

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 15-0353.01 Richard Sweetman x4333

HOUSE BILL 15-1229

HOUSE SPONSORSHIP

McCann,

SENATE SPONSORSHIP

Martinez Humenik,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING RETALIATION AGAINST A PROSECUTOR, AND IN**
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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>.)

An individual commits retaliation against a prosecutor if the individual makes a credible threat or commits an act of harassment or an act of harm or injury upon a person or property when the threat or act is retaliation or retribution for a prosecutor's role in the prosecution of any individual or a prosecutor's performance of any duty within the scope of the prosecutor's employment and the threat or act is directed against or

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.

HOUSE
Amended 2nd Reading
April 10, 2015

committed upon:

- ! The prosecutor;
- ! A member of the prosecutor's family;
- ! A person in close relationship to the prosecutor; or
- ! A person residing in the same household with the prosecutor.

Retaliation against a prosecutor is a class 4 felony.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-8-616 as
3 follows:

4 **18-8-616. Retaliation against a prosecutor.** (1) (a) AN
5 INDIVIDUAL COMMITS RETALIATION AGAINST A PROSECUTOR IF THE
6 INDIVIDUAL MAKES A CREDIBLE THREAT, AS DEFINED IN SECTION 18-3-602
7 (2) (b), OR COMMITS AN ACT OF HARM OR INJURY UPON A PERSON OR
8 PROPERTY AS RETALIATION OR RETRIBUTION AGAINST A PROSECUTOR,
9 WHICH ACTION IS DIRECTED AGAINST OR COMMITTED UPON:

10 (I) A PROSECUTOR WHO HAS SERVED OR IS SERVING IN A LEGAL
11 MATTER ASSIGNED TO THE PROSECUTOR INVOLVING THE INDIVIDUAL OR
12 A PERSON ON WHOSE BEHALF THE INDIVIDUAL IS ACTING;

13 (II) A MEMBER OF THE PROSECUTOR'S FAMILY;

14 (III) A PERSON IN CLOSE RELATIONSHIP TO THE PROSECUTOR; OR

15 (IV) A PERSON RESIDING IN THE SAME HOUSEHOLD WITH THE
16 PROSECUTOR.

17 (b) AN INDIVIDUAL COMMITS RETALIATION AGAINST A
18 PROSECUTOR BY MEANS OF A CREDIBLE THREAT AS DESCRIBED IN
19 PARAGRAPH (a) OF THIS SUBSECTION (1) IF THE INDIVIDUAL KNOWINGLY
20 MAKES THE CREDIBLE THREAT:

21 (I) DIRECTLY TO THE PROSECUTOR; OR

22 (II) TO ANOTHER PERSON:

1 (A) IF THE INDIVIDUAL INTENDED THAT THE COMMUNICATION
2 WOULD BE RELAYED TO THE PROSECUTOR; OR

3 (B) IF THE OTHER PERSON IS REQUIRED BY STATUTE OR ETHICAL
4 RULE TO REPORT THE COMMUNICATION TO THE PROSECUTOR.

5 (2) RETALIATION AGAINST A PROSECUTOR IS A CLASS 4 FELONY.

6 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES, "PROSECUTOR" MEANS THE ATTORNEY GENERAL, DEPUTY
8 ATTORNEY GENERAL, ASSISTANT ATTORNEY GENERAL, DISTRICT
9 ATTORNEY, DEPUTY DISTRICT ATTORNEY, ASSISTANT DISTRICT ATTORNEY,
10 APPOINTED SPECIAL PROSECUTOR, CITY ATTORNEY, UNITED STATES
11 ATTORNEY, DEPUTY UNITED STATES ATTORNEY, ASSISTANT UNITED
12 STATES ATTORNEY, OR SPECIAL ASSISTANT UNITED STATES ATTORNEY.

13
14 **SECTION 2.** In Colorado Revised Statutes, 18-9-313, **amend** (1)
15 (a.5) as follows:

16 **18-9-313. Personal information on the internet - law**
17 **enforcement official - definitions.** (1) As used in this section:

18 (a.5) "Law enforcement official" means a peace officer as
19 described in section 16-2.5-101, C.R.S., a judge as defined by section
20 18-8-615 (3), or a prosecutor, AS DEFINED IN SECTION 18-8-616 (3).

21 **SECTION 3.** In Colorado Revised Statutes, 24-4.1-302, **amend**
22 (1) (kk) as follows:

23 **24-4.1-302. Definitions.** As used in this part 3, and for no other
24 purpose, including the expansion of the rights of any defendant:

25 (1) "Crime" means any of the following offenses, acts, and
26 violations as defined by the statutes of the state of Colorado, whether
27 committed by an adult or a juvenile:

1 (kk) Retaliation against a judge, in violation of section 18-8-615,
2 C.R.S.; RETALIATION AGAINST A PROSECUTOR, IN VIOLATION OF SECTION
3 18-8-616, C.R.S.; or retaliation against a juror, in violation of section
4 18-8-706.5, C.R.S.;

5 **SECTION 4.** In Colorado Revised Statutes, **add** 17-18-117 as
6 follows:

7 **17-18-117. Appropriation to comply with section 2-2-703 - HB**
8 **15-1229 - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE
9 FOLLOWING STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO
10 IMPLEMENT HOUSE BILL 15-1229, ENACTED IN 2015:

11 (a) FOR THE 2016-17 STATE FISCAL YEAR, TWENTY-TWO
12 THOUSAND SIXTY-EIGHT DOLLARS IS APPROPRIATED TO THE DEPARTMENT
13 FROM THE GENERAL FUND.

14 (b) FOR THE 2017-18 STATE FISCAL YEAR, TWENTY-TWO
15 THOUSAND SIXTY-EIGHT DOLLARS IS APPROPRIATED TO THE DEPARTMENT
16 FROM THE GENERAL FUND.

17 (c) FOR THE 2018-19 STATE FISCAL YEAR, TWENTY-TWO
18 THOUSAND SIXTY-EIGHT DOLLARS IS APPROPRIATED TO THE DEPARTMENT
19 FROM THE GENERAL FUND.

20 (d) FOR THE 2019-20 STATE FISCAL YEAR, FIVE THOUSAND
21 SEVENTY-SIX DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE
22 GENERAL FUND.

23 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.

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