

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 01-0460.01 Jerry Barry

HOUSE BILL 01-1158

HOUSE SPONSORSHIP

Grossman

SENATE SPONSORSHIP

(None)

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CIVIL RESTRAINT OF UNREASONABLE INTERFERENCE**
102 **WITH RESIDENTIAL PROPERTY.**

Bill Summary

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

Adds unreasonable interference with residential property to the list of purposes for issuing a civil restraining order. Defines "unreasonable interference" and specifies factors for the court to consider in granting a temporary or permanent civil restraining order.

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. Legislative declaration.** (1) (a) The general
2 assembly hereby finds that:

3 (I) The protection and preservation of a person's home is a
4 compelling state interest guaranteed by section 3 of article II of the
5 Colorado constitution;

6 (II) Residents of Colorado are entitled to enjoy a feeling of
7 well-being, tranquility, and privacy in their homes and dwellings; and

8 (III) The practice of picketing before or about a residence or
9 dwelling causes emotional disturbances and distress to the occupants and
10 has, as its object, the harassment of the occupants.

11 (b) The general assembly further finds that ample alternative
12 means of communication are available to those who would choose to
13 engage in picketing before a person's residence.

14 **SECTION 2.** 13-14-101, Colorado Revised Statutes, is amended
15 BY THE ADDITION OF A NEW SUBSECTION to read:

16 **13-14-101. Definitions.** For purposes of this article, unless the
17 context otherwise requires:

18 (4) "UNREASONABLE INTERFERENCE WITH RESIDENTIAL PROPERTY"
19 MEANS ANY ACTIVITY ON OR IN THE STREET, SIDEWALK, ALLEY, OR ANY
20 OTHER PUBLIC THOROUGHFARE ABUTTING OR ADJOINING A PARTICULAR
21 HOME OR PLACE OF ABODE, WHICH ACTIVITY IS FOUND BY THE COURT TO
22 UNREASONABLY INTERFERE WITH THE PRIVACY OF A PERSON RESIDING IN
23 THE HOME OR PLACE OF ABODE.

24 **SECTION 3.** 13-14-102 (1), Colorado Revised Statutes, is
25 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26 **13-14-102. Civil restraining orders.** (1) Any municipal court of
27 record, if authorized by the municipal governing body, any county court,

1 and any district court shall have original concurrent jurisdiction to issue
2 a temporary or permanent civil restraining order against an adult or
3 against a juvenile who is ten years of age or older for any of the following
4 purposes:

5 (e) PURSUANT TO THE SUBSTANTIVE RIGHTS CONFERRED IN SECTION
6 3 OF ARTICLE II OF THE COLORADO CONSTITUTION, TO PREVENT
7 UNREASONABLE INTERFERENCE WITH RESIDENTIAL PROPERTY.

8 **SECTION 4.** 13-14-102 (4), Colorado Revised Statutes, is
9 amended to read:

10 **13-14-102. Civil restraining orders.** (4) (a) EXCEPT AS
11 OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), a
12 temporary civil restraining order may be issued if the issuing judge or
13 magistrate finds that an imminent danger exists to the person or persons
14 seeking protection under the civil restraining order. In determining
15 whether an imminent danger exists to the life or health of one or more
16 persons, the court shall consider when the most recent incident of abuse
17 or threat of harm occurred as well as all other relevant evidence
18 concerning the safety and protection of the persons seeking the restraining
19 order. However, the court shall not deny a petitioner the relief requested
20 solely because of a lapse of time between an act of abuse or threat of harm
21 and filing of the petition for a restraining order.

22 (b) IN DETERMINING WHETHER TO ISSUE A TEMPORARY CIVIL
23 RESTRAINING ORDER TO PREVENT UNREASONABLE INTERFERENCE WITH
24 RESIDENTIAL PROPERTY OR TO MAKE SUCH AN ORDER PERMANENT, THE
25 ISSUING JUDGE OR MAGISTRATE SHALL CONSIDER, IN ADDITION TO ANY
26 OTHER RELEVANT FACTORS:

27 (I) WHETHER THE ACTION SOUGHT TO BE RESTRAINED INTERFERES

1 WITH THE RIGHTS GUARANTIED BY SECTION 3 OF ARTICLE II OF THE
2 COLORADO CONSTITUTION;

3 (II) WHERE THE ACTION SOUGHT TO BE RESTRAINED INVOLVES
4 SOME FORM OF SPEECH, WHETHER THERE ARE AMPLE ALTERNATIVE
5 CHANNELS OF COMMUNICATION AVAILABLE TO THE POTENTIALLY
6 RESTRAINED PARTY; AND

7 (III) WHETHER THE RESTRAINING ORDER CAN BE NARROWLY
8 TAILORED TO PROTECT THE RESIDENTIAL PRIVACY RIGHTS OF THE PERSON
9 OR PERSONS SEEKING THE ORDER.

10 **SECTION 5. Effective date - applicability.** (1) This act shall
11 take effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly that is
13 allowed for submitting a referendum petition pursuant to article V, section
14 1 (3) of the state constitution; except that, if a referendum petition is filed
15 against this act or an item, section, or part of this act within such period,
16 then the act, item, section, or part, if approved by the people, shall take
17 effect on the date of the official declaration of the vote thereon by
18 proclamation of the governor.

19 (2) The provisions of this act shall apply to motions for civil
20 restraining orders filed on or after the applicable effective date of this act.