August 18, 2026

AGENDA ITEM SUMMARY
City Council

STAFF

Dawn Downs, Deputy City Attorney
Alyssa Bamonti, Assistant City Attorney

SUBJECT

Items Relating to Municipal Court Sentencing Penalties and Other Updates to the Criminal Code.

EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 089, 2026, Amending Portions of Chapter 1 of the Code of the City of Fort Collins to Align with State Law and Making Other Related Updates and Corrections.

B. Second Reading of Ordinance No. 090, 2026, Amending Portions of Chapter 4 of the Code of the City of Fort Collins to Align with State Law and Making Other Related Updates and Corrections.

C. Second Reading of Ordinance No. 091, 2026, Amending Portions of Chapter 9 of the Code of the City of Fort Collins to Align with State Law and Making Other Related Updates and Corrections.

D. Second Reading of Ordinance No. 092, 2026, Amending Portions of Chapter 17 of the Code of the City of Fort Collins to Align with State Law and Making Other Related Updates and Corrections.

E. Second Reading of Ordinance No. 093, 2026, Amending Section 20-42 of the Code of the City of Fort Collins to Align with State Law and Making Other Related Updates and Corrections.

F. Second Reading of Ordinance No. 094, 2026, Amending Sections 23-193 and 23-203 of the Code of the City of Fort Collins to Align with State Law and Making Other Related Updates and Corrections.

G. Second Reading of Ordinance No. 095, 2026, Amending Sections of the Fort Collins Traffic Code to Align with State Law and Making Other Related Updates and Corrections.

These Ordinances, unanimously adopted on First Reading on July 21, 2026, amend provisions of the City Code and Traffic 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 2 of the Municipal Court sentencing Code update.

There are additional amendments being made to a few of the Code sections to track state law updates that have been made to those charges over time. The proposed amendments formalize current practice, improve clarity, provide clear notice to the public, law enforcement and the court, and will ensure consistency in charging and sentencing.

Proposed changes for Second Reading to Ordinances No. 090, 2026, No. 092, 2026, No. 094, 2026, and No. 095, 2026, are to keep the language of the Code consistent throughout, to make minor

corrections, and for necessary modifications identified upon further review after First Reading and public comment.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

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. Many of the proposed amendments in this agenda item specify the level of each offense per the new sentencing structure adopted in June 2026 and improve clarity within the Code.

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 Chapter 1 (General Penalties):

Updates to Section 1-15 are being proposed to allow for escalation of some civil penalties to escalate to the state level equivalent and to reorganize the restitution section.

An amendment to Section 1-19 is being proposed to help clarify the mental state (mens rea) required for an offense if no specific mental state requirement is stated. This amendment will explicitly state that the default mental state for an offense is strict liability and will help provide clarity and notice to the public and all parties to a case.

An amendment to Section 1-25 will allow probation to be considered as a sentencing alternative in misdemeanor traffic offenses. The current Code does not allow for probation, however offering an additional sentencing alternative other than fines and jail is a benefit to help ensure a safe community and also positively impact the drivers of these offenses.

Amendments to Chapters 4, 9, 17, 20-42, 23-193, 23-203, and the Fort Collins Traffic Code

Many of the proposed amendments in this Phase 2 of the Municipal Court sentencing updates address the penalty range for specific offenses in the Code per the new sentencing structure adopted in June 2026, and improve clarity within the Code.

There are additional amendments being made to a few of the Code sections to track state law updates that have been made to those charges over time. Adopting the same updates to the identical Municipal Code will help improve clarity, provide clear notice to the public, and ensure consistency in charging and sentencing between courts.

A few Code sections are being repealed. These sections are outdated and have either merged with other similar existing Code sections or are no longer available for prosecution in Municipal Court due to changes in the state law through legislation.

There are a significant number of City Code sections that are being proposed for amendment during phase 2 of the City Code sentencing update to comply with state law. The City Attorney's Office will continue to review of the Code for any additional provisions that are discovered that need updated and will address hose updates in future ordinances.

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 Ordinances represent the second phase of a broader effort to align the City Code with state law and improve clarity and consistency. The phase addresses the penalty range for specific offenses in the Code. It also includes amendments for clarity within the Code and repeal of outdated Code provisions.

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

First Reading attachments available in July 21, 2026, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/.

1. Ordinance No. 089, 2026
2. Ordinance No. 090, 2026
3. Ordinance No. 091, 2026
4. Ordinance No. 092, 2026
5. Ordinance No. 093, 2026
6. Ordinance No. 094, 2026
7. Ordinance No. 095, 2026