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The Honorable Colorado State House of Representatives
75th Colorado General Assembly
First Regular Session
Colorado State Capitol
200 East Colfax Avenue
Denver, CO, 80203

Dear Honorable Members of the Colorado State House of Representatives:

Today, I vetoed House Bill 25-1147 (HB 25-1147), "Fairness & Transparency in Municipal Court" at 2:02 pm.

HB 25-1147 would make the maximum sentence for a municipal ordinance violation equivalent to the sentence for a comparable state-level criminal offense. If a municipal ordinance has no comparable state-level offense, the maximum penalty is equivalent to a state-level petty offense penalty. The bill also clarifies that defendants in municipal court have the right to counsel, and that court proceedings need to be open to public observation, including virtual observation for all in-custody proceedings.

I appreciate the bill sponsors' good intentions of bringing forward policies that address transparency and the right to counsel in municipal court. However, the bill also significantly restricts a municipality's ability to react to local crime trends in ways that a local government deems most appropriate to improve public safety in their community. It is not in the interest of increasing public safety to constrain a municipality's ability to set appropriate sentences for crimes within their borders. Criminal justice and public safety issues are a shared concern among state and local lawmakers, and municipalities must have the ability to adopt laws to increase public safety based on the public safety challenges on the ground in each community.

I heard from police chiefs, cities and towns, mayors, victim advocates, and business groups from around the state about the detrimental effect that this bill would have on public safety should it become law. Specifically, this bill would undermine numerous local ordinances that have been thoughtfully debated and adopted to address locality-specific crimes, including bike theft, assault, and domestic violence. This is especially the case when municipalities have ordinances that do not have state-level analogs. For example, I heard concerns from Denver that their assault ordinance contains different elements than that of the state-level offense, and would not be considered a comparable offense under the bill. This means that under HB 25-1147, the maximum penalty for an individual convicted of a domestic violence assault under Denver's ordinance would be reduced from a maximum potential penalty of 300 days in jail with up to a \$999 fine, to a maximum of 10 days in jail and/or a fine of \$300. Whether intended or not, the reduction of penalties for crimes such as assault does not serve the interests of victims or hold offenders accountable.

Further, this bill runs counter to previous legislation that I have signed giving more tools to local governments to improve public safety. For example, in 2021, I signed Senate Bill 21-256, which deemed the regulation of firearms to be a matter of state and local concern and allowed local governments to pass laws regarding firearms that are more stringent than state law.

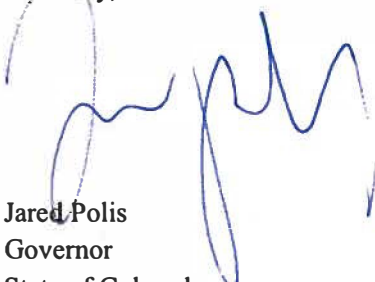
Additionally, the Colorado Supreme Court heard oral arguments this week in two cases related to the sentencing scheme in this bill, and it would be informative to see how the Court rules before changing the law.

While I oppose certain elements of the bill regarding limits on municipal sentencing, I applaud the sponsors for including provisions that clarify that a defendant in municipal court has the right to counsel. This should already be the case, but I support clarifying this right in statute. I also applaud the sponsors for working to provide more transparency in municipal court by clarifying that proceedings should be open to the public, including through online platforms. During the legislative process, the Colorado Municipal League offered amendments that would have narrowed the bill to these two topics, though their amendments were rejected. I would support a bill focused on those provisions, or a bill more narrowly tailored to specific crimes where penalties between the state and local criminal codes are far out of balance. I also support efforts to connect municipal defendants with resources and services to help address underlying challenges with mental health, substance use, and housing instability, and would support legislative efforts in this space.

The far-reaching sentencing changes contemplated in HB 25-1147 could have been better examined by a successor entity to the Commission on Criminal and Juvenile Justice (CCJJ), with multidisciplinary stakeholders from all aspects of the criminal justice system at the table to come to consensus recommendations on the policy. In the absence of a successor entity to the CCJJ to examine difficult criminal justice issues with the benefits of data, research, and time, I urge the legislature to work with the many stakeholders impacted by municipal sentencing to find a more nuanced approach.

For the reasons stated above, HB25-1147 is disapproved and vetoed.

Sincerely,



Jared Polis
Governor
State of Colorado

VETO

cc: Jena Griswold, Colorado Secretary of State