

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 21-0772.01 Michael Dohr x4347

SENATE BILL 21-064

SENATE SPONSORSHIP

Garcia and Cooke, Buckner, Danielson, Ginal, Jaquez Lewis, Kirkmeyer, Kolker, Pettersen, Story, Winter

HOUSE SPONSORSHIP

Mullica,

Senate Committees

Judiciary
Appropriations

House Committees

Judiciary
Appropriations

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.

HOUSE
Amended 2nd Reading
May 11, 2021

SENATE
3rd Reading Unamended
April 5, 2021

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 KNOWINGLY MAKES A CREDIBLE
7 THREAT AS RETALIATION OR RETRIBUTION AGAINST THE ELECTED OFFICIAL
8 OR ARISING OUT OF THE STATUS OF THE PERSON AS AN ELECTED OFFICIAL
9 AND IS DIRECTED AGAINST OR COMMITTED UPON:

10 (I) AN ELECTED OFFICIAL;

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

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

13 OR

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

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

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

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

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

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

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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

1 FROM THE GENERAL FUND;

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

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

8 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.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

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

11 **17-18-130. Appropriation to comply with section 2-2-703 - S.B.**

12 **21-064 - repeal.** (1) PURSUANT TO SECTION 2-2-703, THE FOLLOWING
13 STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO IMPLEMENT SENATE
14 BILL 21-064, ENACTED IN 2021:

15 (a) FOR THE 2021-22 STATE FISCAL YEAR, ONE HUNDRED NINE
16 THOUSAND FOUR HUNDRED SIXTY TWO DOLLARS IS APPROPRIATED FROM
17 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, TO
18 THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION
19 17-1-116.

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

21 **SECTION 5.** In Colorado Revised Statutes, 24-75-302, **add**
22 (2)(mm):

23 **24-75-302. Capital construction fund - capital assessment fees**
24 **- calculation - information technology capital account - repeal.** (2)

25 The controller shall transfer a sum as specified in this subsection (2) from
26 the general fund to the capital construction fund as money becomes
27 available in the general fund during the fiscal year beginning on July 1 of

1 the fiscal year in which the transfer is made. Transfers between funds
2 pursuant to this subsection (2) are not appropriations subject to the
3 limitations of section 24-75-201.1. The amounts transferred pursuant to
4 this subsection (2) are as follows:

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

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

9 (mm) FOR THE 2021-22 FISCAL YEAR, ONE HUNDRED NINE
10 THOUSAND FOUR HUNDRED SIXTY TWO DOLLARS PURSUANT TO S.B.
11 21-064, ENACTED IN 2021.

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

14 **SECTION 7. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety.