

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

**ENGROSSED**

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

LLS NO. 08-0347.01 Jerry Barry

**HOUSE BILL 08-1115**

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**HOUSE SPONSORSHIP**

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

**SENATE SPONSORSHIP**

**Renfroe**,

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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.

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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.*

HOUSE  
Am ended 2nd Reading  
March 12, 2008

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) (a) AN INDIVIDUAL  
5 COMMITS RETALIATION AGAINST A JUDGE IF THE INDIVIDUAL MAKES A  
6 CREDIBLE THREAT, AS DEFINED IN SECTION 18-9-111 (4) (c) (II), OR  
7 COMMITS AN ACT OF HARASSMENT, AS DEFINED IN SECTION 18-9-111 (1),  
8 OR AN ACT OF HARM OR INJURY UPON A PERSON OR PROPERTY AS  
9 RETALIATION OR RETRIBUTION AGAINST A JUDGE, WHICH ACTION IS  
10 DIRECTED AGAINST OR COMMITTED UPON:

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

14           (II) A MEMBER OF THE JUDGE'S FAMILY;

15           (III) A PERSON IN CLOSE RELATIONSHIP TO THE JUDGE; OR

16           (IV) A PERSON RESIDING IN THE SAME HOUSEHOLD WITH THE  
17 JUDGE.

18           (b) AN INDIVIDUAL COMMITS RETALIATION AGAINST A JUDGE BY  
19 MEANS OF A THREAT AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION  
20 (1) IF THE INDIVIDUAL KNOWINGLY COMMUNICATES THE THREAT TO CAUSE  
21 FEAR OF HARM TO THE HEALTH OR SAFETY OF THE JUDGE OR ANOTHER  
22 PERSON, AND COMMUNICATES THE THREAT:

23           (I) DIRECTLY TO THE JUDGE; OR

24           (II) TO ANOTHER PERSON:

25           (A) IF THE INDIVIDUAL INTENDED THAT THE COMMUNICATION  
26 WOULD BE RELAYED TO THE JUDGE; OR

27           (B) IF THE OTHER PERSON IS REQUIRED BY STATUTE OR ETHICAL

1 RULE TO REPORT THE COMMUNICATION TO THE JUDGE.

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

3 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
4 REQUIRES, "JUDGE" MEANS ANY JUSTICE OF THE SUPREME COURT, JUDGE  
5 OF THE COURT OF APPEALS, DISTRICT COURT JUDGE, JUVENILE COURT  
6 JUDGE, PROBATE COURT JUDGE, WATER COURT JUDGE, COUNTY COURT  
7 JUDGE, DISTRICT COURT MAGISTRATE, COUNTY COURT MAGISTRATE,  
8 MUNICIPAL JUDGE, ADMINISTRATIVE LAW JUDGE, OR UNEMPLOYMENT  
9 INSURANCE HEARING OFFICER.

10

11

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

14

## ARTICLE 18

15

### Correctional Facilities - Statutory Appropriations

16

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

17

**H.B. 08-1115 - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE

18

FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY

19

BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 08-1115,

20

ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL

21

ASSEMBLY:

22

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION

23

TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM

24

THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,

25

C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN

26

SECTION 17-1-116, C.R.S., THE SUM OF ONE HUNDRED TWENTY-FIVE

27

THOUSAND ONE HUNDRED SIXTY-FIVE DOLLARS (\$125,165).

1 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN  
2 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY  
3 APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY  
4 MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM  
5 OF TWENTY-EIGHT THOUSAND SEVEN HUNDRED FIFTY-EIGHT DOLLARS  
6 (\$28,758).

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

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

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

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, C.R.S., THE SUM OF ONE HUNDRED TWELVE THOUSAND

1 SIX HUNDRED FORTY-NINE DOLLARS (\$112,649).

2 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION  
3 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
4 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL  
5 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-EIGHT  
6 THOUSAND SEVEN HUNDRED FIFTY-EIGHT DOLLARS (\$28,758).

7

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

9 **SECTION 3.** The introductory portion to 24-75-302 (2) and  
10 24-75-302 (2) (u), (2) (v), (2) (w), and (2) (x), Colorado Revised Statutes,  
11 are amended, and the said 24-75-302 (2) is further amended BY THE  
12 ADDITION OF A NEW PARAGRAPH, to read:

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

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

1 plus three hundred ninety-two thousand three hundred seventy-three  
2 dollars pursuant to S.B. 06-207, enacted at the second regular session of  
3 the sixty-fifth general assembly; plus four hundred sixty-two thousand  
4 one hundred twenty-eight dollars pursuant to H.B. 06-1326, enacted at the  
5 second regular session of the sixty-fifth general assembly; plus twenty-six  
6 thousand one hundred fifty-eight dollars pursuant to H.B. 06-1145,  
7 enacted at the second regular session of the sixty-fifth general assembly;  
8 plus five hundred twenty-three thousand one hundred sixty-four dollars  
9 pursuant to H.B. 06-1011, enacted at the second regular session of the  
10 sixty-fifth general assembly; plus sixty-nine thousand seven hundred  
11 fifty-five dollars pursuant to S.B. 06S-004, enacted at the first  
12 extraordinary session of the sixty-fifth general assembly; plus three  
13 hundred twenty-five thousand four hundred twenty-nine dollars pursuant  
14 to S.B. 07-096, enacted at the first regular session of the sixty-sixth  
15 general assembly; plus one hundred fifty thousand one hundred  
16 ninety-eight dollars pursuant to H.B. 07-1326, enacted at the first regular  
17 session of the sixty-sixth general assembly; PLUS ONE HUNDRED  
18 TWENTY-FIVE THOUSAND ONE HUNDRED SIXTY-FIVE DOLLARS PURSUANT  
19 TO H.B. 08-1115, ENACTED AT THE SECOND REGULAR SESSION OF THE  
20 SIXTY-SIXTH GENERAL ASSEMBLY;

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

1 sixty-fifth general assembly; plus five hundred twenty-three thousand one  
2 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the  
3 second regular session of the sixty-fifth general assembly; plus one  
4 hundred fifty thousand one hundred ninety-eight dollars pursuant to S.B.  
5 07-096, enacted at the first regular session of the sixty-sixth general  
6 assembly; plus seventy-five thousand ninety-nine dollars pursuant to H.B.  
7 07-1326, enacted at the first regular session of the sixty-sixth general  
8 assembly;

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

26 (x) On July 1, 2011, seven hundred fifty thousand nine hundred  
27 ninety dollars pursuant to S.B. 07-096, enacted at the first regular session

1 of the sixty-sixth general assembly;

2 (y) ON JULY 1, 2012, ONE HUNDRED TWELVE THOUSAND SIX  
3 HUNDRED FORTY-NINE DOLLARS PURSUANT TO H.B. 08-1115, ENACTED AT  
4 THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL 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.