

SENATE BILL [23-097](#): Official City Position

Approved by Westminster City Council on February XX, 2023

SENATORS ZENZINGER, GARDNER; REPRESENTATIVES BIRD, SOPER

Concerning the adoption of the 2023 recommendations of the Colorado Commission on Criminal and Juvenile Justice regarding motor vehicle offenses committed by a person who is not the owner of the motor vehicle.

Official City Position: SUPPORT

Status: **Active** – This bill was introduced in the Senate on January 30, 2023. It was assigned to the Judiciary Committee for hearing on February 27, 2023.

Description:

Current law criminalizes auto theft as "aggravated motor vehicle theft in the first degree" and "aggravated motor vehicle theft in the second degree". The penalties for both aggravated motor vehicle thefts are based on the value of the vehicle or vehicles stolen.

The bill changes the term of the offense "aggravated motor vehicle theft" to "motor vehicle theft". The elements for motor vehicle theft in the first degree and second degree are changed and motor vehicle theft in the third degree is created. The penalties for motor vehicle theft are no longer based on the value of the vehicle or vehicles stolen. Motor vehicle theft in the first degree is a class 3 felony, motor vehicle theft in the second degree is a class 4 felony, and motor vehicle theft in the third degree is a class 5 felony.

The bill creates the offense "unauthorized use of a motor vehicle" and makes it a class 1 misdemeanor, or a class 5 felony for a second or subsequent offense.

City Comments:

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

Public Safety

- Supports legislation that imposes more severe penalties for auto theft, catalytic converter theft, and street racing

Colorado currently ranks first for automobile thefts. This legislation is intended to address this rampant problem. Additionally, this legislation recognizes that the punishment for car theft should not be based on the value of a car as cars are necessary for the basic needs of their owners, regardless of the value of the car.