



Legislation Details (With Text)

File #: 16-00020 **Version:** 2 **Name:**

Type: Ordinance **Status:** Mayor's Office

File created: 12/30/2015 **In control:** City Council

On agenda: 2/9/2016 **Final action:** 2/9/2016

Title: Ordinance No. 16-16 repealing Section 105 (Unlawful Use of Telephone or Computer) and Repealing and Reordaining Section 107 (Harassment) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to unlawful telephone or computer use and harassment

Sponsors:

Indexes:

Code sections:

Attachments: 1. HarrassmentORD-FINAL-2016-1-8, 2. 012616 Solicitation and Harassment slides, 3. Signed Ordinance_16-16.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------------|---------------------------|--------|
| 2/9/2016 | 2 | City Council | finally passed | Pass |
| 1/26/2016 | 1 | City Council | approved on first reading | Pass |
| 1/25/2016 | 1 | City Council Work Session | referred | |
| 1/11/2016 | 1 | City Council Work Session | referred | |

Ordinance No. 16-16 repealing Section 105 (Unlawful Use of Telephone or Computer) and Repealing and Reordaining Section 107 (Harassment) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to unlawful telephone or computer use and harassment

Presenter:

Frederick Stein, Senior Attorney

Summary:

The attached draft ordinance proposes changes to the City’s Harassment ordinance and provides penalties for the violation thereof. The draft ordinance, which tracks the of the Colorado Harassment statute, makes it unlawful for a person in a public place to direct obscene language or make obscene gestures to or at another person. Additionally, the draft ordinance repeals the City’s Unlawful use of a Telephone or Computer ordinance and updates the City’s Harassment ordinance to conform to the Colorado Harassment statute.

Previous Council Action:

N/A

Background:

The City Attorney’s Office (“CAO”) and the Colorado Springs Police Department (“CSPD”) began review of the City’s Harassment ordinance during the review of the Solicitation ordinance in order to strengthen enforcement measures available to CSPD for persons who engaged in harassing, annoying, or alarming behaviors in the

context of solicitation.

The proposed repeal of the City's Unlawful Use of Telephone and Computer ordinance is necessitated by the advances in communications technology since the ordinance was originally adopted. The Prosecution Division of the CAO has determined that the outdated language hinders the successful prosecution of these types of offenses in Municipal Court. CSPD officers often write these criminal violations into State Court because the State Harassment statute (C.R.S. § 18-9-111) is more broadly written to incorporate the new advances in technology. The proposed ordinance will allow CSPD officers to write citations for these unlawful communications into Municipal Court.

The addition of the proposed revision to the City's Harassment ordinance that makes it unlawful for a person in a public place to direct obscene language or make obscene gestures to or at another person will afford CSPD officers another criminal charging option to cite into Municipal Court in situations involving aggressive solicitors who use obscene language or make obscene gestures in the course of soliciting for donations.

Financial Implications:

CSPD does not anticipate any significant additional costs for enforcement of this proposed ordinance, as enforcement would be a part of the regular law enforcement activities that Police Department personnel currently perform.

Board/Commission Recommendation:

N/A

Stakeholder Process:

During the drafting process input was received from CSPD, the Prosecution Division of the City Attorney's Office, and the Municipal Court

Alternatives:

City Council may choose to approve, deny or modify the attached draft Ordinance.

Proposed Motion:

Motion to approve an Ordinance Repealing Section 105 (Unlawful Use of Telephone or Computer) and Repealing and Reordaining Section 107 (Harassment) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to unlawful telephone or computer use and harassment.

An Ordinance repealing section 105 (unlawful use of telephone or computer) and repealing and reordaining section 107 (harassment) of Article 2 (offenses affecting public safety) of Chapter 9 (public offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to unlawful telephone or computer use and harassment.