

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.

An Act

SENATE BILL 21-064

BY SENATOR(S) Garcia and Cooke, Buckner, Danielson, Ginal, Jaquez Lewis, Kirkmeyer, Kolker, Moreno, Pettersen, Story, Winter; also REPRESENTATIVE(S) Mullica, Bennett, Bird, Boesenecker, Caraveo, Cutter, Duran, Exum, Froelich, Gray, Hooton, Jackson, Jodeh, Kipp, Lontine, McCluskie, McCormick, Michaelson Jenet, Ortiz, Sullivan, Tipper, Titone, Valdez A., Valdez D., Woodrow, Young.

CONCERNING CRIMINALIZING RETALIATION AGAINST AN ELECTED OFFICIAL,
AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

18-8-615. Retaliation against a judge or an elected official - definitions. (1.5) (a) AN INDIVIDUAL COMMITS RETALIATION AGAINST AN ELECTED OFFICIAL IF THE INDIVIDUAL KNOWINGLY MAKES A CREDIBLE THREAT AS RETALIATION OR RETRIBUTION AGAINST THE ELECTED OFFICIAL OR ARISING OUT OF THE STATUS OF THE PERSON AS AN ELECTED OFFICIAL AND IS DIRECTED AGAINST OR COMMITTED UPON:

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.

(I) AN ELECTED OFFICIAL;

(II) A MEMBER OF THE ELECTED OFFICIAL'S FAMILY;

(III) A PERSON IN CLOSE RELATIONSHIP TO THE ELECTED OFFICIAL;

OR

(IV) A PERSON RESIDING IN THE SAME HOUSEHOLD WITH THE ELECTED OFFICIAL.

(b) FOR PURPOSES OF THIS SUBSECTION (1.5):

(I) "CREDIBLE THREAT" MEANS A THREAT, PHYSICAL ACTION, OR REPEATED CONDUCT THAT WOULD CAUSE A REASONABLE PERSON TO BE IN FEAR FOR THE PERSON'S SAFETY OR THE SAFETY OF HIS OR HER IMMEDIATE FAMILY OR OF SOMEONE WITH WHOM THE PERSON HAS OR HAS HAD A CONTINUING RELATIONSHIP. THE THREAT NEED NOT BE DIRECTLY EXPRESSED IF THE TOTALITY OF THE CONDUCT WOULD CAUSE A REASONABLE PERSON SUCH FEAR.

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

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

(b) RETALIATION AGAINST AN ELECTED OFFICIAL IS A CLASS 6 FELONY.

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

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

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

(kk) Retaliation against a judge OR ELECTED OFFICIAL, in violation

of section 18-8-615; ~~C.R.S.~~; retaliation against a prosecutor, in violation of section 18-8-616; ~~C.R.S.~~; or retaliation against a juror, in violation of section 18-8-706.5; ~~C.R.S.~~;

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

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

(a) FOR THE 2022-23 STATE FISCAL YEAR, SIXTEEN THOUSAND TWO HUNDRED SEVENTY NINE DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND;

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

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

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

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

SECTION 4. In Colorado Revised Statutes, **add** 17-18-130 as follows:

17-18-130. Appropriation to comply with section 2-2-703 - S.B. 21-064 - repeal. (1) PURSUANT TO SECTION 2-2-703, THE FOLLOWING STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO IMPLEMENT SENATE BILL 21-064, ENACTED IN 2021:

(a) FOR THE 2021-22 STATE FISCAL YEAR, ONE HUNDRED NINE THOUSAND FOUR HUNDRED SIXTY TWO DOLLARS IS APPROPRIATED FROM THE

CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116.

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

SECTION 5. In Colorado Revised Statutes, 24-75-302, **amend** (2)(kk) and (2)(ll); and **add** (2)(oo) as follows:

24-75-302. Capital construction fund - capital assessment fees - calculation - information technology capital account - repeal. (2) The controller shall transfer a sum as specified in this subsection (2) from the general fund to the capital construction fund as money becomes available in the general fund during the fiscal year beginning on July 1 of the fiscal year in which the transfer is made. Transfers between funds pursuant to this subsection (2) are not appropriations subject to the limitations of section 24-75-201.1. The amounts transferred pursuant to this subsection (2) are as follows:

(kk) On July 1, 2020, two million forty-three thousand seven hundred sixty-eight dollars; ~~and~~

(ll) For the 2020-21 state fiscal year, one million dollars under S.B. 20-003, enacted in 2020; AND

(oo) FOR THE 2021-22 FISCAL YEAR, ONE HUNDRED NINE THOUSAND FOUR HUNDRED SIXTY TWO DOLLARS PURSUANT TO S.B. 21-064, ENACTED IN 2021.

SECTION 6. Effective date - applicability. This act takes effect July 1, 2021, and applies to offenses committed on or after said date.

SECTION 7. 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.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO