

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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

Judiciary
Finance
Appropriations

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.

SENATE
3rd Reading Unamended
April 29, 2008

SENATE
Amended 2nd Reading
April 28, 2008

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 CREDIBLE THREAT AS DESCRIBED IN PARAGRAPH (a) OF THIS
20 SUBSECTION (1) IF THE INDIVIDUAL KNOWINGLY MAKES THE CREDIBLE
21 THREAT:

22 (I) DIRECTLY TO THE JUDGE; OR

23 (II) TO ANOTHER PERSON:

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

26 (B) IF THE OTHER PERSON IS REQUIRED BY STATUTE OR ETHICAL
27 RULE TO REPORT THE COMMUNICATION TO THE JUDGE.

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

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

9 [REDACTED]

10 [REDACTED]

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

13 ARTICLE 18

14 Correctional Facilities - Statutory Appropriations

15 17-18-101. Appropriation to comply with section 2-2-703 -
16 H.B. 08-1115 - repeal. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE
17 FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY
18 BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 08-1115,
19 ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL
20 ASSEMBLY:

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

27 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN

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

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

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

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

22 (e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, 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 TWELVE THOUSAND
27 SIX HUNDRED FORTY-NINE DOLLARS (\$112,649).

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

6 [REDACTED]

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

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

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

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

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

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

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

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

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

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

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

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