



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: June 21, 2021

SUBJECT: **Public Hearing - First Reading** – Ordinance 2021-199, An Ordinance Amending Section 10-61 and Section 10-71 of the Johnstown Municipal Code Concerning the Jurisdictional Limit for Criminal Mischief and Theft

ACTION PROPOSED: Consider First Reading of Ordinance No. 2021-199

ATTACHMENTS:

1. Ordinance No. 2021-199
2. Copy of current municipal code

PRESENTED BY: Chief Phillips, Chief of Police
Avi Rocklin, Town Attorney

AGENDA ITEM DESCRIPTION: Article IV of Chapter 10 of the Johnstown Municipal Code (“Code”) regulates offenses against property, including theft and criminal mischief. Pursuant to the Code, the Johnstown Municipal Court may only exercise jurisdiction over theft when the value of the property at issue is less than Two Hundred Dollars (\$200.00). The Code does not contain a jurisdictional limit for criminal mischief.

The Johnstown Police Department currently issues summonses for petty theft for amounts more than \$200.00 into the county courts. Town Staff does not believe this is efficient and recommends that the jurisdictional limit for theft and criminal mischief be set in an amount that is less than Seven-Hundred and Fifty Dollars (\$750.00). With that increase, more matters will be able to be heard and tried in the Johnstown Municipal Court.

The proposed ordinance provides for the following amendments to theft and criminal mischief offenses:

- Section 10-71 - Petty Theft: “It shall be unlawful for any person knowingly to obtain or exercise control over anything of another where the value is less than seven hundred fifty (\$750.00) without authorization, by threat or deception or knowing said thing of value to have been stolen . . .”

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- Section 10-61 - Criminal Mischief: “It shall be unlawful for any person to intentionally damage the real or personal property of one (1) or more other persons in the course of a single criminal episode, where the aggregate damage to the real or personal property is less than seven hundred fifty dollars (\$750.00).”

LEGAL ADVICE:

The Town Attorney prepared Ordinance No. 2021-199.

FINANCIAL ADVICE:

N/A

RECOMMENDED ACTION: Approve Ordinance No. 2021-199

SUGGESTED MOTIONS:

For Approval: I move to approve Ordinance No. 2021-199, an Ordinance Amending Section 10-61 and Section 10-71 of the Johnstown Municipal Code Concerning the Jurisdictional Limit for Criminal Mischief and Theft.

For Denial: I move to deny approval of Ordinance No. 2021-199, an Ordinance amending Section 10-61 and Section 10-71 of the Johnstown Municipal Code Concerning the Jurisdictional Limit for Criminal Mischief and Theft.

Reviewed and Approved for Presentation,



Town Manager

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