

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0266.01 Shelby Ross x4510

SENATE BILL 26-085

SENATE SPONSORSHIP

Frizell and Ball,

HOUSE SPONSORSHIP

Duran and Hartsook,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING MILITARY PROTECTION ORDERS, AND, IN CONNECTION**
102 **THEREWITH, A PEACE OFFICER'S DUTY TO DETERMINE WHETHER**
103 **A MILITARY PROTECTION ORDER EXISTS WHEN RESPONDING TO**
104 **AN INCIDENT OF DOMESTIC VIOLENCE AND A REQUIREMENT FOR**
105 **THE COURT TO CONSIDER THE EXISTENCE OF A MILITARY**
106 **PROTECTION ORDER AS RELEVANT EVIDENCE WHEN**
107 **DETERMINING WHETHER TO ISSUE A TEMPORARY CIVIL**
108 **PROTECTION ORDER.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

<http://leg.colorado.gov>.)

The bill requires a peace officer who responds to an incident of domestic violence to determine whether one of the parties is a current member of the armed forces. If so, the peace officer is required to search the national crime information center database to determine whether a military protection order has been issued against one of the parties. If a military protection order has been issued against a party, the bill requires the peace officer to notify the law enforcement agency that entered the protection order into the database.

The bill includes the existence of a military protection order as relevant evidence that the court shall consider when determining whether to issue a temporary civil protection order.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-6-806 as
3 follows:

4 **18-6-806. Notification of potential violation of military**
5 **protection order - definitions.**

6 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "ARMED FORCES" MEANS THE ARMY, NAVY, AIR FORCE,
9 MARINE CORPS, SPACE FORCE, AND COAST GUARD OF THE UNITED
10 STATES.

11 (b) "COMMANDING OFFICER" MEANS A COMMISSIONED OFFICER OR
12 WARRANT OFFICER IN A POSITION OF COMMAND IN THE ARMED FORCES OR
13 NATIONAL GUARD.

14 (c) "MILITARY PROTECTION ORDER" MEANS A PROTECTION ORDER
15 ISSUED AGAINST A CURRENT MEMBER OF THE ARMED FORCES OR
16 NATIONAL GUARD BY THE MEMBER'S COMMANDING OFFICER THAT
17 PROHIBITS THE MEMBER FROM:

18 (I) CONTACTING, HARASSING, INJURING, INTIMIDATING,

1 MOLESTING, THREATENING, TOUCHING, OR STALKING A PROTECTED
2 PERSON;

3 (II) COMMITTING SEXUAL VIOLENCE BY SEXUALLY ASSAULTING OR
4 ABUSING A PROTECTED PERSON;

5 (III) ENTERING OR REMAINING ON PREMISES OR COMING WITHIN A
6 SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES;

7 (IV) TAKING, TRANSFERRING, CONCEALING, HARMING, DISPOSING
8 OF, OR THREATENING HARM TO AN ANIMAL OWNED, POSSESSED, LEASED,
9 KEPT, OR HELD BY A PROTECTED PERSON; OR

10 (V) POSING ANY OTHER RISK OR THREAT OF PHYSICAL HARM TO
11 THE PROTECTED PERSON OR THREAT OF PSYCHOLOGICAL OR EMOTIONAL
12 HARM TO THE PROTECTED PERSON.

13 (d) "NATIONAL GUARD" MEANS THE FEDERALLY RECOGNIZED
14 ARMY NATIONAL GUARD AND AIR NATIONAL GUARD.

15 (e) "PROTECTED PERSON" MEANS THE PERSON IDENTIFIED IN A
16 MILITARY PROTECTION ORDER AS THE PERSON FOR WHOSE BENEFIT THE
17 PROTECTION ORDER WAS ISSUED.

18 (2) A PEACE OFFICER RESPONDING TO AN INCIDENT OF DOMESTIC
19 VIOLENCE SHALL DETERMINE WHETHER ONE OF THE PARTIES IS A CURRENT
20 MEMBER OF THE ARMED FORCES AND, IF SO, THE PEACE OFFICER SHALL
21 SEARCH THE NATIONAL CRIME INFORMATION CENTER DATABASE TO
22 DETERMINE WHETHER A MILITARY PROTECTION ORDER HAS BEEN ISSUED
23 AGAINST ONE OF THE PARTIES. IF A MILITARY PROTECTION ORDER HAS
24 BEEN ISSUED AGAINST A PARTY, THE PEACE OFFICER SHALL NOTIFY THE
25 MILITARY LAW ENFORCEMENT AGENCY THAT ENTERED THE PROTECTION
26 ORDER INTO THE NATIONAL CRIME INFORMATION CENTER DATABASE.

27 **SECTION 2.** In Colorado Revised Statutes, 13-14-104.5, **amend**

1 (7)(a) as follows:

2 **13-14-104.5. Procedure for temporary civil protection order.**

3 (7) (a) A temporary civil protection order may be issued if the
4 issuing judge or magistrate finds that a risk or threat of physical harm or
5 the threat of psychological or emotional harm exists to the person or
6 persons seeking protection under the civil protection order. In
7 determining whether a risk or threat of physical harm or the threat of
8 psychological or emotional harm exists to one or more persons, the court
9 shall consider all relevant evidence concerning the safety and protection
10 of the persons seeking the protection order, regardless of when an
11 incident occurred, or the existence of a protection order issued pursuant
12 to section 18-1-1001 or 18-1-1001.5. THE EXISTENCE OF A MILITARY
13 PROTECTION ORDER, AS DEFINED IN SECTION 18-6-806, IS RELEVANT
14 EVIDENCE THAT THE COURT SHALL CONSIDER WHEN DETERMINING
15 WHETHER THERE IS A RISK OR THREAT OF HARM.

16 **SECTION 3. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2026 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.