

AGENDA ITEM SUMMARY

City Council



STAFF

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SUBJECT

Items Relating to Municipal Court Sentencing and Default Code Updates.

EXECUTIVE SUMMARY

A. First Reading of Ordinance No. 058, 2026, Amending Certain Provisions of the Code of the City of Fort Collins Concerning Default Judgments to Extend the Time to File a Motion to Set Aside a Default Judgment.

B. First Reading of Ordinance No. 059, 2026, Repealing and Reenacting as Amended Section 1-15 of the Code of the City of Fort Collins Concerning General Penalties to Align with State Law Following *In re People v. Camp* and *In re People v. Simons*.

The purpose of this item is to amend provisions of the City Code to align the City's penalty framework and related procedures with recent Colorado Supreme Court decisions in *In re People v. Camp* and *In re People v. Simons* as phase 1 of the Municipal Court sentencing Code update.

These decisions clarify that municipalities may not impose penalties that exceed those authorized under state law for substantially similar conduct. The proposed amendments establish a sentencing structure consistent with state law, ensure that municipal penalties do not exceed applicable state limits, and improve clarity within the Code.

The Municipal Court and City Prosecutor's Office have been operating in compliance with these decisions since they were published. The proposed amendments formalize current practice and provide clear guidance moving forward.

Additionally, the two sections of the Code will be updated to increase the time period a defendant has to file a request to set aside a default judgment from seven to fourteen days.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on First Reading.

BACKGROUND / DISCUSSION

On December 22, 2025, the Colorado Supreme Court issued decisions in *In re People v. Camp* and *In re People v. Simons*, holding that municipal sentencing schemes that impose harsher penalties than state law

for the same or substantially similar conduct are preempted by state statute. The ruling does not impact traffic infractions.

In response to these decisions, the City Attorney's Office, in coordination with the Municipal Court, promptly reviewed and updated prosecutorial and judicial practices. Since issuance of the decisions, the Municipal Court has not imposed any sentence that exceeds the limits authorized under state law.

No individuals are currently in custody serving a sentence that would be considered unlawful under the *Camp* and *Simons* decisions.

The proposed amendments represent a coordinated, phased update to the City Code and include three ordinances:

Amendments to Section 1-15 (General Penalties):

This Ordinance repeals and reenacts Section 1-15 to establish a sentencing framework aligned with state law, clarify penalty classifications, and ensure that penalties for substantially similar conduct do not exceed state-authorized limits.

Amendments to Default Judgment Provisions:

This Ordinance updates two Code provisions to extend the time period within which a defendant may file a motion to set aside a default judgment, improving access to the court process and ensuring consistency with current municipal court practices.

Phase 2 of the Municipal Court sentencing updates will be brought to Council soon and will address the penalty range for specific offenses in the Code that have a state law equivalent charge.

KEY CONSIDERATIONS

Compliance with State Law: The Ordinances ensure the City's penalty provisions comply with state law and recent Supreme Court guidance.

Current Practice Already Aligned: The Municipal Court and prosecutors are already applying these standards; the Ordinances formalize those practices.

Risk Mitigation: Updating the Code reduces potential legal challenges related to sentencing and provides clearer notice to defendants and the public.

Phased Approach: These initial Ordinances represent the first phase of a broader effort to align the City Code with state law and improve clarity and consistency. The second phase will address the penalty range for specific offenses in the Code.

CITY FINANCIAL IMPACTS

There is no significant direct financial impact associated with these amendments.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

The City has received correspondence from external organizations regarding the *Camp* and *Simons* decisions. Staff will continue to bring forward other changes to Council as the Code review progresses.

ATTACHMENTS

1. Ordinance No. 058, 2026
2. Ordinance No. 059, 2026