

# Ordinance 05 - Littleton City Code 1-4-1 General Penalty

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MARCH 3, 2026



# Home-Rule Authority in Colorado

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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

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## **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

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## **C.R.S. § 13-10-113**

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

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

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

# Colorado Supreme Court Decision (Dec. 22, 2025)

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**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)

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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)

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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

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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

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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

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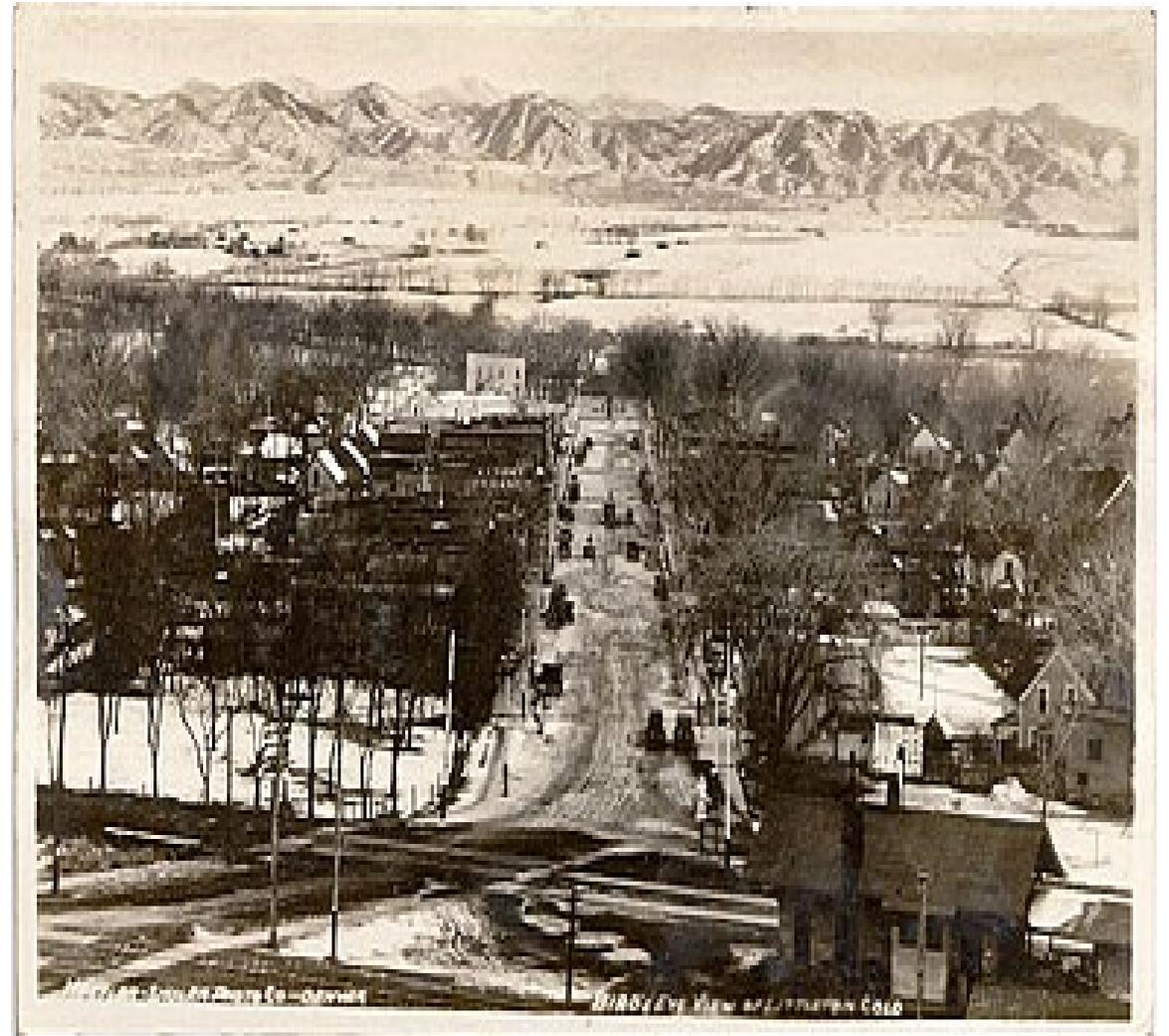
**The proposed change is an addition to clarify our maximum sentences:**

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

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



Questions?

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