

**Colorado Revised Statutes: Title 16: Criminal Proceedings:**  
**18-1-104. "Offense" defined - offenses classified -**  
**common-law crimes abolished.**

TITLE 18. CRIMINAL CODE. ARTICLE 1. PROVISIONS APPLICABLE TO OFFENSES GENERALLY.  
PART 1. PURPOSE AND SCOPE OF CODE - CLASSIFICATION OF OFFENSES.

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**(1) The terms "offense" and "crime" are synonymous and mean a violation of, or conduct defined by, any state statute for which a fine or imprisonment may be imposed.**

**(2) Each offense falls into one of eleven classes, one of six drug offense levels, or one unclassified category. There are six classes of felonies as described in section 18-1.3-401 and four levels of drug felonies as described in section 18-1.3-401.5, three classes of misdemeanors as described in section 18-1.3-501 and two levels of drug misdemeanors as described in section 18-1.3-501, two classes of petty offenses as described in section 18-1.3-503, and the category of drug petty offense as described in section 18-1.3-501 (1)(e).**

**(3) Common-law crimes are abolished and no conduct shall constitute an offense unless it is described as an offense in this code or in another statute of this state, but this provision does not affect the power of a court to punish for contempt, or to employ any sanction authorized by law for the enforcement of an order lawfully entered, or a civil judgment or decree; nor does it affect the use of case law as an interpretive aid in the construction of the provisions of this code.**

## Case Notes, Annotation:

**Annotator's note. Since § 18-1-104 is similar to former § 40-1-1, C.R.S. 1963, and laws antecedent thereto, relevant cases construing those provisions have been included in the annotations to this section.**

Common-law rule. Colorado has statutorily adopted the common-law rule that a crime consisted of the union of an act and intent. Gallegos v. People, 159 Colo. 379, 411 P.2d 956 (1966).

Courts are not precluded from reliance upon the common law in amplification of sections of the criminal code. People v. Berry, 703 P.2d 613 (Colo. App. 1985).

The common law may be used in aid of the meaning to be given statutory language, when such language is not defined in the statute. Allen v. People, 175 Colo. 113, 485 P.2d 886 (1971).

Where a statute does not define a crime, but merely gives to it its common-law name or designation, resort must be had to the common law to ascertain what acts constitute the crime in question. Thompson v. People, 181 Colo. 194, 510 P.2d 311 (1973).

When the general assembly defines a crime and sets forth the intent necessary to commit the crime, the courts cannot alter the elements or substitute a different animus or intent. People v. Kanan, 186 Colo. 255, 526 P.2d 1339 (1974).

The definition of a crime is the same as that of a misdemeanor, each consisting of a violation of a public law. Hoffman v. People, 72 Colo. 552, 212 P. 848 (1923).

"Crime" includes all grades of public offenses, which at the common law are often classified as treason, felony, and misdemeanor. Hoffman v. People, 72 Colo. 552, 212 P. 848 (1923).

The violation of a municipal ordinance does not come within the definition of this section and is neither a crime nor a misdemeanor. City of Greeley v. Hamman, 12 Colo. 94, 20 P. 1 (1888).

Violation of a no-contact order issued by a municipal court pursuant to authority in § 14-4-101 to 14-4-105, is a crime under § 18-6-803.5. People v. Rhorer, 967 P.2d 147 (Colo. 1998).

Contempt of court. Although the general assembly in 1971 abolished all common law crimes in Colorado, it reserved to the courts the power to punish contempt by enacting this section. People v. Barron, 677 P.2d 1370 (Colo. 1984).

The power to define criminal conduct and to establish the legal components of criminal liability is vested with the general assembly. Rowe v. People, 856 P.2d 486 (Colo. 1993).

In addition to establishing the essential components of criminal liability, it is within the prerogative of the general assembly to establish affirmative defenses based on principles of justification or excuse. Rowe v. People, 856 P.2d 486 (Colo. 1993).

Within constitutional limitations, the general assembly also may restrict an affirmative defense to a particular crime. Rowe v. People, 856 P.2d 486 (Colo. 1993).

Applied in: People v. Swanson, 638 P.2d 45 (Colo. 1981); City of Greenwood Vill. v. Fleming, 643 P.2d 511 (Colo. 1982).