

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2020

COUNCIL BILL NO. CB20-1178
COMMITTEE OF REFERENCE:
Safety, Housing, Education & Homelessness

A BILL

For an ordinance amending the sentencing structure for violations of the Denver Revised Municipal Code, modifying the penalty for class 1 violations and making conforming amendments to DRMC sections referencing §1-13(e) for non-criminal violations.

WHEREAS, in 2017, the Denver Revised Municipal Code (DRMC) was revised to create a tiered sentencing structure to promote greater proportionality in sentencing by providing for appropriate accountability for offenses that present an unacceptable risk of harm to the community while recognizing that some violations demand a lesser possible sentence; and

WHEREAS, this revised sentencing structure reduced the general penalty for violations of the DRMC from one year to 300 days, but provided for the possibility of a one-year jail sentence for Class 1 offenses that involve more significant injury or wrongdoing and present an unacceptable risk of harm to the community; and

WHEREAS, in 2019, the Colorado General Assembly enacted legislation in the form of House Bill 19-1148 reducing the maximum possible jail sentence for all municipal ordinance violations from one year to three hundred sixty-four days; and

WHEREAS, this bill is intended to amend the DRMC sentencing structure for Class 1 offenses to conform to the new maximum sentence allowed by state law.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Section 1-14 of the Denver Revised Municipal Code shall be amended by adding the language underlined, and deleting the language stricken, to read as follows:

Sec. 1-14. Offenses classified.

(a) *Class 1 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 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 days ~~one (1) year~~, or both so fined and jailed.

Section 2. Section 54-1 of the Denver Revised Municipal Code shall be amended by adding

1 the language underlined, and deleting the language stricken, to read as follows:

2 **Sec. 54-1. - Definitions.**

3 Words and phrases used in this chapter shall have the following meaning respectively
4 ascribed to them:

5 (73) *Traffic infraction* shall mean a violation of any section listed in section 54-4 which shall
6 constitute a civil matter under subsection 1-13(e)(~~e~~) for which arrest is prohibited and for which a
7 jury trial is unavailable.

8 **Section 3.** Section 27-116 of the Denver Revised Municipal Code shall be amended by
9 adding the language underlined, and deleting the language stricken, to read as follows:

10 **Sec. 27-116. - Regulations; enforcement.**

11 (e) Any violation of this article or rules and regulations adopted hereunder is subject to the
12 penalties described under D.R.M.C. section 1-13(e)(~~e~~), except covenant violations shall be
13 enforceable through the district court. Pursuant to D.R.M.C. section 1-13(e)(~~e~~), the city may
14 impose a civil fine on applicants in an amount up to one hundred fifty (150) percent of the
15 value of the housing required but not provided.

16 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: October 28, 2020

2 MAYOR-COUNCIL DATE: November 3, 2020

3 PASSED BY THE COUNCIL: _____ November 16, 2020

4 *Stacie Gilmore* - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

10 PREPARED BY: Marley Bordovsky, Assistant City Attorney DATE: November 5, 2020

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.

15 Kristin Bronson, Denver City Attorney

16 BY: *Kristin J. Crawford*, Assistant City Attorney DATE: Nov 4, 2020