

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted 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 3rd Reading
April 13, 2015

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) AN ELECTED DISTRICT ATTORNEY;

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

14 (III) A MEMBER OF THE PROSECUTOR'S FAMILY;

15 (IV) A PERSON IN CLOSE RELATIONSHIP TO THE PROSECUTOR; OR

16 (V) A PERSON RESIDING IN THE SAME HOUSEHOLD WITH THE
17 PROSECUTOR.

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

22 (I) DIRECTLY TO THE PROSECUTOR; OR

- 1 (II) TO ANOTHER PERSON:
- 2 (A) IF THE INDIVIDUAL INTENDED 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 THE
- 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

16 **SECTION 2.** In Colorado Revised Statutes, 18-9-313, **amend** (1)

17 (a.5) as follows:

18 **18-9-313. Personal information on the internet - law**

19 **enforcement official - definitions.** (1) As used in this section:

20 (a.5) "Law enforcement official" means a peace officer as

21 described in section 16-2.5-101, C.R.S., a judge as defined by section

22 18-8-615 (3), or a prosecutor, AS DEFINED IN SECTION 18-8-616 (3).

23 **SECTION 3.** In Colorado Revised Statutes, 24-4.1-302, **amend**

24 (1) (kk) as follows:

25 **24-4.1-302. Definitions.** As used in this part 3, and for no other

26 purpose, including the expansion of the rights of any defendant:

27 (1) "Crime" means any of the following offenses, acts, and

1 violations as defined by the statutes of the state of Colorado, whether
2 committed by an adult or a juvenile:

3 (kk) Retaliation against a judge, in violation of section 18-8-615,
4 C.R.S.; RETALIATION AGAINST A PROSECUTOR, IN VIOLATION OF SECTION
5 18-8-616, C.R.S.; or retaliation against a juror, in violation of section
6 18-8-706.5, C.R.S.;

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

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

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

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

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

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

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

26 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.