



Town of Johnstown

TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

AGENDA DATE: July 7, 2021

SUBJECT: 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 Final Approval of Ordinance No. 2021-199

ATTACHMENTS: 1. Ordinance No. 2021-199

PRESENTED BY: Brian 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 . . .”
- 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

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

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 the Ordinance as presented upon second reading.

Reviewed and Approved for Presentation,

A handwritten signature in blue ink, appearing to be 'W. J. C.', is written above a horizontal line.

Town Manager

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141