

# HOUSE BILL 23-1169: Official City Position

Approved by Westminster City Council on February XX, 2023

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REPRESENTATIVE BACON:

Concerning a non-arrest by law enforcement for certain low-level offenses.

**Official City Position: OPPOSE**

Status: **Active** – This bill was introduced in the House on February 2, 2023. It was assigned to the Judiciary Committee but has not been assigned a hearing date.

Description:

The bill prohibits a peace officer from arresting a person based solely on the alleged commission of a petty offense, except for petty theft, a drug petty offense, a class 2 traffic misdemeanor or comparable municipal offense, and all municipal offenses for which there is no comparable state misdemeanor offense, unless the location of the person is unknown and the issuance of an arrest warrant is necessary in order to subject the person to the jurisdiction of the court

City Comments:

This legislation is in opposition to the following principle(s) as set forth in the City's [2023 Legislative Policy Statement](#):

Public Safety

- Opposes legislation that limits or reduces the authority of municipalities to enforce their own ordinances in municipal courts
- Opposes legislation that prevents offenders from being taken into custody (i.e., mandatory summons in lieu of custody on scene)

This legislation, as proposed, will limit officer discretion, and degrade public safety by prohibiting the police from arresting anyone who, in the officer's investigation, has committed one of these offenses. Examples of adverse impacts of this bill include:

- If someone was trespassing in a resident's backyard, a police officer could only issue a summons and hope the person would leave the premises – there would be no ability to ensure the person would leave.
- Officers would not be able to remove anyone from being in the median and violating Westminster's new ordinance about unsafely being in the median.

These are one of many instances that raise concerns about public safety being compromised.