in the data set, a charge disproportionately levied on people experiencing homelessness.

While municipal court filings decreased significantly from 2009 to 2019, they are now rising from 2022 –2024, nearing pre-pandemic levels.

Year	Municipal Criminal	General Violations	Municipal Juvenile
2022	9,494	606	424
2023	11,125	794	566
2024	12,798	665	562

MUNICIPAL

2009-2019 General Sessions Filings



State reform: Senate Bill 21-271

- In 2021, the state passed SB21-271, implementing misdemeanor and petty offense sentencing reforms. The bill was bipartisan in both chambers and recommended by the Sentencing Reform Task Force of the Colorado Commission on Criminal and Juvenile Justice. It passed the House with a strong majority and the Senate unanimously.
- The bipartisan task force was acting upon direction from Governor Polis to ensure statewide consistency in sentences, ensure incentives for success for those charged with crimes, and to recognize the finite bed count in jails and prisons, and the member vote on recommendations was 100% in favor.



SENATE BILL 21-271

BY SENATOR(S) Gonzales and Gardner, Buckner, Cooke, Donovan, Fenberg, Fields, Holbert, Kirkmeyer, Kolker, Lee, Lundeen, Moreno, Priola, Scott, Smallwood, Story, Winter, Zenzinger, Garcia; also REPRESENTATIVE(S) Roberts and Gonzales-Gutierrez, Amabile, Bacon, Barnett, Bird, Boesenecker, Duran, Esgar, Exum, Hooton, Jackson, Jodeh, Kennedy, Lontine, McCluskie, McCormick, Michaelson Jenet, Ortiz, Sirota, Snyder, Valdez A., Weissman, Woodrow, Garnett.

CONCERNING THE ADOPTION OF THE 2021 RECOMMENDATIONS OF THE COLORADO CRIMINAL AND JUVENILE JUSTICE COMMISSION REGARDING SENTENCING FOR OFFENSES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

State reform: Senate Bill 21-271

SENTENCING REFORM TASK FORCE FINAL RECOMMENDATION [AMENDED] FOR THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE – April 2021

- The recommendations and subsequent bill sought to balance rehabilitation and punishment, simplify crimes and sentencing ranges, adjust sentence ranges to more consistent and reasonable ranges, eliminate repetitive and unnecessary crimes and reclassify crimes as needed. It explicitly called out disparate jail sentences across the state:

ELEMENT 1.1: Change the misdemeanor sentencing scheme

- **1.1.b. Jail time credits.** In an effort to address disparities in jail sentences across the state, these statutory changes would require every jail in the state to follow a similar protocol in determining an individual’s release. Specifically, based on the direction from the Governor, a jail sentence in “County X” would be generally consistent with a sentence in “County Z.” **[See Appendix p. 6-7]**

[CCJJ: Sentencing Reform Task Force - Rec. FY21-SR #01, AS
APPROVED \(April 9, 2021\)](#)



Denver Revised Municipal Code (DRMC)

Existing code and disparities with state code

Home Rule

Home rule - Still allows Denver to pass laws pertinent to Denver citizens

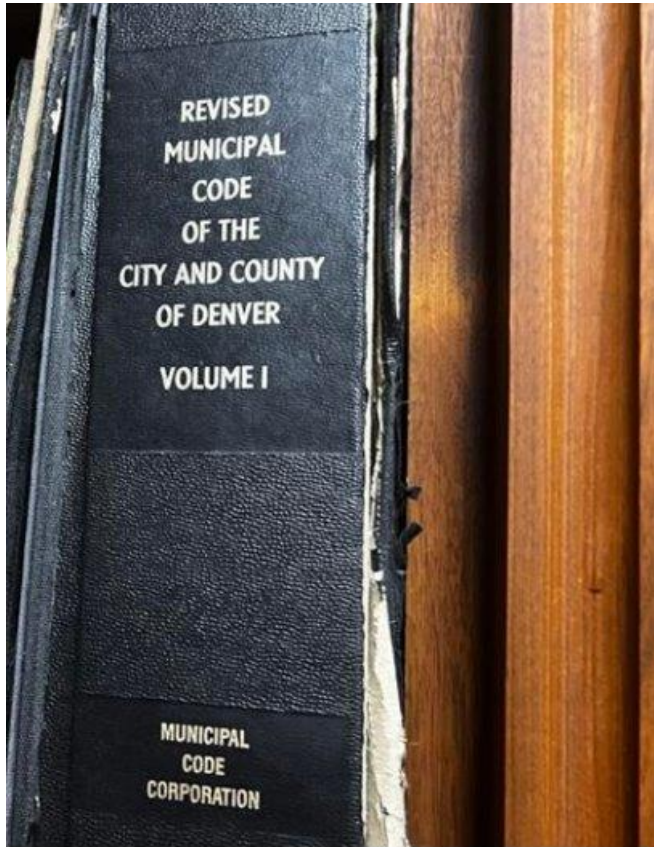


Example: D.R.M.C. § 38-86.5
Unlawful to Trespass on Athletic
Field at Denver Mile High Stadium



Example: D.R.M.C. § 38-9: Smoking prohibited
on the 16th Street Pedestrian and Transit Mall

Denver sentencing scheme



Denver mostly has a one-size-fits-all sentencing scheme.

The punishment for almost all criminal offenses under the Denver Revised Municipal Code is up to 300 days in jail and a \$999.00 fine.

See D.R.M.C. § 1-13.

DRMC vs CRS comparison

City Offense	City Ordinance Citation	City Max Sentence	Equivalent State Offense	ESO Statutory Citation	State Max Sentence
False information during investigations	Sec. 38-40	General penalty - 300 days/\$999 fine	“False reporting to authorities” / “False reporting of identifying information to law enforcement authorities”	§ 18-8-111, C.R.S. / § 18-8-111.5	Class 2 misdemeanor - 120 days/\$750 fine
Shoplifting from \$300 to \$1000	Sec. 38-51.5		"Theft"	§ 18-4-401, C.R.S.	
Petty theft of \$300 to \$1000	Sec. 38-51.8				
Damaging, defacing or destruction of public property worth \$300 to \$1000	Sec. 38-61		"Criminal Mischief"	§ 18-4-501, C.R.S.	
Damaging, defacing or destruction of private property worth \$300 to \$1000	Sec. 38-71				
Disturbance by use of telephone	Sec. 38-91.		"Harassment"	§ 18-9- 111, C.R.S.	


DRMC vs CRS comparison

City Offense	City Ordinance Citation	City Max Sentence	Equivalent State Offense	ESO Statutory Citation	State Max Sentence
Shoplifting of less than \$300	Sec. 38-51.5	General penalty - 300 days/\$999 fine	"Theft"	§ 18-4-401, C.R.S.	Petty offense - 10 days/\$300 fine
Petty theft of less than \$300	Sec. 38-51.8				
Damaging, defacing or destruction of public property less than \$300	Sec. 38-61				
Damaging, defacing or destruction of private property worth less than \$300	Sec. 38-71		"Criminal Mischief"	§ 18-4-501, C.R.S.	
Obstruction of streets or other public passageways.	Sec. 38-86		"Obstructing highway or other passageway"	§ 18-9-107, C.R.S.	
Disturbance of the peace	Sec. 38-89		"Disorderly conduct"	§ 18-9-106, C.R.S.	
Public fighting	Sec. 38-93.1		"Fighting by agreement—dueling"	§ 18-13-104, C.R.S.	
Trespass	Sec. 38-115		"Third degree criminal trespass"	§ 18-4-504, C.R.S.	
Public indecency	Sec. 38-157		"Public indecency"	§ 18-7-301(1)(e), C.R.S.	
Indecent exposure	Sec. 38-157.1			C.R.S., § 18-7-202, C.R.S., § 18-7-205, C.R.S., and § 18-	
Prostitution	Sec. 38-158		"Prostitution"		



DRMC vs CRS comparison

City Offense	City Ordinance Citation	City Max Sentence	Equivalent State Offense	ESO Statutory Citation	State Max Sentence
Interference with Denver Animal Protection employees	Sec. 8-7(a)	General penalty - 300 days/\$999 fine	None (not a state crime)		N/A - not a state crime
Animal attack or bite	Sec. 8-61				
Interference with police authority	Sec. 38-31				
Resisting any police authority	Sec. 38-32				
Threats	Sec. 38-92				
Sitting or lying in the public right-of-way	Sec. 38-86.1	60 days/no fine			
Unauthorized camping on public or private property prohibited.	Sec. 38-86.2				
Urinating or defecating in public	Sec. 38-99				
Panhandling	Sec. 38-100				
Curfews and closures	Sec. 39-3				
Storage and loading	Sec. 49-254				
Prohibitions	Sec. 49-532				
Solicitation on or near street or highway	Sec. 54-548				



HB25-1147 and Colorado Supreme Court Cases

HB25-1147

HB25-1147 brings municipal court in closer alignment with basic legal standards in state court:

1 Sentencing Parity - *eliminate extreme sentencing disparities between municipal and state court.*

- ✓ Cap municipal sentences at maximum state court sentences for same offense.
- ✓ Apply sentencing grid of SB21-271, a bipartisan CCJJ bill, to municipal courts.

2 Access to Counsel Parity - *align city provision of indigent defense counsel with state practice.*

- ✓ Reinforce existing law (HB16-1309) requiring automatic representation for jailed defendants.
- ✓ Prohibit flat fee contracts and require a reasonable hourly rate for municipal defenders.

3 Transparency Parity - *require similar public access to court proceedings as state court.*

- ✓ Affirm constitutional mandate that all municipal court proceedings are open to the public.
- ✓ Require court appearances of jailed municipal defendants be available for virtual observation.

House Bill 1147 passed in the 2025 legislative session:

- **24** votes in the Senate
- **37** votes in the House
- The Denver legislative delegation **supported unanimously** in the Senate, and **only one** House Denver delegate voted no.
- The Governor vetoed the bill, despite an amendment negotiated to move the Denver District Attorneys to a neutral position.

HB25-1147 Coalition and Supporters



- ACLU of Colorado
- Advocates for Recovery Colorado
- American Friends Service Committee Colorado
- Boulder County
- Boulder Progressives
- Bring Our Neighbors Home
- Center for Employment Opportunities
- Colectivo de Paz
- Colorado Broadcaster's Association
- Colorado Center on Law and Policy
- Colorado Coalition for the Homeless
- Colorado Common Cause
- Colorado Criminal Defense Bar
- Colorado Criminal Justice Reform Coalition
- Colorado Drug Policy Coalition
- Colorado Fiscal Institute
- Colorado Freedom Fund
- Colorado Freedom of Information Coalition
- Colorado Immigrant Rights Coalition
- Colorado People's Alliance
- Colorado Providers Association
- Colorado Society of Addiction Medicine
- Colorado Women's Bar Association
- Counties & Commissioners Acting Together
- Del Pueblo Law
- Denver Healing Generations Network
- Denver Office of the Municipal Public Defender
- Disability Law Colorado
- El Movimiento Sigue
- Frank Law Office
- Fridovich & Harris
- Fully Liberated Youth
- Harm Reduction Action Center
- Healthier Colorado
- Housekeys Action Network Denver
- Indivisible CO-7
- Indivisible Colorado
- JeffCo Colorado Action Network
- Keller Dorn Law
- Kosloski Law
- Krizman Law
- La Plata County
- Lake County
- Law Enforcement Action Partnership
- Maxted Law
- Meyer Law Office
- Meza & Associates
- Mirror Image Arts
- NAACP Colorado-Montana-Wyoming State Conference
- National Action Network Colorado
- National Association for Public Defense
- National Association of Criminal Defense Lawyers
- Newman McNulty
- Office of the Alternate Defense Counsel
- Peer 180 Recovery Community Organization
- Power & Carty Defense
- Price Law Office
- Rocky Mountain Immigration Advocacy Network
- Sam Cary Bar Association
- Servicios Sigue
- Stand for Children Colorado
- State Innovation Exchange Action
- The Arc of Aurora
- The Elephant Circle
- Together Colorado
- Transformative Justice Project of Colorado
- Voces Unidas Action Fund
- Womxn from the Mountain
- Young and Aspiring Americans for Social and Political Activism



Equal Protection



Colorado Constitution, Art. II, § 25, gives people in Colorado the right to equal protection under the law.

“Equal protection of the laws assures the like treatment of all persons who are similarly situated.”

“Colorado's guarantee of equal protection is violated where two criminal statutes proscribe identical conduct, yet one punishes that conduct more harshly.”

People v. Lee, 2020 CO 81, ¶¶ 12, 14.

Colorado Supreme Court Cases

Oral arguments heard May 13, 2025

- *People v. Camp & People v. Simons*
 - Charges brought for municipal level Theft and municipal level Trespass, respectively, instead of comparable state offenses
 - *Camp*: Defendant faced maximum fines 9 times that of state charge and 36 times the duration of the state charge
 - *Simons*: Defendant faced maximum fines greater than 3 times and a duration greater than 3 times that of state charge
- Legal Arguments
 - Equal Protection: Harsher penalties at the local level for comparable offenses to those in state law violate Colorado's Equal Protection Clause
 - Preemption: intention of State lawmakers to standardize sentencing in SB 21-271 preempts municipalities from imposing higher sentencing penalties than the state caps.





Proposed legislative solution

Stakeholders to date

- Office of Municipal Public Defenders
- City Attorney's Office – Prosecution and Code Enforcement (August 2024 first meeting)
- CO State Rep. Mabrey, State Sen. Weissman
- 1147 Coalition led by Colorado Freedom Fund
- Colorado Criminal Justice Reform Coalition
- Mayor council discussion – Feb 2025
- Outreach to Department of Public Safety (March 2025)
- Outreach to Mayor's Office (April 2025)
- City council (ongoing educational one on one briefings in progress)

Equal justice under the law isn't just a slogan. It's a foundational principle of our legal system, and one that is not only compatible with, but essential to, public safety.

-Jay Fisher, Former CO Asst. Attorney General

Questions?