

1 PURSUANT TO SECTION 2-4-211, AND THE COMMON LAW PRIVILEGE FROM
2 CIVIL ARREST HAS NOT BEEN LEGISLATIVELY REPEALED.

3 (d) THE GENERAL ASSEMBLY HAS THE POWER TO PROTECT
4 COLORADO'S COURT PROCEEDINGS IN ORDER TO PRESERVE COLORADO'S
5 REPUBLICAN FORM OF GOVERNMENT AND HAS PREVIOUSLY CODIFIED THE
6 PRIVILEGE FROM ARREST IN SPECIFIC CIRCUMSTANCES TO PROTECT THE
7 PROPER FUNCTIONING OF COURTS; AND

8 (e) THIS ACT CLARIFIES COLORADO LAW WITH RESPECT TO COURT
9 ACCESS AND JUDICIAL POWER TO ENFORCE THE PROTECTION IN ORDER TO
10 ENSURE COURT ACCESS AND TO PREVENT INTERRUPTION OF THE
11 ADMINISTRATION OF JUSTICE, AND CLARIFIES THAT THE PROTECTION
12 EXTENDS TO PROCEEDINGS CONDUCTED UNDER THE AUTHORITY OF A
13 COURT, INCLUDING, BUT NOT LIMITED TO, PROBATION AND PRETRIAL
14 SERVICES.

15 (2) NOTHING IN THIS PART 4 NARROWS, OR IN ANY WAY LESSENS,
16 ANY RIGHTS OR PROTECTIONS FROM CIVIL ARREST AT A COURTHOUSE OR
17 ON ITS ENVIRONS, OR WHILE GOING TO, ATTENDING, OR COMING FROM A
18 COURT PROCEEDING, UNDER COMMON LAW, STATUTE, THE UNITED STATES
19 CONSTITUTION, THE STATE CONSTITUTION, OR THE REMEDIES AVAILABLE
20 FOR VIOLATIONS OF THOSE RIGHTS OR PRIVILEGES.

21 **13-1-402. Definitions.** AS USED IN THIS PART 4, UNLESS THE
22 CONTEXT OTHERWISE REQUIRES:

23 (1) "CIVIL ARREST" MEANS AN ARREST THAT IS SOLELY OR
24 PRIMARILY IN CONNECTION WITH A CIVIL PROCEEDING, BUT DOES NOT
25 INCLUDE AN ARREST MADE IN CONNECTION WITH A JUDGE'S CONTEMPT
26 AUTHORITY OR OTHER JUDICIALLY ISSUED PROCESS.

27 (2) "COURT" MEANS A COURT OF THE STATE OF COLORADO OR ITS

1 COUNTIES OR MUNICIPALITIES.

2 (3) "COURTHOUSE" MEANS THE ENTIRETY OF A BUILDING IN WHICH
3 A COURT IS LOCATED INCLUDING, BUT NOT LIMITED TO, A COURTROOM,
4 HALLWAY, RESTROOM, OR LOBBY.

5 (4) "COURT PROCEEDING" MEANS A PROCEEDING CONDUCTED BY
6 A COURT OR UNDER THE AUTHORITY OF A COURT, INCLUDING, BUT NOT
7 LIMITED TO:

8 (a) ACCESSING A SERVICE OR CONDUCTING BUSINESS WITH A
9 COURT;

10 (b) A CRIMINAL PROCEEDING;

11 (c) A CIVIL PROCEEDING;

12 (d) A GRAND JURY PROCEEDING;

13 (e) A CIVIL PROTECTION ORDER PROCEEDING;

14 (f) AN ARBITRATION;

15 (g) A DEPOSITION;

16 (h) A PRETRIAL SERVICES APPOINTMENT; OR

17 (i) A PROBATION SERVICES APPOINTMENT.

18 (5) "ENVIRONS" MEANS THE VICINITY SURROUNDING A
19 COURTHOUSE, INCLUDING, BUT NOT LIMITED TO, A SIDEWALK, DRIVEWAY,
20 ENTRYWAY, GREEN SPACE, OR PARKING AREA SERVING THE COURTHOUSE.

21 **13-1-403. Prohibition of civil arrest - writ of protection -**
22 **procedure.** (1) A PERSON SHALL NOT BE SUBJECT TO CIVIL ARREST WHILE
23 THE PERSON IS PRESENT AT A COURTHOUSE OR ON ITS ENVIRONS, OR WHILE
24 GOING TO, ATTENDING, OR COMING FROM A COURT PROCEEDING.

25 (2) (a) A JUDGE OR MAGISTRATE MAY ISSUE A WRIT OF
26 PROTECTION TO PROHIBIT A CIVIL ARREST PURSUANT TO SUBSECTION (1)
27 OF THIS SECTION. A JUDGE OR MAGISTRATE MAY INCORPORATE THE WRIT

1 OF PROTECTION IN OTHER REGULARLY ISSUED DOCUMENTS.

2 (b) THE PROTECTION DESCRIBED IN SUBSECTION (1) OF THIS
3 SECTION APPLIES REGARDLESS OF WHETHER A WRIT OF PROTECTION HAS
4 BEEN ISSUED.

5 (3) NOTHING IN THIS SECTION PRECLUDES A CRIMINAL ARREST OR
6 EXECUTION OF A CRIMINAL ARREST WARRANT ISSUED BY A JUDGE OR
7 MAGISTRATE BASED ON PROBABLE CAUSE OF A VIOLATION OF CRIMINAL
8 LAW.

9 (4) AN ON-DUTY LAW ENFORCEMENT OFFICER WHO IS NOT
10 EMPLOYED BY OR CONTRACTED WITH COURTHOUSE SECURITY, OR
11 PARTICIPATING IN A COURT PROCEEDING, SHALL PRESENT CREDENTIALS
12 AND STATE THE PURPOSE OF THE OFFICER'S PRESENCE TO ANY EXISTING
13 COURTHOUSE SECURITY, WHO SHALL MAINTAIN A RECORD OF THE
14 INFORMATION.

15 (5) THE CHIEF JUDGE OF ANY COURT MAY ENTER AN ORDER TO
16 ENSURE THAT ARRESTS MADE WHILE PERSONS ARE PRESENT AT A
17 COURTHOUSE OR ON ITS ENVIRONS, OR WHILE GOING TO, ATTENDING, OR
18 COMING FROM A COURT PROCEEDING, COMPLY WITH THIS SECTION.

19 **13-1-404. Remedies.** (1) A PERSON WHO KNOWINGLY VIOLATES
20 SECTION 13-1-403 (1) OR A WRIT OF PROTECTION ISSUED PURSUANT TO
21 SECTION 13-1-403 (2) IS LIABLE FOR DAMAGES IN A CIVIL ACTION FOR
22 FALSE IMPRISONMENT.

23 (2) A PERSON WHO KNOWINGLY VIOLATES SECTION 13-1-403 (1)
24 OR A WRIT OF PROTECTION ISSUED PURSUANT TO SECTION 13-1-403 (2) IS
25 SUBJECT TO CONTEMPT OF COURT.

26 (3) THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION ON
27 BEHALF OF THE PEOPLE OF THE STATE FOR A VIOLATION OF SECTION

1 13-1-403 TO OBTAIN APPROPRIATE EQUITABLE OR DECLARATORY RELIEF.

2 (4) A PERSON ARRESTED OR DETAINED IN VIOLATION OF SECTION
3 13-1-403 MAY SEEK A WRIT OF HABEAS CORPUS.

4 **13-1-405. Severability.** IF ANY PROVISION OF THIS PART 4 OR ITS
5 APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE
6 INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATION OF THIS
7 PART 4 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR
8 APPLICATION, AND TO THIS END THE PROVISIONS OF THIS PART 4 ARE
9 SEVERABLE.

10 **SECTION 2.** In Colorado Revised Statutes, 13-1-114, **amend**
11 (1)(d); and **add** (1)(e) as follows:

12 **13-1-114. Powers of court.** (1) Every court has power:

13 (d) To control, in furtherance of justice, the conduct of its
14 ministerial officers; AND

15 (e) TO PRESERVE ACCESS TO COURTHOUSES AND COURT
16 PROCEEDINGS, PREVENT INTERRUPTION OF COURT PROCEEDINGS, AND
17 ENFORCE PROTECTION FROM CIVIL ARREST AT A COURTHOUSE OR ON ITS
18 ENVIRONS PURSUANT TO SECTION 13-1-403.

19 **SECTION 3. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety.