

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 28, 2007
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB07-136 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

3 "SECTION 1. **Legislative declaration.** (1) The general
4 assembly finds and declares that:

5 (a) Domestic violence is not limited to physical threats of violence
6 and harm but includes financial control, document control, property
7 control, and other types of control that make a victim more likely to return
8 to an abuser due to fear of retaliation or inability to meet basic needs;

9 (b) Victims of domestic violence in many cases are unable to
10 access resources to seek lasting safety options;

11 (c) These victims need the assistance of additional court orders to
12 meet their emergency needs for food, shelter, medical care, and child care
13 at the time they go to court for a civil protection order;

14 (d) These additional court orders are needed not only in cases that
15 end in dissolution of marriage but also in cases in which reconciliation is
16 appropriate, as well as in other cases; and

17 (e) Thirty-three states recognize existing legal obligations for
18 support, payment, or ownership of personal or real property in order to

1 protect victims in civil protection order cases.

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

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

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

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

27 (II) THE PROVISIONS OF THE INJUNCTION SHALL BE PRINTED ON THE
28 SUMMONS, AND THE PETITION AND THE INJUNCTION SHALL BECOME AN
29 ORDER OF THE COURT UPON FULFILLMENT OF THE REQUIREMENTS OF
30 SUBPARAGRAPH (I) OF THIS PARAGRAPH (g). HOWEVER, NOTHING IN THIS
31 PARAGRAPH (g) SHALL PRECLUDE EITHER PARTY FROM APPLYING TO THE
32 DISTRICT COURT FOR FURTHER TEMPORARY ORDERS, AN EXPANDED
33 TEMPORARY INJUNCTION, OR MODIFICATION OR REVOCATION. ANY
34 SUBSEQUENT ORDER ISSUED BY THE DISTRICT COURT AS PART OF A
35 DOMESTIC MATTER INVOLVING THE PARTIES SHALL SUPERSEDE AN
36 INJUNCTION MADE PURSUANT TO THIS PARAGRAPH (g).

1 **SECTION 3. Effective date.** This act shall take effect July 1,
2 2007.

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

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