

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 20

DATE: August 19, 2003

FROM: Gary Perman

SUBJECT:

First Reading of Ordinance No. 112, 2003, Amending Article III of Chapter 17 of the City Code Pertaining to Offenses Against Property.

RECOMMENDATION:

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY:

Like the State, the City of Fort Collins has maintained laws in its Code against theft of rental property, concealment and criminal mischief. Currently, under State law, such crimes may be considered either a misdemeanor or a felony, depending upon the amount of dollar loss. Under the City Code such crimes are misdemeanors if the value of the property stolen, concealed or damaged is less than \$400. These crimes under the State statutes are considered misdemeanors if the value of the property is less than \$500.

This Ordinance amends Sections 17-37, 17-38, 17-39 to raise the value limit of property to \$500, which will be consistent with State Statutes relating to theft of rental property, concealment and criminal mischief.

ORDINANCE NO. 112, 2003
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE III OF CHAPTER 17 OF THE CODE
OF THE CITY OF FORT COLLINS
PERTAINING TO OFFENSES AGAINST PROPERTY

WHEREAS, the Colorado General Assembly has amended the State law to change the jurisdictional amount for the misdemeanor crimes of theft of rental property, concealment of goods and criminal mischief from \$400 to \$500; and

WHEREAS, the City Code currently establishes the jurisdictional amount of \$400 for the misdemeanor crimes of theft of rental property, concealment of goods and criminal mischief; and

WHEREAS, the Council wishes to raise the jurisdictional amounts of these local offenses to \$500 to be consistent with State law.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Sections 17-37, 17-38 and 17-39 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 17-37. Theft of rental property.

No person shall:

- (1) Obtain the temporary use of personal property of another, which is available only for hire, by means of threat or deception, or knowing that such use is without the consent of the person providing the personal property; or
- (2) Having lawfully obtained possession for temporary use of the personal property of another which is available only for hire, knowingly fail to reveal the whereabouts of or to return the property to the owner thereof or a representative of the owner or to the person from whom the property was received within seventy-two (72) hours after the time at which the person agreed to return it where the value of the thing involved is less than ~~four~~ five hundred dollars (\$4500.).

Sec. 17-38. Concealment of goods.

If any person willfully conceals unpurchased goods, wares or merchandise valued at less than ~~four~~ five hundred dollars (\$4500.) owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment be on his or her own person or otherwise and whether on or off the premises of the store or mercantile establishment, such concealment constitutes

prima facie evidence that the person intended to commit the crime of theft.

Sec. 17-39. Criminal mischief.

No person shall knowingly injure, damage or destroy the real or personal property of one (1) or more other persons in the course of a single criminal episode where the aggregate damage to the real or personal property is less than four five hundred dollars (\$4500.).

Introduced, considered favorably, and ordered published this 19th day of August A.D. 2003, and to be presented for final passage on the 2nd day of September, 2003.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 2nd day of September, A.D. 2003.

Mayor

ATTEST:

City Clerk