

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

**PREAMENDED**

This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading

LLS NO. 23-0362.01 Conrad Imel x2313

**SENATE BILL 23-024**

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**SENATE SPONSORSHIP**

**Kirkmeyer,**

**HOUSE SPONSORSHIP**

**Pugliese,**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING PERMITTING A CHALLENGE TO THE CONSTITUTIONALITY**  
102 **OF A COURT ORDER IN A CONTEMPT PROCEEDING.**

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**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>.)*

The bill permits a person who is subject to a court order to challenge the constitutionality of the court order in a contempt proceeding alleging the person violated the court order on the grounds that the court order violates the person's rights under the first amendment to the United States constitution.

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

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4           (a) Colorado courts have adopted the collateral bar rule, which  
5 prohibits a person from challenging the legality of a court order other than  
6 by directly appealing the order;

7           (b) Although there are a number of exceptions to the collateral bar  
8 rule, none permit a person to challenge the constitutionality of a court  
9 order in a contempt proceeding that alleges that the person violated the  
10 court order;

11           (c) Other jurisdictions, including California, recognize the right  
12 to challenge the validity of a court order during a contempt proceeding;  
13 and

14           (d) Colorado has an interest in permitting people to challenge  
15 court orders that infringe on their first amendment rights.

16           (2) Therefore, the general assembly intends to create an exception  
17 to the collateral bar rule that allows a person subject to a court order to  
18 collaterally attack the constitutionality of that court order in a contempt  
19 proceeding.

20           **SECTION 2.** In Colorado Revised Statutes, **add** 13-20-1102 as  
21 follows:

22           **13-20-1102. First amendment challenge to underlying court**  
23 **order in contempt proceeding.** (1) NOTWITHSTANDING ANY OTHER  
24 PERMITTED LEGAL CHALLENGE, A PERSON WHO IS SUBJECT TO A COURT  
25 ORDER ISSUED IN A DEPENDENCY AND NEGLECT PROCEEDING PURSUANT  
26 TO ARTICLE 3 OF TITLE 19 MAY, IN A CONTEMPT PROCEEDING ALLEGING

1 THE PERSON VIOLATED THE COURT ORDER, INCLUDING IN AN APPEAL OF A  
2 CONTEMPT JUDGMENT, CHALLENGE THE CONSTITUTIONALITY OF THE  
3 COURT ORDER ON THE GROUNDS THAT THE COURT ORDER VIOLATES THE  
4 PERSON'S RIGHTS UNDER THE FIRST AMENDMENT TO THE UNITED STATES  
5 CONSTITUTION.

6 (2) A JUDGMENT OF CONTEMPT FOR VIOLATING A COURT ORDER  
7 ISSUED IN A DEPENDENCY AND NEGLECT PROCEEDING THAT REGULATES A  
8 PERSON'S SPEECH IS A FINAL AND APPEALABLE JUDGMENT. COURT RULES  
9 GOVERNING APPEALS FROM PROCEEDINGS IN DEPENDENCY OR NEGLECT  
10 APPLY TO THE APPEAL OF THE CONTEMPT JUDGMENT.

11 (3) THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL  
12 ESTABLISHED IN SECTION 13-92-103 MAY PROVIDE REPRESENTATION TO  
13 INDIGENT PARENTS IN A CONTEMPT PROCEEDING FOR VIOLATING A COURT  
14 ORDER ISSUED IN A DEPENDENCY AND NEGLECT PROCEEDING THAT  
15 REGULATES A PERSON'S SPEECH, INCLUDING AN APPEAL OF A CONTEMPT  
16 JUDGMENT.

17 **SECTION 3. Applicability.** This act applies to court orders  
18 issued on, before, or after the effective date of this act.

19 **SECTION 4. Act subject to petition - effective date.** This act  
20 takes effect at 12:01 a.m. on the day following the expiration of the  
21 ninety-day period after final adjournment of the general assembly; except  
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
23 of the state constitution against this act or an item, section, or part of this  
24 act within such period, then the act, item, section, or part will not take  
25 effect unless approved by the people at the general election to be held in  
26 November 2024 and, in such case, will take effect on the date of the  
27 official declaration of the vote thereon by the governor.