

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

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.

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 committed upon:

! The prosecutor;

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.

- ! 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 - definitions.**

5 (1) (a) AN INDIVIDUAL COMMITS RETALIATION AGAINST A PROSECUTOR
6 IF THE INDIVIDUAL MAKES A CREDIBLE THREAT, AS DEFINED IN SECTION
7 18-3-602 (2) (b), OR COMMITS AN ACT OF HARASSMENT, AS DEFINED IN
8 SECTION 18-9-111 (1), OR AN ACT OF HARM OR INJURY UPON A PERSON OR
9 PROPERTY WHEN THE THREAT OR ACT IS RETALIATION OR RETRIBUTION
10 FOR A PROSECUTOR'S ROLE IN THE PROSECUTION OF ANY INDIVIDUAL OR
11 A PROSECUTOR'S PERFORMANCE OF ANY DUTY WITHIN THE SCOPE OF THE
12 PROSECUTOR'S EMPLOYMENT AND THE THREAT OR ACT IS DIRECTED
13 AGAINST OR COMMITTED UPON:

14 (I) THE PROSECUTOR;

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

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

17 (IV) A PERSON RESIDING IN THE SAME HOUSEHOLD WITH THE
18 PROSECUTOR.

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

23 (I) DIRECTLY TO THE PROSECUTOR; OR

1 (II) TO ANOTHER PERSON:

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

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

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

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

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

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

19 (a.5) "Law enforcement official" means a peace officer as
20 described in section 16-2.5-101, C.R.S., a judge as defined by section
21 18-8-615 (3), or a prosecutor, AS DEFINED IN SECTION 18-8-616 (3).

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

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

26 (1) "Crime" means any of the following offenses, acts, and
27 violations as defined by the statutes of the state of Colorado, whether

1 committed by an adult or a juvenile:

2 (kk) Retaliation against a judge, in violation of section 18-8-615,
3 C.R.S.; RETALIATION AGAINST A PROSECUTOR, IN VIOLATION OF SECTION
4 18-8-616, C.R.S.; or retaliation against a juror, in violation of section
5 18-8-706.5, C.R.S.;

6 **SECTION 4. Potential appropriation.** Pursuant to section
7 2-2-703, C.R.S., any bill that results in a net increase in periods of
8 imprisonment in the state correctional facilities must include an
9 appropriation of moneys that is sufficient to cover any increased capital
10 construction and operational costs for the first five fiscal years in which
11 there is a fiscal impact. Because this act may increase periods of
12 imprisonment, this act may require a five-year appropriation.

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