

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 21-0772.01 Michael Dohr x4347

SENATE BILL 21-064

SENATE SPONSORSHIP

Garcia and Cooke,

HOUSE SPONSORSHIP

Mullica,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING CRIMINALIZING RETALIATION AGAINST AN ELECTED**
102 **OFFICIAL, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

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.

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

SENATE
Amended 2nd Reading
April 1, 2021

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-8-615, **amend (2);**
3 **and add (1.5) as follows:**

4 **18-8-615. Retaliation against a judge or an elected official -**
5 **definitions.** (1.5) (a) **AN INDIVIDUAL COMMITS RETALIATION AGAINST AN**
6 **ELECTED OFFICIAL IF THE INDIVIDUAL MAKES A CREDIBLE THREAT, AS**
7 **DEFINED IN SECTION 18-3-602 (2)(b), OR COMMITS AN ACT OF**
8 **HARASSMENT, AS DEFINED IN SECTION 18-9-111 (1), AS RETALIATION OR**
9 **RETRIBUTION AGAINST THE ELECTED OFFICIAL OR TO THE STATUS OF THE**
10 **PERSON AS AN ELECTED OFFICIAL, AND IS DIRECTED AGAINST OR**
11 **COMMITTED UPON:**

- 12 **(I) AN ELECTED OFFICIAL;**
13 **(II) A MEMBER OF THE ELECTED OFFICIAL'S FAMILY;**
14 **(III) A PERSON IN CLOSE RELATIONSHIP TO THE ELECTED OFFICIAL;**
15 **OR**
16 **(IV) A PERSON RESIDING IN THE SAME HOUSEHOLD WITH THE**
17 **ELECTED OFFICIAL.**

18 **(b) AN INDIVIDUAL COMMITS RETALIATION AGAINST AN ELECTED**
19 **OFFICIAL BY MEANS OF A CREDIBLE THREAT AS DESCRIBED IN SUBSECTION**
20 **(1.5)(a) OF THIS SECTION IF THE INDIVIDUAL KNOWINGLY MAKES THE**
21 **CREDIBLE THREAT:**

- 22 **(I) DIRECTLY TO THE ELECTED OFFICIAL; OR**
23 **(II) TO ANOTHER PERSON:**
24 **(A) IF THE INDIVIDUAL INTENDED THAT THE COMMUNICATION**
25 **WOULD BE RELAYED TO THE ELECTED OFFICIAL; OR**
26 **(B) IF THE OTHER PERSON IS REQUIRED BY STATUTE OR ETHICAL**

1 RULE TO REPORT THE COMMUNICATION TO THE ELECTED OFFICIAL.

2 (c) FOR PURPOSES OF THIS SUBSECTION (1.5), "ELECTED OFFICIAL"
3 MEANS ANY PERSON WHO IS SERVING IN AN ELECTED POSITION IN THE
4 STATE OF COLORADO AT ANY LEVEL OF GOVERNMENT.

5 (2) (a) Retaliation against a judge is a class 4 felony.

6 (b) RETALIATION AGAINST AN ELECTED OFFICIAL IS A CLASS 1
7 MISDEMEANOR, UNLESS COMMITTED BY MEANS OF A CREDIBLE THREAT, AS
8 DEFINED IN SECTION 18-3-602 (2)(b), THEN IT IS A CLASS 6 FELONY.

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10 **SECTION 2.** In Colorado Revised Statutes, 24-4.1-302, **amend**
11 (1)(kk) as follows:

12 **24-4.1-302. Definitions.** As used in this part 3, and for no other
13 purpose, including the expansion of the rights of any defendant:

14 (1) "Crime" means any of the following offenses, acts, and
15 violations as defined by the statutes of the state of Colorado, whether
16 committed by an adult or a juvenile:

17 (kk) Retaliation against a judge OR ELECTED OFFICIAL, in violation
18 of section 18-8-615; ~~C.R.S.~~; retaliation against a prosecutor, in violation
19 of section 18-8-616; ~~C.R.S.~~; or retaliation against a juror, in violation of
20 section 18-8-706.5; ~~C.R.S.~~;

21 **SECTION 3.** In Colorado Revised Statutes, **add 17-18-129 as**
22 **follows:**

23 **17-18-129. Appropriation to comply with section 2-2-703 - SB**
24 **21-064- repeal. (1) PURSUANT TO SECTION 2-2-703, THE FOLLOWING**
25 **STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO IMPLEMENT SENATE**
26 **BILL 21-064, ENACTED IN 2021:**

27 **(a) FOR THE 2022-23 STATE FISCAL YEAR, SIXTEEN THOUSAND TWO**

1 HUNDRED SEVENTY NINE DOLLARS IS APPROPRIATED TO THE DEPARTMENT
2 FROM THE GENERAL FUND;

3 (b) FOR THE 2023-24 STATE FISCAL YEAR, EIGHTEEN THOUSAND
4 FOUR HUNDRED FIFTEEN DOLLARS IS APPROPRIATED TO THE DEPARTMENT
5 FROM THE GENERAL FUND;

6 (c) FOR THE 2024-25 STATE FISCAL YEAR, EIGHTEEN THOUSAND
7 FOUR HUNDRED FIFTEEN DOLLARS IS APPROPRIATED TO THE DEPARTMENT
8 FROM THE GENERAL FUND; AND

9 (d) FOR THE 2025-26 STATE FISCAL YEAR, EIGHTEEN THOUSAND
10 FOUR HUNDRED FIFTEEN DOLLARS IS APPROPRIATED TO THE DEPARTMENT
11 FROM THE GENERAL FUND.

12 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026. _____

13 **SECTION 4. Effective date - applicability.** This act takes effect
14 July 1, 2021, and applies to offenses committed on or after said date.

15 **SECTION 5. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety.