

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0347.01 Jerry Barry

HOUSE BILL 08-1115

HOUSE SPONSORSHIP

Liston, Gardner B., Kerr J., King, Labuda, Looper, Marostica, Sonnenberg, Soper, Stephens, Todd, and Vaad

SENATE SPONSORSHIP

Renfroe,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

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

Creates a new class 3 felony if a person threatens, harasses, or harms certain individuals in retaliation or retribution against a judge.
Makes a 5-year statutory appropriation.

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

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.

1 **SECTION 1.** Part 6 of article 8 of title 18, Colorado Revised
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
3 read:

4 **18-8-615. Retaliation against a judge.** (1) AN INDIVIDUAL
5 COMMITS RETALIATION AGAINST A JUDGE IF THE INDIVIDUAL USES A
6 THREAT, ACT OF HARASSMENT AS DEFINED IN SECTION 18-9-111, OR ACT
7 OF HARM OR INJURY UPON A PERSON OR PROPERTY AS RETALIATION OR
8 RETRIBUTION AGAINST A JUDGE, WHICH ACTION IS DIRECTED AGAINST OR
9 COMMITTED UPON:

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

13 (b) A MEMBER OF THE JUDGE'S FAMILY;

14 (c) A PERSON IN CLOSE RELATIONSHIP TO THE JUDGE; OR

15 (d) A PERSON RESIDING IN THE SAME HOUSEHOLD WITH THE JUDGE.

16 (2) RETALIATION AGAINST A JUDGE IS A CLASS 4 FELONY.

17 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
18 REQUIRES:

19 (a) "JUDGE" MEANS ANY JUSTICE OF THE SUPREME COURT, JUDGE
20 OF THE COURT OF APPEALS, DISTRICT COURT JUDGE, JUVENILE COURT
21 JUDGE, PROBATE COURT JUDGE, WATER COURT JUDGE, COUNTY COURT
22 JUDGE, DISTRICT COURT MAGISTRATE, COUNTY COURT MAGISTRATE,
23 MUNICIPAL JUDGE, ADMINISTRATIVE LAW JUDGE, OR UNEMPLOYMENT
24 INSURANCE HEARING OFFICER.

25 (b) "THREAT" MEANS A STATEMENT OF INTENT TO DO AN ACT THAT
26 IS INTENDED TO HARM THE HEALTH, SAFETY, PROPERTY, BUSINESS, OR
27 FINANCIAL CONDITION OF A PERSON SPECIFIED IN SUBSECTION (1) OF THIS

1 SECTION, WHICH STATEMENT IS COMMUNICATED BY AN INDIVIDUAL:

2 (I) DIRECTLY TO A JUDGE; OR

3 (II) TO ANOTHER PERSON:

4 (A) IF THE INDIVIDUAL KNEW OR REASONABLY SHOULD HAVE
5 KNOWN THAT THE COMMUNICATION WOULD BE PROVIDED TO THE JUDGE;

6 OR

7 (B) IF THE COMMUNICATION IS PROVIDED TO THE JUDGE BY A
8 PERSON REQUIRED BY STATUTE OR ETHICAL RULE TO REPORT THE THREAT.

9 **SECTION 2.** Title 17, Colorado Revised Statutes, is amended BY
10 THE ADDITION OF A NEW ARTICLE to read:

11 **ARTICLE 18**

12 **Correctional Facilities - Statutory Appropriations**

13 **17-18-101. Appropriation to comply with section 2-2-703 -**

14 **H.B. 08-1115 - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE
15 FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY
16 BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 08-1115,
17 ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL
18 ASSEMBLY:

19 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION
20 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
21 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
22 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
23 SECTION 17-1-116, C.R.S., THE SUM OF ONE HUNDRED TWENTY-FIVE
24 THOUSAND ONE HUNDRED SIXTY-FIVE DOLLARS (\$125,165).

25 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN
26 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
27 APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY

1 MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM
2 OF TWENTY-EIGHT THOUSAND SEVEN HUNDRED FIFTY-EIGHT DOLLARS
3 (\$28,758).

4 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION
5 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
6 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
7 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
8 SECTION 17-1-116, C.R.S., THE SUM OF ONE HUNDRED TWELVE THOUSAND
9 SIX HUNDRED FORTY-NINE DOLLARS (\$112,649).

10 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION
11 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
12 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
13 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-EIGHT
14 THOUSAND SEVEN HUNDRED FIFTY-EIGHT DOLLARS (\$28,758).

15 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN
16 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
17 APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY
18 MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM
19 OF FIFTY-FOUR THOUSAND SIX HUNDRED FORTY DOLLARS (\$54,640).

20 (e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION
21 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
22 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
23 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
24 SECTION 17-1-116, C.R.S., THE SUM OF ONE HUNDRED TWELVE THOUSAND
25 SIX HUNDRED FORTY-NINE DOLLARS (\$112,649).

26 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION
27 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE

1 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
2 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-EIGHT
3 THOUSAND SEVEN HUNDRED FIFTY-EIGHT DOLLARS (\$28,758).

4

5 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013.

6 **SECTION 3.** The introductory portion to 24-75-302 (2) and
7 24-75-302 (2) (u), (2) (v), (2) (w), and (2) (x), Colorado Revised Statutes,
8 are amended, and the said 24-75-302 (2) is further amended BY THE
9 ADDITION OF A NEW PARAGRAPH, to read:

10 **24-75-302. Capital construction fund - capital assessment fees**
11 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
12 through July 1, ~~2010~~ 2012, a sum as specified in this subsection (2) shall
13 accrue to the capital construction fund. The state treasurer and the
14 controller shall transfer such sum out of the general fund and into the
15 capital construction fund as moneys become available in the general fund
16 during the fiscal year beginning on said July 1. Transfers between funds
17 pursuant to this subsection (2) shall not be deemed to be appropriations
18 subject to the limitations of section 24-75-201.1. The amount that shall
19 accrue pursuant to this subsection (2) shall be as follows:

20 (u) On July 1, 2008, sixty-nine thousand four hundred sixty-seven
21 dollars pursuant to H.B. 04-1021, enacted at the second regular session
22 of the sixty-fourth general assembly; plus three hundred ninety-two
23 thousand three hundred seventy-three dollars pursuant to S.B. 06-206,
24 enacted at the second regular session of the sixty-fifth general assembly;
25 plus three hundred ninety-two thousand three hundred seventy-three
26 dollars pursuant to S.B. 06-207, enacted at the second regular session of
27 the sixty-fifth general assembly; plus four hundred sixty-two thousand

1 one hundred twenty-eight dollars pursuant to H.B. 06-1326, enacted at the
2 second regular session of the sixty-fifth general assembly; plus twenty-six
3 thousand one hundred fifty-eight dollars pursuant to H.B. 06-1145,
4 enacted at the second regular session of the sixty-fifth general assembly;
5 plus five hundred twenty-three thousand one hundred sixty-four dollars
6 pursuant to H.B. 06-1011, enacted at the second regular session of the
7 sixty-fifth general assembly; plus sixty-nine thousand seven hundred
8 fifty-five dollars pursuant to S.B. 06S-004, enacted at the first
9 extraordinary session of the sixty-fifth general assembly; plus three
10 hundred twenty-five thousand four hundred twenty-nine dollars pursuant
11 to S.B. 07-096, enacted at the first regular session of the sixty-sixth
12 general assembly; plus one hundred fifty thousand one hundred
13 ninety-eight dollars pursuant to H.B. 07-1326, enacted at the first regular
14 session of the sixty-sixth general assembly; PLUS ONE HUNDRED
15 TWENTY-FIVE THOUSAND ONE HUNDRED SIXTY-FIVE DOLLARS PURSUANT
16 TO H.B. 08-1115, ENACTED AT THE SECOND REGULAR SESSION OF THE
17 SIXTY-SIXTH GENERAL ASSEMBLY;

18 (v) On July 1, 2009, five hundred twenty-three thousand one
19 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second
20 regular session of the sixty-fifth general assembly; plus five hundred
21 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.
22 06-207, enacted at the second regular session of the sixty-fifth general
23 assembly; plus forty-three thousand five hundred ninety-seven dollars
24 pursuant to H.B. 06-1145, enacted at the second regular session of the
25 sixty-fifth general assembly; plus five hundred twenty-three thousand one
26 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the
27 second regular session of the sixty-fifth general assembly; plus one

1 hundred fifty thousand one hundred ninety-eight dollars pursuant to S.B.
2 07-096, enacted at the first regular session of the sixty-sixth general
3 assembly; plus seventy-five thousand ninety-nine dollars pursuant to H.B.
4 07-1326, enacted at the first regular session of the sixty-sixth general
5 assembly;

6 (w) On July 1, 2010, five hundred twenty-three thousand one
7 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second
8 regular session of the sixty-fifth general assembly; plus five hundred
9 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.
10 06-207, enacted at the second regular session of the sixty-fifth general
11 assembly; plus forty-three thousand five hundred ninety-seven dollars
12 pursuant to H.B. 06-1145, enacted at the second regular session of the
13 sixty-fifth general assembly; plus five hundred twenty-three thousand one
14 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the
15 second regular session of the sixty-fifth general assembly; plus sixty-nine
16 thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004,
17 enacted at the first extraordinary session of the sixty-fifth general
18 assembly; plus seven hundred fifty thousand nine hundred ninety dollars
19 pursuant to S.B. 07-096, enacted at the first regular session of the
20 sixty-sixth general assembly; PLUS ONE HUNDRED TWELVE THOUSAND SIX
21 HUNDRED FORTY-NINE DOLLARS PURSUANT TO H.B. 08-1115, ENACTED AT
22 THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

23 (x) On July 1, 2011, seven hundred fifty thousand nine hundred
24 ninety dollars pursuant to S.B. 07-096, enacted at the first regular session
25 of the sixty-sixth general assembly;

26 (y) ON JULY 1, 2012, ONE HUNDRED TWELVE THOUSAND SIX
27 HUNDRED FORTY-NINE DOLLARS PURSUANT TO H.B. 08-1115, ENACTED AT

1 THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY.

2 **SECTION 4. Effective date - applicability.** This act shall take
3 effect on July 1, 2008, and shall apply to offenses committed on or after
4 said date.

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