



Commerce City

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Commerce City, CO 80022
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Council Communication File Number: Ord 2509

Agenda Date: 5/15/2023

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number:

FIRST READING OF AN ORDINANCE TO AMEND COMMERCE CITY REVISED MUNICIPAL CODE (CCRMC) SECTION 12-4003 TO COMPLY WITH STATE V. MORENO, 2022 CO 15, CASE NO. 21SA181 (2022)

Summary and Background Information:

On March 28, 2022, the Colorado Supreme Court decided, State v. Moreno, 2022 CO 15, Case No. 21SA181 (2022), holding the phrase “intended to harass” as used in C.R.S. § 18-19-111(e), an anti-harassment statute, was unconstitutionally overbroad. The Colorado Supreme Court excised the words “harass or” from subsection (1)(e) to remedy the found constitutional violation. Currently the language of CCRMC §12-4003(4), mirrors the language the Court struck down in C.R.S. § 18-19-111(e). As such, an amendment to the Code is necessary to remove the court deemed unconstitutional language from the provision in the Code.

Staff Responsible (Department Head): Sarah Geiger, Interim City Attorney

Staff Member Presenting: Sarah Geiger, Interim City Attorney

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: Approve the ordinance.

Suggested Motion: I move to introduce Ordinance 2509 by Council as seated and approve on first reading.