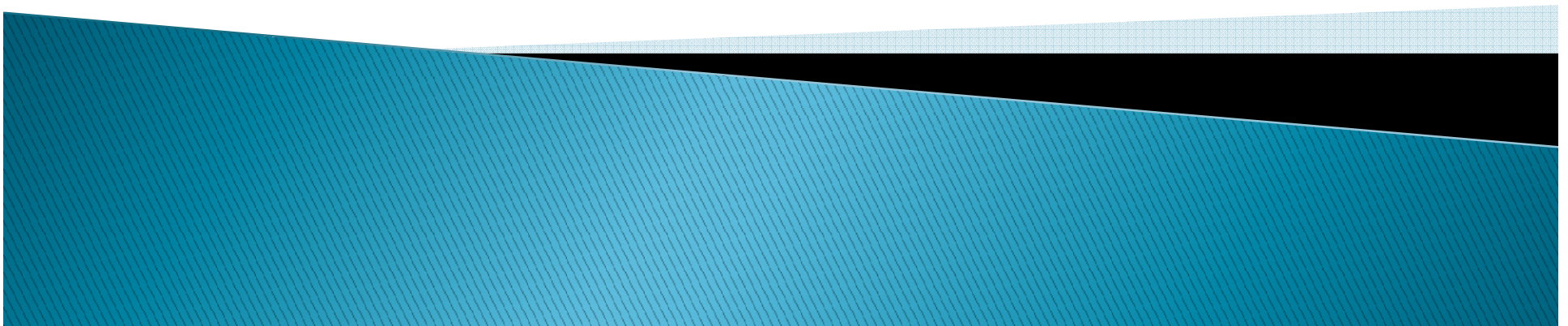


Explanation of Penalty Options

For

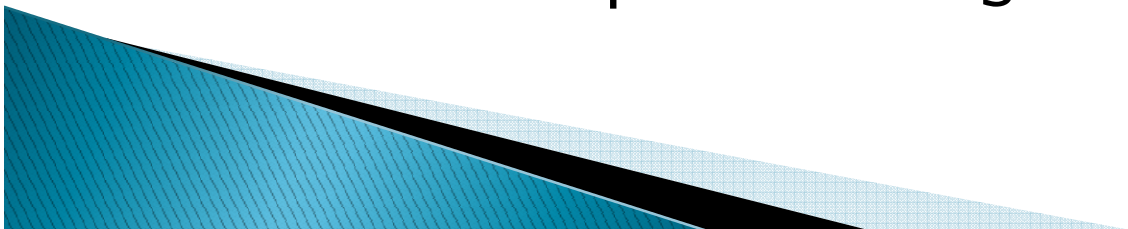
Marijuana Offenses



General Penalty Clause

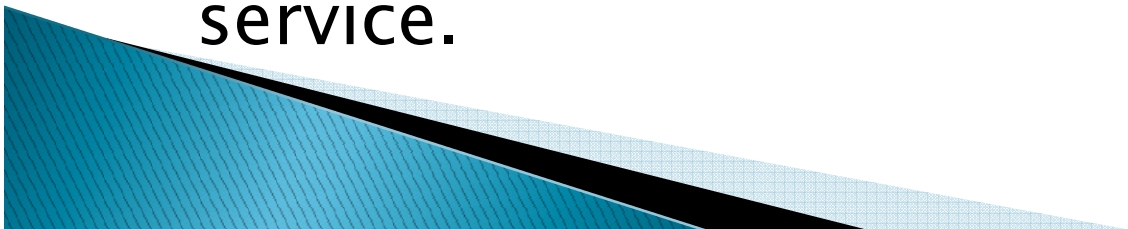
In the Denver Revised Municipal Code

- ▶ “. . . whenever any section of this Code or any section of a rule or regulation promulgated hereunder requires, prohibits or declares to be unlawful the doing of any act, any violation of such section is hereby declared to be a criminal violation. If no definite fine or penalty is provided for a violation, any person who shall be convicted of a violation of any such section shall, for each offense, be fined in a sum not more than nine hundred ninety-nine dollars (\$999.00) or imprisoned not to exceed one (1) year, or both so fined and imprisoned.” § 1-13 (a), D.R.M.C.



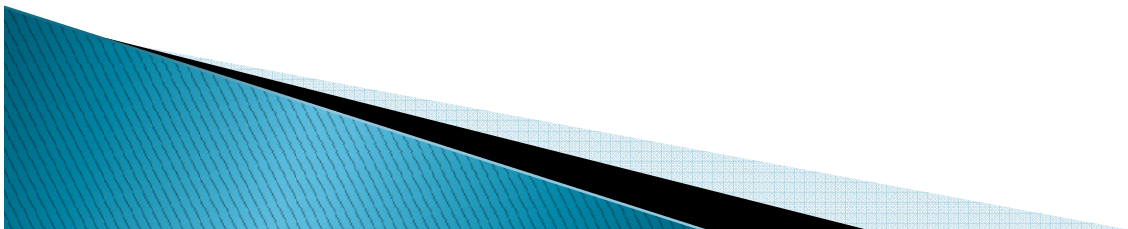
Municipal Penalties for Public Marijuana Consumption

- ▶ The City's current ordinance prohibiting the open and public consumption of marijuana is a criminal offense, subject to the D.R.M.C. general penalty clause.
- ▶ BR 13-736 currently proposes that public consumption of marijuana would remain a criminal offense (equivalent to a petty offense under the Colorado Criminal Code), but subject to a maximum fine of \$100 and a maximum sentence of 24 hours useful public service.



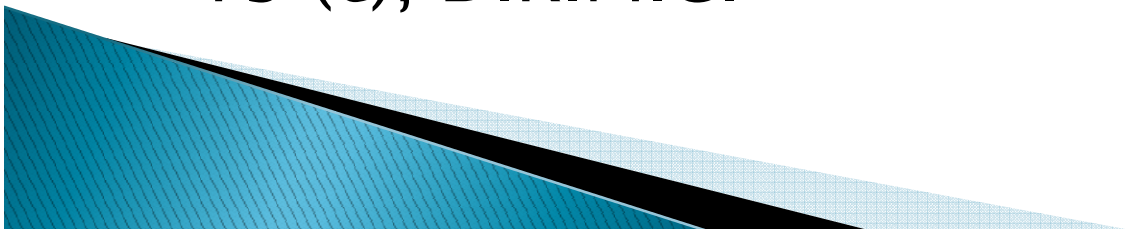
Consequences of Having a Fine-Only Penalty

- ▶ Police would be advised not to arrest violators; simply issue summons.
- ▶ Indigent defendants would not be eligible for court-appointed attorney.
- ▶ Defendants could demand a jury trial.
- ▶ Those convicted of the offense would have a “criminal record”.



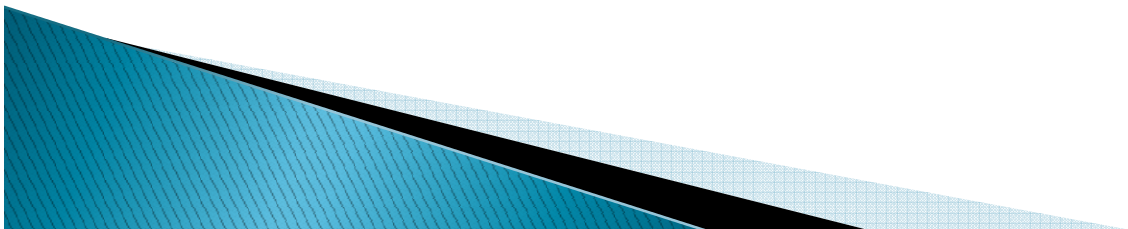
Civil Infractions in lieu of Criminal Violations

- ▶ “Whenever any section of this Code or any section of a rule or regulation promulgated hereunder requires, prohibits or declares to be unlawful the doing of any act, and such violation is declared to be a noncriminal violation upon an admission or finding or judgment of guilt or liability by default or otherwise, the violator shall be subject to such penalty as provided in the chapter or section which defines such infraction.” § 1–13 (c), D.R.M.C.



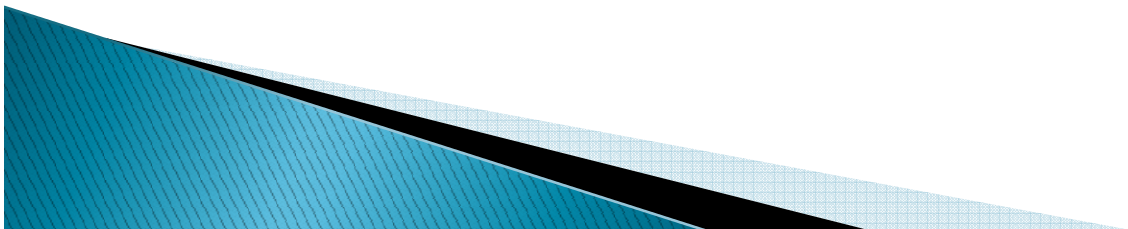
How Does Denver Currently Use Civil Infractions?

- ▶ Decriminalized traffic and parking tickets.
- ▶ Administrative citations.
- ▶ No juries; no court appointed attorneys; no criminal record; judgment results in fine only; defaults and FTP sent to collection agency.



How Does State Penalize Public Consumption of Marijuana?

- ▶ Up until this year, public consumption was defined as a Class 2 petty offense, with a minimum fine of \$100, or a fine of \$100 plus 15 days in the county jail.
- ▶ Via SB 13-250, the penalty was recently reduced to a maximum of \$100 and a maximum of 24 hours useful public service, with no possibility of jail.



How do the State and Denver Penalize Public Consumption of Alcohol Beverages?

- ▶ Public consumption of alcohol beverages is treated as a Class 2 petty offense under the Liquor Code, punishable by a fine of up to \$250.

