



COLORADO  
MUNICIPAL  
LEAGUE



**NO**  
**HB25-1147**



# CML respectfully requests your **NO** vote on HB25-1147

## Fairness & Transparency in Municipal Court

### WHAT DOES THE BILL DO?

The bill unconstitutionally caps penalties for municipal offenses at the same level as similar state offenses and imposes arbitrary caps on penalties for municipal offenses with no comparable state offense. The bill also includes provisions addressing the already well-established right to counsel for indigent municipal court defendants facing the possibility of jail time and expanding the livestreaming mandates on courts.

### WHY YOU SHOULD VOTE NO

**Eliminating municipal sentencing authority prevents municipalities from creating safe and fair communities for all:**

- The bill violates the Colorado Constitution, which expressly authorizes home rule municipalities to establish their own penalties for violations of municipal ordinances. Municipalities use that authority to address unique community safety concerns to protect their residents and businesses. **Simply put, municipal sentencing is a matter of local concern that does not deny defendants equal protection.**
- Despite sensational suggestions of abuse, most municipal penalties ultimately differ very little from state sentences and are imposed in accordance with due process of law. **Examples of longer jail sentences offered to support the bill are rare exceptions, only used in extreme cases where the facts support the longer sentence.** Stories about extreme penalties for seemingly minor offenses lack additional context and details that justify the penalties imposed.
- **The bill could have negative consequences for state courts and community safety.** Currently, municipal courts relieve state courts of the burden of hearing lower-level cases and give appropriate attention to impactful minor crimes. Municipal courts also offer accessibility to victims, defendants, and witnesses that the state court system cannot provide.
- The bill is premature given the three pending cases in the Colorado Supreme Court that could resolve the issues presented in the bill or provide contours for future discussions. CML welcomes conversations about municipal sentencing **but believes those discussions must take place after the Supreme Court rules.**

**Court transparency & right to counsel provisions still go too far:**

- While CML supports fairness and transparency in municipal courts, including ensuring access to counsel for indigent defendants facing possible jail time, even after the amendments in committee, the bill goes too far. The bill's provisions on right to counsel appear to conflict and are difficult to follow. Additionally, the expansion of the livestreaming requirements places undue financial burdens on municipal courts and fails to respect judicial authority over the operation of courtrooms.

**CML RESPECTFULLY ASKS FOR YOUR NO VOTE ON HB25-1147**