

SENATE COMMITTEE OF REFERENCE REPORT

March 18, 2021

Chair of Committee

Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB21-064 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, strike lines 2 through 26 and substitute:

2 "SECTION 1. In Colorado Revised Statutes, 18-8-615, **amend**
3 (2); and **add** (1.5) as follows:

4 **18-8-615. Retaliation against a judge or an elected official -**
5 **definitions.** (1.5)(a) AN INDIVIDUAL COMMITS RETALIATION AGAINST AN
6 ELECTED OFFICIAL IF THE INDIVIDUAL MAKES A CREDIBLE THREAT, AS
7 DEFINED IN SECTION 18-3-602 (2)(b), OR COMMITS AN ACT OF
8 HARASSMENT, AS DEFINED IN SECTION 18-9-111 (1), AS RETALIATION OR
9 RETRIBUTION AGAINST THE ELECTED OFFICIAL OR TO THE STATUS OF THE
10 PERSON AS AN ELECTED OFFICIAL, AND IS DIRECTED AGAINST OR
11 COMMITTED UPON:

- 12 (I) AN ELECTED OFFICIAL;
13 (II) A MEMBER OF THE ELECTED OFFICIAL'S FAMILY;
14 (III) A PERSON IN CLOSE RELATIONSHIP TO THE ELECTED OFFICIAL;

15 OR

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

18 (b) AN INDIVIDUAL COMMITS RETALIATION AGAINST AN ELECTED
19 OFFICIAL BY MEANS OF A CREDIBLE THREAT AS DESCRIBED IN SUBSECTION
20 (1.5)(a) OF THIS SECTION IF THE INDIVIDUAL KNOWINGLY MAKES THE
21 CREDIBLE THREAT:

- 22 (I) DIRECTLY TO THE ELECTED OFFICIAL; OR
23 (II) TO ANOTHER PERSON:



1 (A) IF THE INDIVIDUAL INTENDED THAT THE COMMUNICATION
2 WOULD BE RELAYED TO THE ELECTED OFFICIAL; OR
3 (B) IF THE OTHER PERSON IS REQUIRED BY STATUTE OR ETHICAL
4 RULE TO REPORT THE COMMUNICATION TO THE ELECTED OFFICIAL.
5 (c) FOR PURPOSES OF THIS SUBSECTION (1.5), "ELECTED OFFICIAL"
6 MEANS ANY PERSON WHO IS SERVING IN AN ELECTED POSITION IN THE
7 STATE OF COLORADO AT ANY LEVEL OF GOVERNMENT.
8 (2) (a) Retaliation against a judge is a class 4 felony.
9 (b) RETALIATION AGAINST AN ELECTED OFFICIAL IS A CLASS 1
10 MISDEMEANOR, UNLESS COMMITTED BY MEANS OF A CREDIBLE THREAT, AS
11 DEFINED IN SECTION 18-3-602 (2)(b), THEN IT IS A CLASS 6 FELONY."

12 Page 3, strike lines 1 through 15.

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