

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

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 3 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, OR ADMINISTRATIVE LAW JUDGE.

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

1 (I) DIRECTLY TO A JUDGE; OR

2 (II) TO ANOTHER PERSON:

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

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

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

10 **ARTICLE 18**

11 **Correctional Facilities - Statutory Appropriations**

12 **17-18-101. Appropriation to comply with section 2-2-703 - HB**
13 **08-___ - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE
14 FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY
15 BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 08-___,
16 ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL
17 ASSEMBLY:

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

23 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN
24 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
25 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
26 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
27 FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

1 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION
2 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
3 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
4 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

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

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, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
13 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

14 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN
15 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
16 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
17 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
18 FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

19 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION
20 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
21 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
22 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

23 (e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION
24 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
25 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
26 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
27 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

1 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION
2 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
3 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
4 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

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 _____ DOLLARS
15 PURSUANT TO H.B. 08-_____, ENACTED AT THE SECOND REGULAR SESSION
16 OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

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

1 07-096, enacted at the first regular session of the sixty-sixth general
2 assembly; plus seventy-five thousand ninety-nine dollars pursuant to H.B.
3 07-1326, enacted at the first regular session of the sixty-sixth general
4 assembly; PLUS _____ DOLLARS PURSUANT TO H.B. 08-____, ENACTED
5 AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL
6 ASSEMBLY;

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

24 (x) On July 1, 2011, seven hundred fifty thousand nine hundred
25 ninety dollars pursuant to S.B. 07-096, enacted at the first regular session
26 of the sixty-sixth general assembly; PLUS _____ DOLLARS PURSUANT TO
27 H.B. 08-____, ENACTED AT THE SECOND REGULAR SESSION OF THE

1 SIXTY-SIXTH GENERAL ASSEMBLY;
2 (y) ON JULY 1, 2012, _____ DOLLARS PURSUANT TO H.B. 08-_____,
3 ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL
4 ASSEMBLY.

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

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