

**FACT SHEET – Support HB 1268<sup>1</sup>**  
**Reduce the Maximum Penalty for Second Degree Misdemeanor and  
Municipal Offense From One Year To 364 Days**

**What Would This Bill Do?**

This bill reduces the maximum potential sentence for second degree misdemeanors and municipal offenses from one year to 364 days. Currently, federal immigration law can trigger deportability for a minor offense that carries a *potential* sentence of one year in jail. This modification eliminates unintended immigration consequences of minor offenses for lawfully present immigrants.

**Why is This Bill Important?**

- At least 37 other states have enacted penalties of less than one year for most misdemeanor or municipal offenses. Colorado should update its laws to align with the sentencing practices of most other states.
- At present, immigrants who are lawfully present in Colorado can be deportable for a minor municipal or misdemeanor offenses – such as shoplifting – that carry a potential sentence of one year. This bill would avoid the unintended immigration consequences of a first-time low level offense for immigrants *lawfully* present in this country. It would not impact immigration enforcement or the possible deportation of persons unlawfully in the country.
- Lawfully present immigrants make up a large portion of Colorado's population. Currently, 1 in 10 Coloradans is foreign born, and 70% have become citizens or are in lawful status. These communities are vital to the health of our economy and constitute 21% of the construction and 32% of the agricultural workforce.
- This bill would improve court efficiency by *encouraging* plea negotiations and resolution of minor offenses that would otherwise carry devastating immigration consequences. In turn, this would reduce court backlogs and avoid the time and expense of unnecessary jury trials or extended court proceedings.
- Deportation shatters families, adversely impacts Colorado businesses, and costs taxpayers. At a cost of \$161/day for immigrant detention, holding and deporting lawfully present individuals for first time minor offenses is costly, destructive to families, and diverts resources away from other urgent needs in our legal system.

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<sup>1</sup> Fact sheet prepared by the Meyer Law Office, P.C. with assistance of the ACLU of Colorado.