

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 26-1009

BY REPRESENTATIVE(S) Duran and Gonzalez R., Barron, Bradley, Brooks, Brown, Caldwell, Camacho, Clifford, Froelich, Garcia, Goldstein, Hamrick, Jackson, Keltie, Lieder, Lindsay, Lukens, Mabrey, Marshall, Mauro, McCormick, Nguyen, Paschal, Rutinel, Rydin, Sirota, Smith, Stewart K., Stewart R., Story, Titone, Winter T., McCluskie; also SENATOR(S) Wallace and Pelton B., Amabile, Ball, Benavidez, Bridges, Cutter, Daugherty, Exum, Frizell, Gonzales J., Hinrichsen, Jodeh, Kipp, Kirkmeyer, Kolker, Lindstedt, Marchman, Mullica, Pelton R., Rich, Roberts, Rodriguez, Simpson, Snyder, Sullivan, Weissman, Coleman.

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

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

SECTION 1. In Colorado Revised Statutes, **add** 18-6-807 as follows:

18-6-807. Mandatory lethality assessments - short title - legislative declaration - definitions.

(1) **Short title.** THE SHORT TITLE OF THIS SECTION IS THE

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.

"COLORADO MANDATORY LETHALITY ASSESSMENT ACT".

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

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

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

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

(c) "LETHALITY ASSESSMENT" MEANS A VALIDATED, EVIDENCE-BASED SCREENING TOOL THAT INCLUDES STANDARDIZED QUESTIONS AND THAT IS ADMINISTERED BY A PEACE OFFICER WHEN RESPONDING TO A REPORT OF DOMESTIC VIOLENCE.

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

(4) **Mandatory lethality assessment.**

(a) BEGINNING JULY 1, 2027, A PEACE OFFICER IS REQUIRED TO CONDUCT A LETHALITY ASSESSMENT WHEN RESPONDING TO A DOMESTIC VIOLENCE INCIDENT AND INCLUDE THE COMPLETED LETHALITY ASSESSMENT IN THE INCIDENT REPORT. THIS SUBSECTION (4)(a) DOES NOT REQUIRE A PEACE OFFICER TO ADMINISTER A LETHALITY ASSESSMENT IF A VICTIM IS UNAVAILABLE, NOT AT THE SCENE, INCAPACITATED, OR IF CIRCUMSTANCES OTHERWISE MAKE THE ADMINISTRATION OF THE LETHALITY ASSESSMENT IMPOSSIBLE OR IMPRACTICABLE.

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

(5) Training and implementation.

(a) THE ATTORNEY GENERAL'S OFFICE, IN CONSULTATION WITH A COLORADO-BASED COALITION THAT ADVOCATES FOR SURVIVORS OF DOMESTIC VIOLENCE, SHALL DEVELOP A MANDATORY TRAINING FOR PEACE OFFICERS TO LEARN HOW TO ADMINISTER THE LETHALITY ASSESSMENT AND PROVIDE VICTIM REFERRALS PURSUANT TO SUBSECTION (4) OF THIS SECTION. AT A MINIMUM, THE TRAINING MUST ADDRESS LANGUAGE ACCESS.

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

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

(6) Reporting and oversight.

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

(b) NO LATER THAN JANUARY 31, 2030, THE DOMESTIC VIOLENCE FATALITY REVIEW BOARD CREATED IN SECTION 24-31-702 SHALL EVALUATE THE EFFECTIVENESS OF MANDATORY LETHALITY ASSESSMENTS AND REFERRAL TO RESOURCES PURSUANT TO THIS SECTION AND SUBMIT THE EVALUATION TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

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

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

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

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

(7) **Nonliability.** THIS SECTION DOES NOT IMPOSE CRIMINAL, ADMINISTRATIVE, OR CIVIL LIABILITY ON ANY PERSON FOR AN ACT OR OMISSION MADE IN GOOD FAITH RELATED TO ADMINISTERING A LETHALITY ASSESSMENT, INCLUDING, BUT NOT LIMITED TO, THE INTERPRETATION OR USE OF A LETHALITY ASSESSMENT, DECIDING WHETHER TO ADMINISTER A LETHALITY ASSESSMENT, OR DECLINING TO USE THE LETHALITY ASSESSMENT.

SECTION 2. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO