

Ordinance 02- 2026 – Littleton City Code 1-4-1 General Penalty

JANUARY 6, 2026



Home-Rule Authority in Colorado

Since 1902, Article XX, Section 6 of the Colorado Constitution grants authority to home-rule municipalities

Authority includes:

- Creation of municipal courts
- Imposition of penalties for ordinance violations

Local vs. Statewide Concern vs. Mixed

Purely Local Concern

- Home-rule law governs over state law

Statewide Concern

- State law governs over municipal law

Mixed Local & Statewide Concern

- Municipalities may legislate unless there is a conflict with state law
If a conflict exists, state law controls

Existing Statutory Sentencing Authority

C.R.S. § 13-10-113

- o Maximum municipal court penalty:
 - o Up to 364 days jail
 - o And/Or up to \$2,650 fine

Littleton City Code 1-4-1 (General Penalty)

- o Adopts state law maximum penalties for ordinance violations as set forth above.

Colorado Supreme Court Decision (Dec. 22, 2025)

In re People v. Camp
In re People v. Simons

Decisions affect:

- Municipal court sentencing authority
- Criminal ordinances with corresponding state charges

Key issue:

- Whether municipal penalties may exceed state penalties for the same conduct

People v. Camp (Westminster Municipal Court)

Defendant charged with petty theft
Alleged value: \$500 (now amended to \$300)

State Law Theft Penalties

- \$300–\$1,000: Class 2 misdemeanor
- Up to 120 days jail
- And/or \$750 fine

- Under \$300 value: Petty offense
- Up to 10 days jail
- And/or \$300 fine

People v. Simons (Aurora Municipal Court)

Defendant charged with:

- Motor vehicle trespass
- Trespass

State Law Trespass Penalties

- Motor vehicle trespass:
 - Class 2 misdemeanor
 - Up to 120 days jail
 - And/or up to \$750 fine
- Trespass:
 - Petty offense
 - Up to 10 days jail
 - And/or up to \$300 fine

Legal Challenge by Defendants

Defendants argued:

- o Municipal penalties greatly exceeded state penalties
- o Same conduct punished more harshly at municipal level

Claimed preemption because:

- o Criminal sentencing is a mixed local and statewide concern; and as such the municipal court's penalties conflict with state law

Colorado Supreme Court Holding

Regulation and sentencing of non-felony criminal matters:

- ❑ A matter of mixed local and statewide concern. The 2021 Misdemeanor Reform Act was an attempt to create uniform sentencing.

When state and municipal laws prohibit the same conduct:

- ❑ State sentencing caps control

Municipal penalties may not exceed state maximums for the same conduct

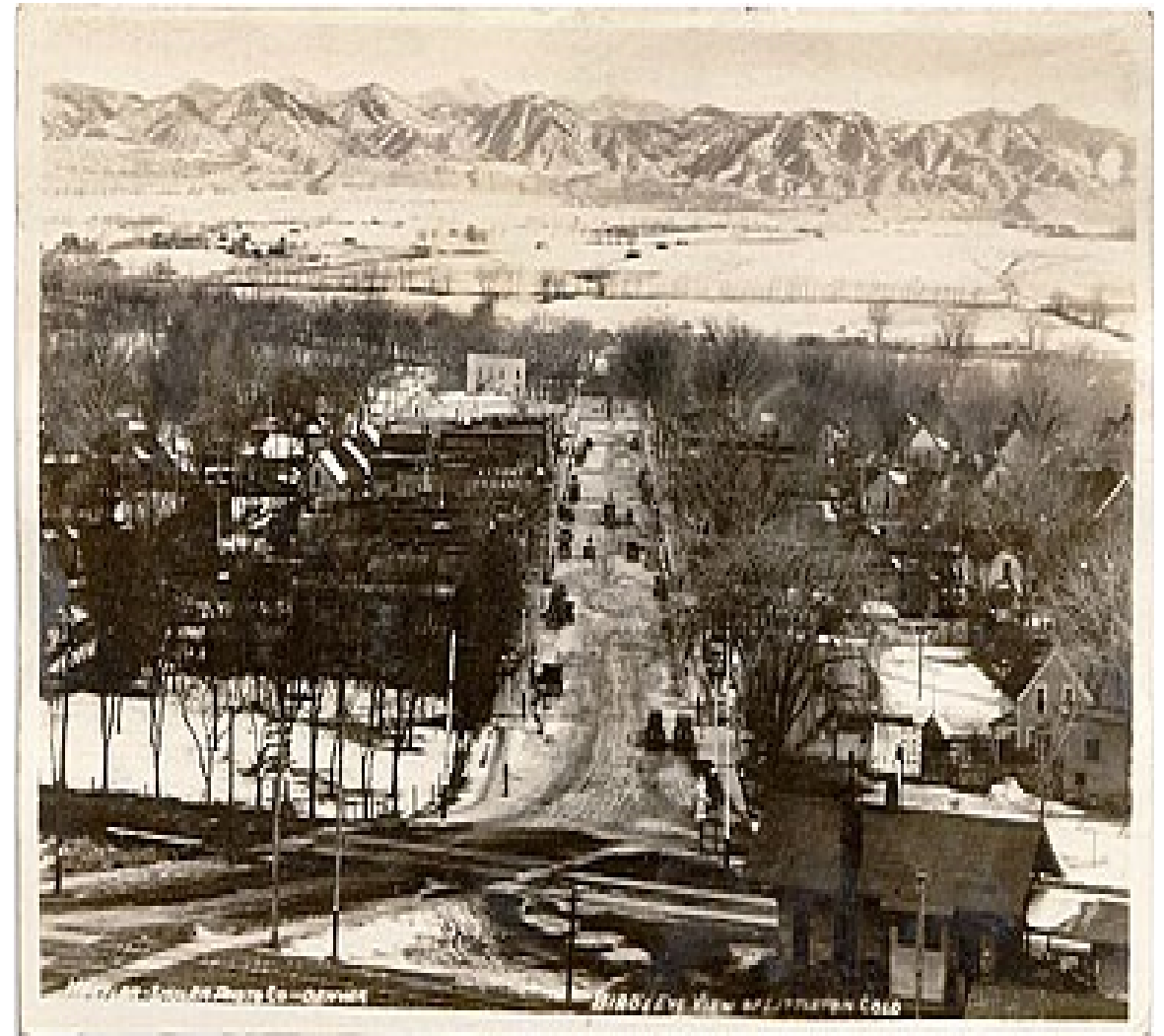
Proposed change to 1-4-1 General Penalty

The proposed change is an addition to clarify our maximum sentences:

WHENEVER THERE EXISTS A NON-FELONY CRIMINAL VIOLATION WHERE THE PROHIBITED CONDUCTS IS IDENTICAL TO A CORRESPONDING CHARGE IN COLORADO STATE LAW, THE MAXIMUM SENTENCE AT THE COLORADO STATE LAW SHALL CONTROL.

Potential Concerns

- Extension of the Court's rationale to traffic-related offenses.



Questions?

