



**DENVER**  
THE MILE HIGH CITY

# Municipal Sentencing Reform

SAFEHOUSE Committee

May 3, 2017

FOR CITY SERVICES VISIT | CALL  
**DenverGov.org** | **311**

- Currently nearly all municipal crimes carry a maximum sentence of 365 days regardless of type of offense
  - Max sentence is rarely imposed on any offense
- Municipal penalty maximums are set in state statute
  - Denver updated our maximums to conform with statutory maximums in 1993
  - Previously was a max of 180 days
  - Many local jurisdictions still carry a lower max reflecting previous statutory limits
- Progressive cities and states across the U.S. have been addressing criminal justice reform through sentencing reform efforts
  - Examples: California, Washington, Nevada, New York

# Proposed Structure

\*NOTE: Good time served policies effectively equate to 18 days served for every 30 days sentenced

<b>“Quality of Life” Offenses</b> <b>0-60 days</b>	<b>General Penalty for Most Offenses</b> <b>0-300 days</b>	<b>Extraordinary Risk Offenses</b> <b>0-365 days</b>
<ul style="list-style-type: none"> <li>• Panhandling</li> <li>• Urinating or defecating in public</li> <li>• Sit-Lie</li> <li>• Unauthorized camping</li> <li>• Park curfew</li> <li>• Encumbrances</li> </ul> <p>No fines would be assessed</p>	<ul style="list-style-type: none"> <li>• Simple assault</li> <li>• 1<sup>st</sup> or 2<sup>nd</sup> Domestic Violence</li> <li>• Shoplifting</li> <li>• Petty theft</li> <li>• Trespassing</li> <li>• Most other violations</li> </ul> <p>Max fine \$999</p>	<ul style="list-style-type: none"> <li>• Bias-Motivated offense</li> <li>• Sexually motivated offense</li> <li>• Offenses against at-risk persons</li> <li>• Assault on a law enforcement officer</li> <li>• Assault with bodily harm</li> <li>• Assault with strangulation</li> <li>• 3<sup>rd</sup> or more domestic violence offense</li> </ul> <p>Max fine \$999</p>

- Bias-motivated or “hate” crime = offense committed against a person in substantial part because of their race, religion, age, mental or physical disability, gender, sexual orientation or gender identity
- Not a standalone crime; would be a sentence enhancer

- Proportionality in sentencing – the time fits the crime
- Reduce jail time for crimes associated with at-risk offenders, including those experiencing homelessness and those with behavioral health challenges
- Advances criminal justice reform efforts
- Adding a bias-motivated offense component harmonizes with state law and bridges an existing gap at the local level
- Removes the unintended consequence of subjecting people who are otherwise here legally to the risk of deportation for low level offenses, while not shielding violent offenders
- Reinforces the City’s commitment to creating a safe and welcoming environment for all residents

- Denver County Courts
- Chief State Judge
- Municipal & State Public Defenders
- Municipal & State Probation
- Denver District Attorney
- Safety agencies
- Community Corrections
- Office of Community Impact
- Criminal Justice Reform Coalition
- Ministerial Alliance
- Drug Policy Alliance
- ACLU
- NAACP
- PPA & FOP
- Anti-Defamation League
- Justice Coordinating Council
- Downtown Denver Partnership – Regulatory Working Group
- Colorado Latino Forum
- Denver Justice Project
- Colorado Immigrant Rights Coalition
- Meyer Law Firm
- The Living Waters Project

- Committee – 5/3
- Mayor-Council – 5/9
- First Reading – 5/15
- Final Reading – 5/22
- Effective Date – 6/1