

AGENDA ITEM SUMMARY

City Council



STAFF

Jeremy Yonce, Lieutenant, Police Services Professional Standards

SUBJECT

Items Relating to Amending Chapter 17 of City Code to Align with State Statutes.

EXECUTIVE SUMMARY

- A. First Reading of Ordinance No. 180, 2024, Amending Section 17-1 of the Code of the City of Fort Collins to Add Definitions of “Deadly Weapon” and “Firearm”.
- B. First Reading of Ordinance No. 181, 2024, Amending Section 17-124(3) of the Code of the City of Fort Collins to Comport with State Law Regarding Disorderly Conduct.
- C. First Reading of Ordinance No. 182, 2024, Amending Section 17-126(a)(4) of the Code of the City of Fort Collins to Remove the Phrase “Intended to Harass” and Amend “He or She” to “Them”.

The purpose of this item is to update the City Code in order to align with State statute and recent case law.

STAFF RECOMMENDATION

Staff recommends adoption of these Ordinances on the First Reading.

BACKGROUND / DISCUSSION

The purpose of the proposed City Code amendments is to update outdated Code provisions involving criminal violations. These updates are based on state statutory changes and case law related rulings.

Deadly Weapon and Firearm Definitions

Current City Code does not define “deadly weapon” or “firearm”, although both “deadly weapon” and “firearm” are used in various places throughout the Code such as Assault contained in City Code Section 17-21 and Disorderly Conduct contained in Section 17-124. State statutes define both “deadly weapon” and “firearm”. The proposed Code amendment would adopt the state definition of “deadly weapon” and “firearm” which will provide clarity and allow for a more fair and equitable application of the law in Municipal Court.

Disorderly Conduct and Simulated Firearm

The state statute of Disorderly Conduct, Colorado Revised Statutes Section 18-9-106(1)(f), was amended to in 2021, effective March 1, 2022. The state law now defines disorderly conduct as conduct to include the use of a simulated firearm. Currently the analogous City Code Section 17-124(3) does not contain the simulated firearm language. This Code update would adopt the same language to comport with state law for Disorderly Conduct offenses. There have been incidents that occurred in the City where a party was not held accountable under City Code Section 17-124(3) because the weapon used involved a simulated firearm not an actual firearm.

Harassment

On March 28, 2022, the Colorado Supreme Court issued an opinion in *People v. Moreno*, 506 P.3d 849 (Colo. 2022), that found the phrase “intended to harass” in Colorado Revised Statutes Section 18-9-111(1)(e), was overbroad and unconstitutional. Currently City Code Section 17-126(a)(4) includes the phrase “intended to harass”. This change would remove the phrase “intended to harass”. Additionally, the current Code provision also uses “he or she”. To be inclusive, it is proposed to change the language to “them”.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance A for Consideration
2. Ordinance B for Consideration
3. Ordinance C for Consideration