

## CHAPTER 45

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**CRIMINAL LAW AND PROCEDURE**


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**HOUSE BILL 15-1060**

BY REPRESENTATIVE(S) Hamner, Court, Duran, Esgar, Fields, Foote, Garnett, Ginal, Kraft-Tharp, Lontine, McCann, Mitsch Bush, Pabon, Pettersen, Primavera, Rosenthal, Salazar, Tyler, Vigil, Williams, Winter, Young; also SENATOR(S) Cooke, Crowder, Jahn, Lambert, Martinez Humenik, Roberts, Todd, Woods.

**AN ACT****CONCERNING PROTECTION ORDERS IN SEX OFFENSE CASES.**

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

**SECTION 1.** In Colorado Revised Statutes, 16-4-105, **amend** (4) as follows:

**16-4-105. Conditions of release on bond.** (4) An additional condition of every bond in cases ~~of~~ INVOLVING domestic violence as defined in section 18-6-800.3 (1), C.R.S., ~~or~~ in cases of stalking under section 18-3-602, C.R.S., OR IN CASES INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), is that the released person acknowledge the protection order as provided in section 18-1-1001 (5), C.R.S.

**SECTION 2.** In Colorado Revised Statutes, 18-1-1001, **amend** (5) and (6) as follows:

**18-1-1001. Protection order against defendant - definitions.** (5) Before a defendant is released on bail pursuant to article 4 of title 16, C.R.S., the court shall, in cases involving domestic violence as defined in section 18-6-800.3 (1), ~~or~~ in cases of stalking pursuant to section 18-3-602, OR IN CASES INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), C.R.S., state the terms of the protection order issued pursuant to this section, including any additional provisions added pursuant to subsection (3) of this section, to the defendant on the record, and the court shall further require the defendant to acknowledge the protection order IN COURT AND IN WRITING PRIOR TO RELEASE as a condition of any bond for the release of the defendant. The prosecuting attorney shall, in such domestic violence cases, ~~or~~ stalking cases, OR IN CASES INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), C.R.S., notify the alleged victim, the complainant, and the protected person of the order if such persons are

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

not present at the time the protection order is issued.

(6) The defendant or, in cases involving domestic violence as defined in section 18-6-800.3 (1), ~~or~~ in cases of stalking pursuant to section 18-3-602, OR IN CASES INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), C.R.S., the prosecuting attorney may request a hearing before the court to modify the terms of a protection order issued pursuant to this section. Upon such a request, the court shall set a hearing and the prosecuting attorney shall send notice of the hearing to the defendant and the alleged victim. At the hearing the court shall review the terms of the protection order and any further orders entered and shall consider the modifications, if any, requested by the defendant or the prosecuting attorney.

**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, and safety.

Approved: March 20, 2015