

CHAPTER 26

CRIMINAL LAW AND PROCEDURE

SENATE BILL 22-024

BY SENATOR(S) Fields and Cooke, Bridges, Buckner, Coram, Fenberg, Gardner, Ginal, Hansen, Hisey, Holbert, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Liston, Lundeen, Moreno, Pettersen, Priola, Rankin, Scott, Simpson, Smallwood, Sonnenberg, Story, Woodward, Garcia;
also REPRESENTATIVE(S) Roberts and Soper, Bacon, Bernett, Bird, Boesenecker, Carver, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Herod, Hooton, Jodeh, Kipp, Lontine, McCluskie, Michaelson Jenet, Pico, Ricks, Sirota, Snyder, Sullivan, Titone, Valdez D., Van Beber, Weissman, Will, Williams, Young.

AN ACT**CONCERNING CHANGES TO STRENGTHEN THE CRIME OF INTIMIDATING A WITNESS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 18-8-704, **amend** (1) as follows:

18-8-704. Intimidating a witness or victim. (1) A person commits intimidating a witness or victim if:

(a) By use of a threat, act of harassment as defined in section 18-9-111, or act of harm or injury to any person or property directed to or committed upon:

(I) A witness in any criminal or civil proceeding;

(II) A victim of any crime;

(III) A person he or she believes has been or is to be called or who would have been called to testify as a witness in any criminal or civil proceeding or a victim of any crime;

(IV) A PERSON HE OR SHE BELIEVES MAY HAVE INFORMATION RELEVANT TO A CRIMINAL INVESTIGATION;

(V) A member of the ~~witness'~~ WITNESS'S family;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(VI) A member of the victim's family;

(VII) A person in close relationship to the witness or victim;

(VIII) A person residing in the same household with the witness or victim;

(IX) A PERSON HE OR SHE BELIEVES MAY BE ABLE TO EXERT INFLUENCE UPON THE WITNESS OR VICTIM; or

(X) Any person who has reported a crime or who may be called to testify OR WHO TESTIFIES as a witness to or victim of any crime; AND

(b) He or she intentionally attempts to or does:

~~(a)~~ (I) Influence the witness or victim to testify falsely or unlawfully withhold any testimony; or

~~(b)~~ (II) Induce the witness or victim to avoid legal process summoning him OR HER to testify; or

~~(c)~~ (III) Induce the witness or victim to absent himself or herself from an official proceeding; or

~~(d)~~ (IV) Inflict such harm or injury prior to such testimony or expected testimony; OR

(V) INFLUENCE THE WITNESS, VICTIM, OR ANY PERSON WITH KNOWLEDGE OF RELEVANT INFORMATION TO WITHHOLD INFORMATION FROM, OR PROVIDE FALSE INFORMATION TO, LAW ENFORCEMENT, A DEFENSE ATTORNEY, OR A DEFENSE INVESTIGATOR.

SECTION 2. Effective date - applicability. This act takes effect July 1, 2022, and applies to offenses committed on or after said date.

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

Approved: March 17, 2022