

ORDINANCE NO. 182, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 17-126 OF THE CODE OF THE CITY OF
FORT COLLINS TO REMOVE THE PHRASE "INTENDED TO
HARASS" AND TO AMEND "HE OR SHE" TO "THEM"

A. On March 28, 2022, the Colorado Supreme Court issued an opinion in *People v. Moreno*, 506 P.3d 849 (Colo. 2022), that found that the phrase "intended to harass" in Colorado Revised Statutes Section 18-9-111(1)(e), was overbroad and unconstitutional.

B. Currently the analogous City Code Section 17-126(a)(4) includes the same phrase "intended to harass" which is identical language to the portion of the state statute deemed unconstitutional.

C. This Code amendment is only necessary for the crime of harassment contained in City Code Section 17-126(a)(4); therefore no other subsections of Section 17-126 or other sections of City Code are impacted.

D. Additionally, the current Code section uses "he or she". To be inclusive, it is proposed to change the language to "them" or "they".

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 17-126 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-126. - Harassment.

(a) A person commits harassment if, with intent to harass, annoy or alarm another person, ~~he or she~~ **they**:

(1) ~~Strikes, shoves, kicks or otherwise touches a person or subjects him or her~~ **them** to physical contact; or

(2) In a public place ~~directs obscene language or makes an obscene gesture to or at another person; or~~

(3) Follows a person in or about a public place; or

(4) ~~Initiates communication with a person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network or computer system in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request,~~

suggestion or proposal by telephone, computer, computer network or computer system which is obscene; or

(5) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or

(6) Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property; or

(7) Repeatedly insults, taunts or challenges another in a manner likely to provoke a violent or disorderly response.

...

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on the December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024
Approving Attorney: Alyssa Bamonti