

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0226.02 Michael Dohr x4347

HOUSE BILL 12-1114

HOUSE SPONSORSHIP

Hamner,

SENATE SPONSORSHIP

Schwartz,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CRIME OF STALKING.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Under the bill, a summons shall not be issued in lieu of an arrest for a charge of stalking. Before the defendant is released on bail for a stalking charge, the court must state the terms of the protection order, and the defendant must acknowledge the order. In a stalking case, the prosecutor can request a hearing to modify the protection order. The bill makes technical corrections to the crime of stalking.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-602, **add** (8) and
3 (9) as follows:

4 **18-3-602. Stalking - penalty - definitions.** (8) A SUMMONS
5 SHALL NOT BE ISSUED IN LIEU OF AN ARREST FOR STALKING AS DESCRIBED
6 IN THIS SECTION. THE FIXING OF BAIL FOR THE CRIME OF STALKING SHALL
7 BE DONE IN ACCORDANCE WITH SECTION 16-4-103(2) (d), C.R.S., AND A
8 PROTECTION ORDER SHALL ISSUE IN ACCORANCE WITH SECTION
9 18-1-1001(5).

10 (9) WHEN A VIOLATION UNDER THIS SECTION IS COMMITTED IN
11 CONNECTION WITH A VIOLATION OF A COURT ORDER, INCLUDING BUT NOT
12 LIMITED TO ANY PROTECTION ORDER OR ANY ORDER THAT SETS FORTH THE
13 CONDITIONS OF A BOND, ANY SENTENCES IMPOSED PURSUANT TO THIS
14 SECTION, AND PURSUANT TO SECTION 18-6-803.5 OR ANY SENTENCE
15 IMPOSED IN A CONTEMPT PROCEEDING FOR VIOLATION OF THE COURT
16 ORDER SHALL BE SERVED CONSECUTIVELY AND NOT CONCURRENTLY.

17 **SECTION 2.** In Colorado Revised Statutes, 16-4-103, **amend** (2)
18 (d) as follows:

19 **16-4-103. Fixing of bail and conditions of bail bond.** (2) (d) A
20 further condition of every bail bond in cases of domestic violence as
21 defined in section 18-6-800.3 (1), C.R.S., OR IN CASES OF STALKING
22 PURSUANT TO SECTION 18-3-602, C.R.S., shall be that the released person
23 acknowledge the protection order as provided in section 18-1-1001 (5),
24 C.R.S.

25 **SECTION 3.** In Colorado Revised Statutes, 18-1-1001, **amend**
26 (5) and (6) as follows:

1 **18-1-1001. Protection order against defendant.** (5) Before a
2 defendant is released on bail pursuant to article 4 of title 16, C.R.S., the
3 court shall, in cases involving domestic violence as defined in section
4 18-6-800.3 (1), OR IN CASES OF STALKING PURSUANT TO SECTION
5 18-3-602, state the terms of the protection order issued pursuant to this
6 section, including any additional provisions added pursuant to subsection
7 (3) of this section, to the defendant on the record and the court shall
8 further require the defendant to acknowledge the protection order as a
9 condition of any bond for the release of the defendant. The prosecuting
10 attorney shall, in such domestic violence cases OR STALKING CASES, notify
11 the alleged victim, the complainant, and the protected person of the order
12 if such persons are not present at the time the protection order is issued.

13 (6) The defendant or, in cases involving domestic violence as
14 defined in section 18-6-800.3 (1), OR IN CASES OF STALKING PURSUANT TO
15 SECTION 18-3-602, the prosecuting attorney may request a hearing before
16 the court to modify the terms of a protection order issued pursuant to ~~the~~
17 THIS section. Upon such a request, the court shall set a hearing and the
18 prosecuting attorney shall send notice of the hearing to the defendant and
19 the alleged victim. At the hearing the court shall review the terms of the
20 protection order and any further orders entered and shall consider the
21 modifications, if any, requested by the defendant or the prosecuting
22 attorney.

23 **SECTION 4.** In Colorado Revised Statutes, 18-3-602, **amend** (5)
24 as follows:

25 **18-3-602. Stalking - penalty - definitions.** (5) If, at the time of
26 the offense, there was a temporary or permanent protection order,
27 injunction, or condition of bond, probation, or parole or any other court

1 order in effect against the person, prohibiting the behavior described in
2 this section, the person commits a class 4 felony. ~~In addition, when a~~
3 ~~violation under this section is committed in connection with a violation~~
4 ~~of a court order, including but not limited to any protection order or any~~
5 ~~order that sets forth the conditions of a bond, any sentence imposed for~~
6 ~~the violation pursuant to this subsection (5) shall run consecutively and~~
7 ~~not concurrently with any sentence imposed pursuant to section~~
8 ~~18-6-803.5 and with any sentence imposed in a contempt proceeding for~~
9 ~~violation of the court order.~~

10 **SECTION 5. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.