
Updates on the Municipal Criminal Sentencing Proposal

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Health and Safety Committee May 13, 2026



DENVER
OFFICE OF CITY COUNCIL

Overview of Proposed Legislation - recap

1. **Revise the Denver Revised Municipal Code to match sentences to the maximum sentences for comparable state offenses (constitutional requirement)**
2. **Revise the language of certain offenses to align the prohibited conduct with a more stringent state law (to retain the ability to impose a higher sentence, including in cases involving domestic violence)**
3. **Rewrite several offense descriptions to more clearly align with state law, thereby clarifying possible sentences (does not change severity of punishment available)**
4. **Eliminate mandatory fines on prostitution (aligning with state law)**

Overview of Proposed Legislation - new changes

5. **Compromise on how to handle municipal-only crimes** (narrower set of crimes included in Class 4)
 - Leave regulatory offenses (the majority of the code) at the status quo general penalty
 - Instead create an expert commission to review the remaining code in detail to make recommendations
 - Class 4 offenses now much narrower
6. **Responsive change to PACE concern about threats to pets**
 - Added a municipal-only offense to the threats to property code to capture this prosecutorial authority

Compromise on municipal-only crimes

(Class 4 offenses)

- In committee, heard agency concerns about existing sentencing scheme not being sufficient for deterrence
- So instead of making all municipal-only crimes a Class 4 offense (10 days/\$300 fine), the proposed bill:
 - Leaves the majority of the code at the status quo general penalty (300 days/\$999 fine)
 - Tasks a commission with making recommendations for appropriate penalties
- Class 4 offenses (10 days/\$300 fine) now include only state petty offense comparables, the municipal-only criminal chapter (38), and a narrow set of commonly-charged low-level regulatory offenses

Class 4 (previous draft)

(d) Class 4 (new)

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

Not more than \$300

Not to exceed 10 days

Shall include, but are not limited to:

- ★ w. Obstruction of streets or other public passageways, as defined in section 38-86.
- ✱ x. Sitting or lying in the public right-of-way, as defined in section 38-86.1.
- ★ y. Unauthorized camping on public or private property, as defined in section 38-86.2.
- ★ z. Public fighting, as defined in section 38-93.1.
- ✱ aa. Urinating or defecating in public, as defined in section 38-99.
- ✱ bb. Panhandling, as defined in section 38-100.
- ★ cc. Trespass, as defined in section 38-115.
- ★ dd. Curfews and closures, as defined in section 39-3.
- ✱ oo. Storage and loading, as defined in section 49-254.
- ✱ pp. Prohibitions, as defined in section 49-532.
- ✱ rr. Solicitation on or near street or highway, as defined in section 54-548.

★ Camp— Mandated by the supreme Court ruling

✱ Municipal only offenses

● New additions to the Class 4 section

Additional examples listed in the draft:

Sec 38-2. - Conspiracy.

Sec. 38-31. - Obstructing a peace officer: (b) It shall be unlawful for any person to fail to obey a lawful order of a police officer if such failure interferes with or hinders such police officer in the discharge of his official duties. It is an affirmative defense to this subsection that the failure to obey did not interfere with or hinder the police officers.

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

★ Sec. 38-51.5. - Shoplifting unlawful; retail theft: if the aggregate value of the property involved is less than three hundred dollars (\$300.00).

★ Sec. 38-51.8. - (Petty) Theft unlawful: if the value of the thing involved is less than three hundred dollars (\$300.00).

★ Sec. 38-61. - Damaging, defacing or destruction of public property: if the aggregate damage to the real or personal property is less than three hundred dollars (\$300.00).

★ Sec. 38-71. - Damaging, defacing or destruction of private property: if the aggregate damage to the real or personal property is less than three hundred dollars (\$300.00).

★ Sec. 38-63. - Protection of public library property: if the aggregate damage to the library property or the aggregate value of the library property taken is less than three hundred dollars (\$300.00).

★ Sec. 38-64. - Injuring sidewalks: if the aggregate damage to the sidewalk is less than three hundred dollars (\$300.00).

★ Sec. 38-65. - Painting or decorating public buildings: if the aggregate damage to the building, fence or other structure is less than three hundred dollars (\$300.00).

★ Sec. 38-89. - Disturbing the peace.

★ Sec. 38-91. - Harassment: (a)(2) In a public place direct obscene language or make an obscene gesture to or at another person.

★ 38-157. - Public indecency.

★ Sec. 38-157.1. - Indecent exposure section (b): A person commits an act of indecent exposure if they knowingly expose their genitals or buttocks to the view of any person under circumstances which are likely to cause a reasonable person affront or alarm.

★ Sec. 38-158(a). - Prostitution, as defined in section

✱ Sec 38-9. - Smoking on the 16th Street Pedestrian and Transit Mall prohibited. (Not in the draft).

Class 4– New additions

- ★ Camp– Mandated by the supreme Court ruling
- ✱ Municipal only offenses
- New additions to the Class 4 section

Shall include, but are not limited to:

- ✱ a. Unlawful to give false information, as defined in section 8-6.
- ✱ b. Interference with Denver animal protection employees, as defined in section 8-7
- ✱ c. Leash law, as defined in section 8-16.
- ✱ d. Barking dog, as defined in section 8-17.
- ✱ e. Barking dog nuisance, as defined in section 8-18.
- ✱ f. Rabies vaccination required, as defined in section 8-31.
- ✱ g. Imported dogs or cats, as defined in section 8-32.
- ✱ h. Tag to be attached to collar and certificate retained by owner, as defined in section 8-35.
- ✱ i. License required, as defined in section 8-46.
- ✱ j. Spaying and neutering, as defined in section 8-55.
- ✱ k. Pit bulls prohibited without breed-restricted permit, as defined in section 8-67.
- ✱ l. Disposition of excrement, as defined in section 8-73.
- ✱ m. Damaging property, as defined in section 8-74.
- ✱ n. Livestock or fowl permit required, as defined in section 8-91.
- ✱ o. Quarantine, as defined in section 8-121.
- ✱ p. Dead animals, as defined in section 8-122.
- ✱ q. Misuse unlawful, as defined in section 16-32.
- ✱ r. Unlawful to spit in public places, as defined in section 24-7.
- ✱ s. Interference with duties, as defined in section 24-22.
- ✱ t. Smoking in indoor areas, as defined in section 24-304.
- ✱ u. Curfew, as defined in section 34-61.
- ✱ v. Restrictions and measurements of noise between source and receiving premises (Table A), as defined in section 36-6.

- ✱ ee. Destruction of or unauthorized changes to park property, as defined in section 39-6.
- ✱ ff. Overnight residing; camping and campgrounds; climbing, Red Rocks and Summit Lake Parks, as defined in section 39-7.
- ✱ gg. Alcohol beverages; marijuana; and smoking, as defined in section 39-10(a), (b), and (e).
- ✱ hh. Disturbance of the peace, as defined in section 39-12.
- ✱ ii. Bottles; littering; dumping, as defined in section 39-17.
- ✱ jj. Bicycles and other human-powered devices; pedestrians; dogs; trails, as defined in section 39-18.
- ✱ kk. Motorized vehicles; snowmobiles; vehicle repair; overnight parking, as defined in section 39-19.
- ✱ ll. Prohibited activities, as defined in section 47-18.
- ✱ mm. Required, as defined in section 47-26.
- ✱ nn. Littering or depositing refuse from a motor vehicle; presumption, as defined in section 48-95.
- ✱ qq. Unlawful to deposit refuse in streets and public places, as defined in section 49-553.
- ✱ tt. Any municipal offense listed in Chapter 38 of this Code for which there is no state offense that prohibits the same or identical conduct, unless designated as a different level offense in this Code.



Proposed Commission

- To make recommendations for:
 - DRMC regulatory code to determine appropriate penalties including fines and jail
 - DRMC criminal code in Chapter 38 for any offenses that should be decriminalized or repealed
- Submit a written report within 6 months of bill passage
- Membership: roughly 20 members including city departments, both prosecution and defense offices, advocacy organizations, city council members, etc



Stakeholding to date– 2023-2025



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

Stakeholding to date – 2026

- Budget and Policy presentation – January
- City Council – briefings completed February
- Violence Free Colorado – February & onward
- Public webinar – February
- Mayor's Office & PACE – February
- Municipal Judges and Magistrates (latest meeting) – March
- Budget and Policy presentation – March
- PACE & Mayor's Office – twice in March
- RNO groups: UpDoNa, LoDoNa, Whittier – March
- Denver Healing Generations – March
- City Agencies: Denver Licensing and Consumer Protections, Denver Department of Public Health and Environment, and Denver Fire Department – March
- Additional Victim/Survivor advocacy groups – April
- Additional City Council briefings – April
- PACE & Mayor's Office – April
- Downtown groups: Visit Denver, Denver Metro Chamber of Commerce, Downtown Denver Partnership, Colorado Concern, Denver Center for the Performing Arts & others – April
- Community listening sessions: 70+ registrants – April
- PACE & Mayor's Office – May
- District Attorney – May



Coalition



COLORADO
CRIMINAL
JUSTICE
REFORM
COALITION



WORKING
FAMILIES
POWER



DISABILITY LAW
COLORADO
Protecting the rights of Coloradans of all ages since 1976



COLORADO
VILLAGE
COLLABORATIVE

COLORADO
COALITION
FOR THE HOMELESS



ACLU
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Next steps

- May 19th: Mayor-Council
- June 1st: Council first reading
- June 8th: Council second reading

Questions?

Appendix

General Penalty

Denver Revised Municipal Code (DRMC)
Before the Colorado Supreme Court Ruling

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

General penalty

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

No more than \$999

Not to exceed
300 days

Proposal

Updated in the last draft

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

General penalty

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

- (1) Nothing in this section shall be construed to limit sentencing options that are otherwise available to the court.
- (2) Nothing in this section shall be construed to limit the length of probation provided in section 14-61 of this Code.

Not more than \$999

Not to exceed
300 days



Class 1

Remains the same

Sec. 1-14. - Offenses classified.

(a) Class 1

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

No more than \$999

**Not to exceed
364 days**

Shall include the following:

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



Class 2

Denver Revised Municipal Code (DRMC)
Before the Colorado Supreme Court Ruling

Sec. 1-14. - Offenses classified.

(b) Class 2

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

No fine

Not to exceed 60 days

Shall include, but are not limited to:

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

Proposal

(b) Class 2 (amended)

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

Not more than \$999

Not to exceed 300 days

Shall include, but are not limited to:

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

Additional examples listed in the draft:

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



Class 3

New class in the proposal

(c) Class 3 (new)

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



Not more than \$750

**Not to exceed
120 days**

Shall include, but are not limited to:

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

Additional examples listed in the draft:

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



Class 5

New class in the proposal

(e) Class 5 (new)


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



No more than \$100

No person convicted of a class 5 offense shall be subject to any jail time.

Shall include, but are not limited to:

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



Section 19 – Prostitution

22 Sec. 38-158. - Prostitution.

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



Collateral consequences of jail time

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

