

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 07-0254.01 Stephen Miller

SENATE BILL 07-136

SENATE SPONSORSHIP

Morse,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING THE JURISDICTION OF COURTS TO ENTER ORDERS FOR**
102 **THE PROTECTION OF PERSONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Clarifies the jurisdiction of courts to issue additional orders in civil protection order cases for the protection of persons concerning rent and mortgage payments, telephone and utility services, child care costs, temporary possession of personal property, and insurance. Requires a court issuing an order to specify how the order is to be administered, including how payments and property transfers are to be made. Specifies that any additional order issued in a civil protection case is superseded by

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
March 23, 2007

SENATE
3rd Reading Unamended
March 8, 2007

SENATE
Amended 2nd Reading
March 6, 2007

a subsequent district court order in a domestic matter that involves the parties in the civil protection order case.

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

2 **SECTION 1.** 13-14-102 (1), Colorado Revised Statutes, is
3 amended to read:

4 **13-14-102. Civil protection orders - legislative declaration.**

5 (1) (a) The general assembly hereby finds that the issuance and
6 enforcement of protection orders are of paramount importance in the state
7 of Colorado because protection orders promote safety, reduce violence,
8 and prevent serious harm and death. In order to improve the public's
9 access to protection orders and to assure careful judicial consideration of
10 requests and effective law enforcement, there shall be two processes for
11 obtaining protection orders within the state of Colorado, a simplified civil
12 process and a mandatory criminal process.

13 (b) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

14 (I) DOMESTIC VIOLENCE IS NOT LIMITED TO PHYSICAL THREATS OF
15 VIOLENCE AND HARM BUT INCLUDES FINANCIAL CONTROL, DOCUMENT
16 CONTROL, PROPERTY CONTROL, AND OTHER TYPES OF CONTROL THAT
17 MAKE A VICTIM MORE LIKELY TO RETURN TO AN ABUSER DUE TO FEAR OF
18 RETALIATION OR INABILITY TO MEET BASIC NEEDS;

19 (II) VICTIMS OF DOMESTIC VIOLENCE IN MANY CASES ARE UNABLE
20 TO ACCESS RESOURCES TO SEEK LASTING SAFETY OPTIONS;

21 (III) THESE VICTIMS NEED THE ASSISTANCE OF ADDITIONAL COURT
22 ORDERS TO MEET THEIR IMMEDIATE NEEDS FOR FOOD, SHELTER,
23 TRANSPORTATION, MEDICAL CARE, AND CHILD CARE AT THE TIME THEY GO
24 TO COURT FOR A CIVIL PROTECTION ORDER; AND

25 (IV) THESE ADDITIONAL COURT ORDERS ARE NEEDED NOT ONLY

1 IN CASES THAT END IN DISSOLUTION OF MARRIAGE BUT ALSO IN CASES IN
2 WHICH RECONCILIATION IS APPROPRIATE, AS WELL AS IN OTHER CASES.

3 **SECTION 2. 13-14-102 (15), Colorado Revised Statutes, is**
4 **amended BY THE ADDITION OF A NEW PARAGRAPH, to read:**

5 **13-14-102. Civil protection orders - legislative declaration.**
6 **(15) A municipal court of record that is authorized by its municipal**
7 **governing body to issue protection or restraining orders and any county**
8 **court, in connection with issuing a civil protection order, shall have**
9 **original concurrent jurisdiction with the district court to issue such**
10 **additional orders as the municipal or county court deems necessary for the**
11 **protection of persons. Such additional orders may include, but are not**
12 **limited to:**

13 **(g) (I) A TEMPORARY INJUNCTION THAT MAY BE ISSUED BY THE**
14 **COURT THAT, UPON PERSONAL SERVICE OR UPON WAIVER AND**
15 **ACCEPTANCE OF SERVICE BY THE DEFENDANT, IS TO BE IN EFFECT AGAINST**
16 **THE DEFENDANT FOR A PERIOD DETERMINED TO BE APPROPRIATE BY THE**
17 **COURT, AND RESTRAINS THE DEFENDANT FROM CEASING TO MAKE**
18 **PAYMENTS FOR MORTGAGE OR RENT, INSURANCE, UTILITIES OR RELATED**
19 **SERVICES, TRANSPORTATION, MEDICAL CARE, OR CHILD CARE WHEN THE**
20 **DEFENDANT HAS A PRIOR EXISTING DUTY OR LEGAL OBLIGATION, OR FROM**
21 **TRANSFERRING, ENCUMBERING, CONCEALING, OR IN ANY WAY DISPOSING**
22 **OF PERSONAL EFFECTS OR REAL PROPERTY, EXCEPT IN THE USUAL COURSE**
23 **OF BUSINESS OR FOR THE NECESSITIES OF LIFE. THE RESTRAINED PARTY**
24 **SHALL BE REQUIRED TO ACCOUNT TO THE COURT FOR ALL**
25 **EXTRAORDINARY EXPENDITURES MADE AFTER THE INJUNCTION IS IN**
26 **EFFECT. ANY INJUNCTION ISSUED SHALL NOT EXCEED ONE HUNDRED**
27 **TWENTY DAYS AFTER THE ISSUANCE OF THE PERMANENT CIVIL**

1 PROTECTION ORDER.

2 (II) THE PROVISIONS OF THE INJUNCTION SHALL BE PRINTED ON THE
3 SUMMONS, AND THE PETITION AND THE INJUNCTION SHALL BECOME AN
4 ORDER OF THE COURT UPON FULFILLMENT OF THE REQUIREMENTS OF
5 SUBPARAGRAPH (I) OF THIS PARAGRAPH (g).

6 (III) NOTHING IN THIS PARAGRAPH (g) SHALL PRECLUDE EITHER
7 PARTY FROM APPLYING TO THE DISTRICT COURT FOR FURTHER TEMPORARY
8 ORDERS, AN EXPANDED TEMPORARY INJUNCTION, OR MODIFICATION OR
9 REVOCAION. ANY SUBSEQUENT ORDER ISSUED BY THE DISTRICT COURT
10 AS PART OF A DOMESTIC MATTER INVOLVING THE PARTIES SHALL
11 SUPERSEDE AN INJUNCTION MADE PURSUANT TO THIS PARAGRAPH (g).

12 **SECTION 3. Effective date.** This act shall take effect July 1,
13 2007.

14 **SECTION 4. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.