

AGENDA ITEM SUMMARY

City Council



STAFF

Alyssa Bamonti, Assistant City Attorney

SUBJECT

First Reading of Ordinance No. 131, 2026, Amending Portions of Section 1-15 of the Code of the City of Fort Collins Concerning General Penalties to Allow Restitution for Victims of Misdemeanors, Petty Offenses, and Civil Infractions, to Clarify what can be Requested as Restitution, and to Correct Cross References to Section 1-15.

EXECUTIVE SUMMARY

The purpose of this item is to amend City Code Section 1-15 to align its restitution provision.

City Code currently expressly allows for restitution for victims of misdemeanor offenses. This has been the language in the Code since 2005. Because the recent sentencing Code updates have reclassified many prior misdemeanor offenses as civil infractions or petty offenses, the Code must be amended to provide clarity of the intention to allow for restitution on offenses now classified as infractions and petty offenses, which include commonly charged offenses such as theft under \$300, criminal mischief under \$300, animal at large, and public nuisance.

The proposed amendments ensure that restitution can be made to victims of all non-traffic offenses and clarifies the categories of expenses that can be compensated through restitution.

There is also an error in the lettering of Section 1-15. This proposed amendment would correct that error to re-letter the Restitution section to subsection (f) and the Penalties section to subsection (g).

The Ordinance also directs the codifier of the Code of the City to amend sections of the City Code to remove references to specific subsections of Section 1-15 and replace such references with general references to Section 1-15.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

On June 2, 2026, amendments to Section 1-15 (General Penalties) were enacted. These amendments included reclassification of all municipal offenses to align with state law. The reclassifications meant that many offenses were reduced from misdemeanors to petty offenses or civil infractions. Phase 2 of the Municipal Court sentencing updates specified the penalties for specific offenses. This went into effect on August 18, 2026.

Upon closer review of Section 1-15 after the updates, staff noticed that as currently written, Code Section 1-15 only allows for restitution on misdemeanor offenses. This was inadvertently missed by staff during the previous Code changes that reclassified many offenses, such as theft under \$300, criminal mischief under \$300, and public nuisance, to petty offenses or civil infractions. As currently written, the Code does not allow for restitution for victims of those offenses.

Historically the City has never requested restitution on traffic matters as it has been prohibited by the City Code. Traffic matters are usually covered by insurance.

Defining restitution on what can and cannot be considered in a restitution request provides clarity for all involved and allows victims to be made whole for any damages or bills they incurred when the crime was committed.

Staff also realized the lettering of Code Section 1-15 is incorrect and goes from (e) to (g). This proposed amendment corrects the lettering to include the Restitution section as subsection (f) and the Penalty section as subsection (g) and directs the codifier to amend the Code to general references to Section 1-15.

KEY CONSIDERATIONS

“Victim” includes not only community members and businesses, but also the City itself.

To ensure that the City is doing as much as it can to make victims of non-traffic offenses whole again, staff requests an amendment to Code Section 1-15 to allow for restitution for victims of all non-traffic offenses. Prior to the most recent Code updates, there have been situations where requesting restitution on civil infractions was necessary.

This proposed amendment corrects an inadvertent omission that will allow the City to request restitution in the same ways as has been done in the past.

Defining what the categories that “restitution” can include will help both victims in making requests and defendants in deciding whether to accept or challenge a restitution request.

General references to Section 1-15 serve the purpose of putting the community on notice of penalties.

CITY FINANCIAL IMPACTS

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

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS / LINKS

1. Ordinance No. 131, 2026