

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. 26-0231.01 Shelby Ross x4510

HOUSE BILL 26-1009

HOUSE SPONSORSHIP

Duran and Gonzalez R.,

SENATE SPONSORSHIP

Pelton B.,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING USING A MANDATORY LETHALITY ASSESSMENT WHEN**
102 **RESPONDING TO A DOMESTIC VIOLENCE INCIDENT.**

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

The bill creates the "Colorado Mandatory Lethality Assessment Act", which requires peace officers to conduct a lethality assessment when responding to a domestic violence incident and include the results of the lethality assessment in the incident report. If the lethality assessment indicates that an individual is a high-risk victim, or if a peace officer determines an individual is a high-risk victim based on the totality

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.

of the circumstances, the peace officer is required to immediately connect the victim to a victim's advocate either by phone or in person.

The bill requires the attorney general's office, in coordination with a Colorado-based coalition that advocates for survivors of domestic violence, to develop a mandatory training for peace officers to learn how to administer the lethality assessment and provide victim referrals. The bill requires each law enforcement agency to ensure that each peace officer employed by the agency has completed the mandatory training.

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. Mandatory lethality assessments - short title -**
5 **legislative declaration - definitions.**

6 (1) **Short title.** THE SHORT TITLE OF THIS SECTION IS THE
7 "COLORADO MANDATORY LETHALITY ASSESSMENT ACT".

8 (2) **Legislative declaration.** THE GENERAL ASSEMBLY FINDS AND
9 DECLARES THAT REQUIRING LAW ENFORCEMENT AGENCIES TO ADMINISTER
10 A STANDARDIZED, EVIDENCE-BASED LETHALITY ASSESSMENT WHEN
11 RESPONDING TO A DOMESTIC VIOLENCE INCIDENT WILL ENSURE HIGH-RISK
12 VICTIMS PROMPTLY RECEIVE SAFETY RESOURCES AND REFERRALS.

13 (3) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
14 OTHERWISE REQUIRES:

15 (a) "DOMESTIC VIOLENCE INCIDENT" MEANS AN INCIDENT OF
16 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3.

17 (b) "HIGH-RISK VICTIM" MEANS A VICTIM WHO IS DETERMINED
18 HIGH-RISK BY A LETHALITY ASSESSMENT OR BY A PEACE OFFICER
19 PURSUANT TO SUBSECTION (4) OF THIS SECTION.

20 (c) "LETHALITY ASSESSMENT" MEANS A VALIDATED,
21 EVIDENCE-BASED SCREENING TOOL THAT INCLUDES STANDARDIZED

1 QUESTIONS AND THAT IS ADMINISTERED BY A PEACE OFFICER WHEN
2 RESPONDING TO A REPORT OF DOMESTIC VIOLENCE.

3 (d) "PEACE OFFICER" MEANS A PERSON CERTIFIED BY THE P.O.S.T.
4 BOARD PURSUANT TO SECTION 24-31-305 WHO RESPONDS TO AND
5 INVESTIGATES INITIAL REPORTS OF DOMESTIC VIOLENCE AS PART OF THE
6 PEACE OFFICER'S ROUTINE DUTIES. A "PEACE OFFICER" DOES NOT INCLUDE
7 A PAROLE OR PROBATION OFFICER.

8 (4) **Mandatory lethality assessment.**

9 (a) BEGINNING JULY 1, 2027, A PEACE OFFICER IS REQUIRED TO
10 CONDUCT A LETHALITY ASSESSMENT WHEN RESPONDING TO A DOMESTIC
11 VIOLENCE INCIDENT AND INCLUDE THE COMPLETED LETHALITY
12 ASSESSMENT IN THE INITIAL INCIDENT REPORT; EXCEPT THAT, A PEACE
13 OFFICER IS NOT REQUIRED TO CONDUCT A LETHALITY ASSESSMENT IF AN
14 INDIVIDUAL DECLINES TO PARTICIPATE IN THE LETHALITY ASSESSMENT.

15 (b) IF THE LETHALITY ASSESSMENT INDICATES THAT AN
16 INDIVIDUAL IS A HIGH-RISK VICTIM, OR IF THE ASSESSMENT DOES NOT
17 INDICATE THE VICTIM IS HIGH-RISK BUT A PEACE OFFICER DETERMINES
18 THAT THE INDIVIDUAL IS A HIGH-RISK VICTIM BASED ON THE TOTALITY OF
19 THE CIRCUMSTANCES, THE PEACE OFFICER SHALL IMMEDIATELY CONTACT
20 A COMMUNITY-BASED VICTIM'S ADVOCATE, AS DEFINED IN SECTION
21 13-90-107 (1)(k)(II), EITHER BY PHONE OR IN PERSON, AND PROVIDE THE
22 HIGH-RISK VICTIM THE OPPORTUNITY TO SPEAK WITH THE
23 COMMUNITY-BASED VICTIM'S ADVOCATE.

24 (5) **Training and implementation.**

25 (a) THE ATTORNEY GENERAL'S OFFICE, IN CONSULTATION WITH A
26 COLORADO-BASED COALITION THAT ADVOCATES FOR SURVIVORS OF
27 DOMESTIC VIOLENCE, SHALL DEVELOP A MANDATORY TRAINING FOR PEACE

1 OFFICERS TO LEARN HOW TO ADMINISTER THE LETHALITY ASSESSMENT
2 AND PROVIDE VICTIM REFERRALS PURSUANT TO SUBSECTION (4) OF THIS
3 SECTION. AT A MINIMUM, THE TRAINING MUST ADDRESS LANGUAGE
4 ACCESS.

5 (b) NO LATER THAN JUNE 1, 2027, THE ATTORNEY GENERAL SHALL
6 MAKE THE MANDATORY TRAINING AVAILABLE AND OFFER ASSISTANCE TO
7 LAW ENFORCEMENT AGENCIES IN PROVIDING THE MANDATORY TRAINING.

8 (c) BEGINNING JULY 1, 2027, EACH LAW ENFORCEMENT AGENCY
9 SHALL ENSURE THAT EACH PEACE OFFICER EMPLOYED BY THE AGENCY HAS
10 COMPLETED THE MANDATORY TRAINING DEVELOPED PURSUANT TO THIS
11 SUBSECTION (5). A LAW ENFORCEMENT AGENCY THAT HAS PROVIDED
12 TRAINING ON THE ADMINISTRATION OF LETHALITY ASSESSMENTS PRIOR TO
13 JULY 1, 2027, IS NOT REQUIRED TO PROVIDE ADDITIONAL TRAINING
14 PURSUANT TO THIS SUBSECTION (5)(c).

15 (6) **Reporting and oversight.**

16 (a) BEGINNING JANUARY 2028, AND EACH JANUARY THEREAFTER,
17 THE ATTORNEY GENERAL'S OFFICE SHALL REPORT THE TOTAL NUMBER OF
18 DOMESTIC VIOLENCE INCIDENTS IN THE PREVIOUS CALENDAR YEAR, THE
19 TOTAL NUMBER OF LETHALITY ASSESSMENTS CONDUCTED, THE TOTAL
20 NUMBER OF HIGH-RISK VICTIMS IDENTIFIED, AND THE TOTAL NUMBER OF
21 REFERRALS MADE, AS PART OF THE OFFICE'S "SMART ACT"
22 PRESENTATION REQUIRED PURSUANT TO PART 2 OF ARTICLE 7 OF TITLE 2.

23 (b) NO LATER THAN JANUARY 31, 2030, THE DOMESTIC VIOLENCE
24 FATALITY REVIEW BOARD CREATED IN SECTION 24-31-702 SHALL
25 EVALUATE THE EFFECTIVENESS OF MANDATORY LETHALITY ASSESSMENTS
26 AND REFERRAL TO RESOURCES PURSUANT TO THIS SECTION AND SUBMIT
27 THE EVALUATION TO THE HOUSE OF REPRESENTATIVES JUDICIARY

1 COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
2 SUCCESSOR COMMITTEES.

3 (c) EACH LAW ENFORCEMENT AGENCY THAT UTILIZES A LETHALITY
4 ASSESSMENT SHALL ANNUALLY REPORT THE FOLLOWING INFORMATION TO
5 THE ATTORNEY GENERAL'S OFFICE, IN A MANNER PRESCRIBED BY THE
6 ATTORNEY GENERAL:

7 (I) THE TOTAL NUMBER OF DOMESTIC VIOLENCE INCIDENTS THE
8 LAW ENFORCEMENT AGENCY RESPONDED TO DURING THE PRECEDING
9 CALENDAR YEAR;

10 (II) THE TOTAL NUMBER OF LETHALITY ASSESSMENTS CONDUCTED
11 BY THE LAW ENFORCEMENT AGENCY DURING THE PRECEDING CALENDAR
12 YEAR; AND

13 (III) THE TOTAL NUMBER OF LETHALITY ASSESSMENTS THAT
14 RESULTED IN IDENTIFICATION OF A HIGH-RISK VICTIM.

15 **SECTION 2. Safety clause.** The general assembly finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety or for appropriations for
18 the support and maintenance of the departments of the state and state
19 institutions.