A BILL FOR AN ACT

CONCERNING CRIMINALIZING RETALIATION AGAINST AN ELECTED OFFICIAL.

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.)

Under current law, there is a crime of retaliation against a judge if an individual makes a credible threat or commits an act of harassment or an act of harm or injury upon a person or property as retaliation or retribution against a judge. The crime is a class 4 felony. The bill adds elected officials and their families to the crime.
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, amend 18-8-615 as follows:

18-8-615. Retaliation against a judge or elected official - definitions. (1) (a) An individual commits retaliation against a judge or Elected Official if the individual makes a credible threat, as defined in section 18-3-602 (2)(b), or commits an act of harassment, as defined in section 18-9-111 (1), or an act of harm or injury upon a person or property as retaliation or retribution against a judge or Elected Official, which action is directed against or committed upon:

(I) A judge who has served or is serving in a legal matter assigned to the judge involving the individual or a person on whose behalf the individual is acting;

(I.5) AN ELECTED OFFICIAL RELATED TO THE ELECTED OFFICIAL'S OFFICIAL DUTIES;

(II) A member of the judge's or ELECTED OFFICIAL's family;

(III) A person in close relationship to the judge or ELECTED OFFICIAL; or

(IV) A person residing in the same household with the judge or ELECTED OFFICIAL.

(b) An individual commits retaliation against a judge or ELECTED OFFICIAL by means of a credible threat as described in paragraph (a) of this subsection (1) SUBSECTION (1)(a) OF THIS SECTION if the individual knowingly makes the credible threat:

(I) Directly to the judge or ELECTED OFFICIAL; or

(II) To another person:
(A) If the individual intended that the communication would be relayed to the judge OR ELECTED OFFICIAL; or

(B) If the other person is required by statute or ethical rule to report the communication to the judge OR ELECTED OFFICIAL.

(2) Retaliation against a judge OR ELECTED OFFICIAL is a class 4 felony.

(3) As used in this section, unless the context otherwise requires:

(a) "ELECTED OFFICIAL" MEANS ANY PERSON WHO IS SERVING IN AN ELECTED POSITION IN THE STATE OF COLORADO AT ANY LEVEL OF GOVERNMENT.

(b) "Judge" means any justice of the supreme court, judge of the court of appeals, district court judge, juvenile court judge, probate court judge, water court judge, county court judge, district court magistrate, county court magistrate, municipal judge, administrative law judge, or unemployment insurance hearing officer.

SECTION 2. Potential appropriation. Pursuant to section 2-2-703, C.R.S., any bill that results in a net increase in periods of imprisonment in state correctional facilities must include an appropriation of money that is sufficient to cover any increased capital construction, any operational costs, and increased parole costs that are the result of the bill for the department of corrections in each of the first five years following the effective date of the bill. Because this act may increase periods of imprisonment, this act may require a five-year appropriation.

SECTION 3. Effective date - applicability. This act takes effect July 1, 2020, and applies to offenses committed on or after said date.

SECTION 4. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, or safety.