

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REENGROSSED

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

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.

HOUSE
3rd Reading Unamended
March 13, 2008

HOUSE
Amended 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.