



## Law Enforcement, Municipal and Business Associations Form Coalition to Oppose HB 1169 ‘No Arrest’ State Legislation

FOR IMMEDIATE RELEASE

**Contact:** Sandra Hagen Solin, Capitol Solutions, 303-810-1914

**Summary:** House Bill 23-1169 by Representative Bacon (D-Denver) would create a new state law prohibiting law enforcement officers from making arrests for misdemeanors such as trespassing, indecent exposure, petty theft and loitering. HB 1169 is scheduled for a hearing in House Judiciary committee on Tuesday March 7 at 1:30 PM.

DENVER—The Colorado Association of Chiefs of Police, County Sheriffs of Colorado, Colorado Municipal League, Colorado Retail Council, International Council of Shopping Centers, Building Owners and Managers Association, Colorado Wyoming Petroleum Marketers and the Northern Colorado Legislative Alliance, and its member organizations, have taken a position of Opposed to HB 1169.

“This bill will tie the hands of our state’s law enforcement professionals at a crucial time when crime is increasing in Colorado,” said Colorado Association of Chiefs of Police President and Estes Park Police Chief Dave Hayes.

“The success of businesses in our cities and towns is vital to the provision of essential services, a strong sense of community, and the economic vitality of CML’s 270 member municipalities,” said Kevin Bommer, Executive Director of the Colorado Municipal League.

“Our communities are asking law enforcement to get tougher on crime and to protect the public’s safety,” said Sheriff James Van Beek of Eagle County, president of the County Sheriffs of Colorado. “Legislation like this does just the opposite by requiring law enforcement to look the other way on crimes that impact public safety, hurt local businesses and put employees and customers in harm’s way.”

“Colorado retailers play an important part in maintaining the vitality of our neighborhoods. They are already experiencing daily challenges with trespassing, product theft, harassment of customers, and illegal drug use in their stores. If House Bill 1169 were to pass and law enforcement could not make arrests, we are certain that these problems would be exacerbated, not improved,” said Christopher Howes, President of the Colorado Retail Council.

“Passage of HB 1169 will have further eroding effect on our society,” said Sandra Hagen Solin, head of the Northern Colorado Legislative Alliance, the joint public policy arm of the Fort Collins, Loveland and Greeley Chambers of Commerce. “The authority to arrest to intervene in illegal activity, even those deemed ‘low level’ is critical for law enforcement to keep peace and order across Colorado.”

“Small convenience stores are 70 percent owned by Colorado families. These folks take money out of family budgets to buy the products they offer to the communities we serve. This legislation says that a person can willfully disregard the stores that people use to provide for their own families,” said Grier Bailey of the Colorado Convenience Store Association. “Taking tools away from our law enforcement partners is the wrong direction for Colorado to go and gives a shop owner no options if someone harming their family business. This proposal harms communities.”

**Offenses Covered Under HB 1169:**

<b>OFFENSE</b>	<b>STATUTE</b>	<b>CLASS</b>	<b>MAXIMUM PENALTIES</b>
<b>Harassment - Obscene Language</b>	18-9-111(1)(b)	PO	\$750; 120 days jail
<b>Prostitution</b>	18-7-201	PO	\$100; 10 days jail
<b>Prostitution - Soliciting</b>	18-7-202	PO	\$100; 10 days jail
<b>Prostitution - Patronizing</b>	18-7-205	PO	\$100; 10 days jail
<b>Public Indecency – Sexual Intercourse</b>	18-7-301(1)(a)	PO	\$100; 10 days jail
<b>Public Indecency – Lewd Exposure</b>	18-7-301(1)(c)	PO	\$100; 10 days jail
<b>Public Indecency – Lewd Fondling</b>	18-7-301(1)(d)	PO	\$100; 10 days jail
<b>Public Indecency – Expose Genital</b>	18-7-301(1)(e)	PO	\$100; 10 days jail
<b>Arson (2<sup>nd</sup> Degree) – Less than \$300 Damage</b>	18-4-103(1),(2)(a)	PO	\$100; 10 days jail
<b>Criminal Mischief Less than \$300</b>	18-4-501(1),(4)(a)	PO	\$300; 10 days
<b>Disorderly Conduct – Fighting in Public</b>	18-9-106(1)(d)	PO	\$300; 10 days jail
<b>Disorderly Conduct – Noise</b>	18-9-106(1)(c)	PO	\$300; 10 days jail
<b>Disorderly Conduct – Offensive Gesture, Utterance, Display</b>	18-9-106(1)(a)	PO	\$300; 10 days jail (unless re: funeral than M2)
<b>Escape – In Custody but Not Convicted</b>	18-8-208(5)	PO	\$300; 10 days jail
<b>Fraud By Check - Less Than \$300</b>	18-5-205(2),(3)(a.7)	PO	\$100; 10 days jail

<b>Pawnbroker - False Information Less than \$300</b>	29-11.9-103(1);29-11.9-104(5)(a)	PO	\$100; 10 days jail
<b>Possession/Consumption of Alcohol or Marijuana by Underage Person</b>	18-13-122(3)(a)	Unclass. PO	\$100 fine and mandatory SAET; see statute for second and third convictions
<b>Possession of Forged Instrument Second Degree</b>	18-5-107	PO	\$100; 10 days jail
<b>Possession/Consumption of Marijuana by Underage Person</b>	18-13-122(3)(b)	Unclass. PO	\$100 fine and mandatory SAET; see statute for second and third convictions
<b>Trespass (2<sup>nd</sup> Degree) – Enclosed or Fenced Premises</b>	18-4-503(1)(a)	PO	\$100; 10 days jail
<b>Trespass (2<sup>nd</sup> Degree) – Hotel, Motel, Condo, Apt Building</b>	18-4-503(1)(b)	PO	\$100; 10 days jail
<b>Trespass (3<sup>rd</sup> Degree) – Premises</b>	18-4-504(1)	PO	\$100; 10 days jail
<b>Unauthorized Use of a Financial Transaction Device Under \$300</b>	18-5-702(1),(3)(c)	PO	\$100; 10 days jail
<b>Dangerous Dog – Damage Property</b>	18-9-204.5(3)(a), (e)(III)(B.5)	PO	\$300; 10 days jail
<b>Dog Offenses – Unregistered Dog</b>	30-15-101(1)(a)(I); 30-15-102(1)	PO	\$300; 10 days jail
<b>Dog Offenses – Dog at Large</b>	30-15-101(1)(a)(II); 30-15-102(1)	PO	\$300; 10 days jail
<b>Dog Offenses – Vicious Dog</b>	30-15-101(1)(a)(III); 30-15-102(1)	PO	\$300; 10 days jail
<b>Dog Offenses – Barking Dog</b>	30-15-101(1)(a)(VI); 30-15-102(1)	PO	\$300; 10 days jail
<b>Possession of Drug Paraphernalia</b>	18-18-428	DPO	\$100