

CHAPTER 239

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 15-1229

BY REPRESENTATIVE(S) McCann, Brown, Duran, Esgar, Fields, Garnett, Moreno, Pabon, Primavera, Rosenthal, Salazar;
also SENATOR(S) Martinez Humenik.

AN ACT

CONCERNING RETALIATION AGAINST A PROSECUTOR, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 18-8-616 as follows:

18-8-616. Retaliation against a prosecutor. (1) (a) AN INDIVIDUAL COMMITS RETALIATION AGAINST A PROSECUTOR IF THE INDIVIDUAL MAKES A CREDIBLE THREAT, AS DEFINED IN SECTION 18-3-602 (2) (b), OR COMMITS AN ACT OF HARM OR INJURY UPON A PERSON OR PROPERTY AS RETALIATION OR RETRIBUTION AGAINST A PROSECUTOR, WHICH ACTION IS DIRECTED AGAINST OR COMMITTED UPON:

(I) AN ELECTED DISTRICT ATTORNEY;

(II) A PROSECUTOR WHO HAS SERVED OR IS SERVING IN A LEGAL MATTER ASSIGNED TO THE PROSECUTOR INVOLVING THE INDIVIDUAL OR A PERSON ON WHOSE BEHALF THE INDIVIDUAL IS ACTING;

(III) A MEMBER OF THE PROSECUTOR'S FAMILY;

(IV) A PERSON IN CLOSE RELATIONSHIP TO THE PROSECUTOR; OR

(V) A PERSON RESIDING IN THE SAME HOUSEHOLD WITH THE PROSECUTOR.

(b) AN INDIVIDUAL COMMITS RETALIATION AGAINST A PROSECUTOR BY MEANS OF A CREDIBLE THREAT AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) IF THE INDIVIDUAL KNOWINGLY MAKES THE CREDIBLE THREAT:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(I) DIRECTLY TO THE PROSECUTOR; OR

(II) TO ANOTHER PERSON:

(A) IF THE INDIVIDUAL INTENDED THAT THE COMMUNICATION WOULD BE RELAYED TO THE PROSECUTOR; OR

(B) IF THE OTHER PERSON IS REQUIRED BY STATUTE OR ETHICAL RULE TO REPORT THE COMMUNICATION TO THE PROSECUTOR OR TO THE COURT.

(2) RETALIATION AGAINST A PROSECUTOR IS A CLASS 4 FELONY.

(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PROSECUTOR" MEANS THE ATTORNEY GENERAL, DEPUTY ATTORNEY GENERAL, ASSISTANT ATTORNEY GENERAL, DISTRICT ATTORNEY, DEPUTY DISTRICT ATTORNEY, ASSISTANT DISTRICT ATTORNEY, APPOINTED SPECIAL PROSECUTOR, CITY ATTORNEY, UNITED STATES ATTORNEY, DEPUTY UNITED STATES ATTORNEY, ASSISTANT UNITED STATES ATTORNEY, OR SPECIAL ASSISTANT UNITED STATES ATTORNEY.

SECTION 2. In Colorado Revised Statutes, 18-9-313, **amend** (1) (a.5) as follows:

18-9-313. Personal information on the internet - law enforcement official - definitions. (1) As used in this section:

(a.5) "Law enforcement official" means a peace officer as described in section 16-2.5-101, C.R.S., a judge as defined by section 18-8-615 (3), or a prosecutor, AS DEFINED IN SECTION 18-8-616 (3).

SECTION 3. In Colorado Revised Statutes, 24-4.1-302, **amend** (1) (kk) as follows:

24-4.1-302. Definitions. As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

(1) "Crime" means any of the following offenses, acts, and violations as defined by the statutes of the state of Colorado, whether committed by an adult or a juvenile:

(kk) Retaliation against a judge, in violation of section 18-8-615, C.R.S.; RETALIATION AGAINST A PROSECUTOR, IN VIOLATION OF SECTION 18-8-616, C.R.S.; or retaliation against a juror, in violation of section 18-8-706.5, C.R.S.;

SECTION 4. In Colorado Revised Statutes, **add** 17-18-117 as follows:

17-18-117. Appropriation to comply with section 2-2-703 - HB 15-1229 - repeal. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 15-1229, ENACTED IN 2015:

(a) FOR THE 2016-17 STATE FISCAL YEAR, TWENTY-TWO THOUSAND SIXTY-EIGHT DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

(b) FOR THE 2017-18 STATE FISCAL YEAR, TWENTY-TWO THOUSAND SIXTY-EIGHT DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

(c) FOR THE 2018-19 STATE FISCAL YEAR, TWENTY-TWO THOUSAND SIXTY-EIGHT DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

(d) FOR THE 2019-20 STATE FISCAL YEAR, FIVE THOUSAND SEVENTY-SIX DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.

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

Approved: May 29, 2015