

**Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 12-0226.02 Michael Dohr x4347

**HOUSE BILL 12-1114**

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**HOUSE SPONSORSHIP**

**Hamner,**

**SENATE SPONSORSHIP**

**Schwartz,**

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**House Committees**  
Judiciary

**Senate Committees**  
Judiciary

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**A BILL FOR AN ACT**

101 **CONCERNING THE CRIME OF STALKING.**

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**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.*

SENATE  
Am ended 2nd Reading  
March 12, 2012

HOUSE  
3rd Reading Unamended  
February 27, 2012

HOUSE  
Am ended 2nd Reading  
February 24, 2012

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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) WHEN A PERSON IS  
5 ARRESTED FOR AN ALLEGED VIOLATION OF THIS SECTION, THE  
6 FIXING OF BAIL FOR THE CRIME OF STALKING SHALL BE DONE IN  
7 ACCORDANCE WITH SECTION 16-4-103(2) (d), C.R.S., AND A PROTECTION  
8 ORDER SHALL ISSUE IN ACCORDANCE WITH SECTION 18-1-1001(5).

9           (b) THIS SUBSECTION (8) SHALL BE KNOWN AND MAY BE CITED AS  
10 "VONNIE'S LAW".

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

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

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

26           **SECTION 3.** In Colorado Revised Statutes, 18-1-1001, **amend**

1 (5) and (6) as follows:

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

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

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

26 **18-3-602. Stalking - penalty - definitions.** (5) If, at the time of  
27 the offense, there was a temporary or permanent protection order,

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

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