

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0074.01 Shelby Ross x4510

HOUSE BILL 24-1122

HOUSE SPONSORSHIP

Duran and Pugliese,

SENATE SPONSORSHIP

Roberts and Winter F.,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CIVIL PROTECTION ORDERS FOR VICTIMS OF
102 DOMESTIC-RELATED CRIMES.

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 clarifies that venue for filing a motion or complaint for a civil protection order is proper in any county where any one of the acts that are subject to the motion or complaint occurred.

The bill authorizes a judge or magistrate to continue the temporary protection order for a period of not more than one year after the date when the permanent protection order hearing takes place. If the temporary

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.

protection order is continued for one year, the bill requires the petitioner to file a motion at least 14 days before the scheduled hearing notifying the court and the respondent of the petitioner's intent to pursue a permanent protection order on the date of the scheduled hearing.

The bill requires the court to encourage the petitioner to notify the respondent if the petitioner intends not to appear at the permanent protection order hearing, but the court shall neither require the petitioner to attend nor assess attorney fees or costs against the petitioner for choosing not to attend the hearing.

The bill prohibits service upon the respondent and upon the person to be protected if the temporary protection order is denied or if the petitioner moves to vacate the temporary protection order prior to the court receiving confirmation that the respondent was personally served or had actual knowledge of the request for a civil protection order.

If the temporary protection order includes an act of domestic violence, the bill requires the citation to inform the respondent that the respondent must refrain from possessing or purchasing a firearm or ammunition for the duration of the order and must relinquish, for the duration of the order, a firearm or ammunition in the respondent's immediate possession or control or subject to the respondent's immediate possession or control.

The bill requires the court to grant additional continuances at the petitioner's request if the petitioner is unable to serve the respondent and if the petitioner is able to show the petitioner has made reasonable efforts to serve the respondent or that the respondent is evading service.

The bill clarifies that a municipal court shall include in the order a provision awarding temporary care and control of any joint or shared minor children of the parties involved for a period of not more than one year after the date on which the temporary care and control is awarded in the temporary protection order.

If there is no pending or existing domestic relations or juvenile case in district court involving the petitioner and respondent, the bill prohibits the petitioner from being required or instructed to file a complaint for a protection order in district court when the petitioner is otherwise eligible to file for a civil protection order in county court.

The bill requires temporary protection orders and permanent protection orders to be written and communicated in simple and plain language.

The bill requires a judge to order a temporary protection order be made permanent if the judge finds that the respondent engaged in a behavior constituting grounds for the issuance of a civil protection order on the basis of sexual violence and that a risk or threat of physical, psychological, or emotional harm exists to the petitioner.

The bill prohibits the court from awarding any costs or assessing any fees, including attorney fees, against a petitioner seeking a civil

protection order. The bill prohibits a state or public agency from assessing fees for service of process against a petitioner seeking a civil protection order as a victim of domestic abuse, domestic violence, stalking, or sexual violence.

As part of a request for a temporary or permanent protection order in a case involving domestic violence, sexual violence, or stalking, the bill authorizes the court to enter an order directing a wireless telephone service provider to transfer the financial responsibility for and rights to a wireless telephone number to the petitioner if the petitioner:

- Is not the account holder; and
- Proves by a preponderance of the evidence that the petitioner and any minor children in the petitioner's care are the primary users of each wireless telephone number that the petitioner requested be transferred.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-14-100.2, **amend**
3 (2), (3), and (4) as follows:

4 **13-14-100.2. Legislative declaration.** (2) The general assembly
5 further finds and declares that domestic abuse is not limited to physical
6 threats of violence and harm but also includes DOMESTIC VIOLENCE,
7 mental and emotional abuse, financial control, document control, property
8 control, and other types of control that make a victim more likely to return
9 to an abuser due to fear of retaliation or inability to meet basic needs.
10 Many victims of domestic abuse, PARTICULARLY VICTIMS OF DOMESTIC
11 VIOLENCE, are unable to access the resources necessary to seek lasting
12 safety options. Victims need additional provisions in protection orders so
13 that they can meet their immediate needs of food, shelter, transportation,
14 medical care, and child care for their appearance at protection order
15 hearings. These needs may exist not only in cases that may end in
16 dissolution of marriage but also in other circumstances, including cases
17 in which reconciliation may occur.

1 (3) Additionally, the general assembly finds and declares that
2 sexual ~~assault~~ VIOLENCE affects Coloradans of all ages, backgrounds, and
3 circumstances and is one of the most underreported of all crimes. Sexual
4 violence may occur in any type of relationship; however, the majority of
5 sexual ~~assault~~ VIOLENCE is perpetrated by someone whom the victim
6 knows. Victims of sexual ~~assault~~ VIOLENCE who do not report the crime,
7 as well as victims who do report but whose case is not prosecuted, still
8 need and deserve protection from future interactions with the perpetrator,
9 as many victims experience long-lasting physical and emotional trauma
10 from unwanted contact with the perpetrator.

11 (4) Finally, the general assembly finds and declares that stalking
12 is a dangerous, high-risk crime that ~~frequently escalates~~ CAN EXIST IN THE
13 CONTEXT OF DOMESTIC VIOLENCE AND MAY ESCALATE over time, and that
14 sometimes leads ~~tragically~~, to sexual ~~assault~~ VIOLENCE or homicide.
15 Countless youth and adults in Colorado have faced the fear, isolation, and
16 danger of being victims of stalking, and many of these incidents go
17 unreported and are not prosecuted. While stalking behaviors may appear
18 innocuous to outside observers, the victims often endure intense physical
19 and emotional distress that affects all aspects of their lives and are more
20 likely than others to express anxiety, depression, and social dysfunction.

21 **SECTION 2.** In Colorado Revised Statutes, 13-14-101, **amend**
22 (2) introductory portion, (2.4)(a) introductory portion, and (2.9); and **add**
23 (1.6) and (2.1) as follows:

24 **13-14-101. Definitions.** For purposes of this article 14, unless the
25 context otherwise requires:

26 (1.6) "COERCION" MEANS COMPELLING A PERSON BY FORCE,
27 THREAT OF FORCE, OR INTIMIDATION TO ENGAGE IN CONDUCT FROM WHICH

1 THE PERSON HAS THE RIGHT OR PRIVILEGE TO ABSTAIN, OR TO ABSTAIN
2 FROM CONDUCT IN WHICH THE PERSON HAS THE RIGHT OR PRIVILEGE TO
3 ENGAGE.

4 (2) "Domestic abuse" means ~~any~~ AN act, attempted act, or
5 threatened act of violence, stalking, harassment, or coercion that is
6 committed by ~~any~~ A person against another person to whom the actor is
7 currently or was formerly related or with whom the actor is living or has
8 lived in the same domicile. ~~or with whom the actor is involved or has
9 been involved in an intimate relationship. A sexual relationship may be
10 an indicator of an intimate relationship but is never a necessary condition
11 for finding an intimate relationship. For purposes of this subsection (2),
12 "coercion" includes compelling a person by force, threat of force, or
13 intimidation to engage in conduct from which the person has the right or
14 privilege to abstain, or to abstain from conduct in which the person has
15 a right or privilege to engage.~~ "Domestic abuse" may also include ~~any~~ AN
16 act, attempted act, or threatened act of violence against:

17 (2.1) "DOMESTIC VIOLENCE", COMMONLY KNOWN AS "INTIMATE
18 PARTNER VIOLENCE", MEANS A PATTERN OF VIOLENT BEHAVIOR OR AN
19 ACT, ATTEMPTED ACT, OR PERCEIVED THREAT OF VIOLENCE, STALKING,
20 HARASSMENT, OR COERCION THAT IS COMMITTED BY A PERSON AGAINST
21 ANOTHER PERSON WITH WHOM THE ACTOR IS INVOLVED OR HAS BEEN
22 INVOLVED IN AN INTIMATE RELATIONSHIP. A SEXUAL RELATIONSHIP MAY
23 BE AN INDICATOR OF AN INTIMATE RELATIONSHIP BUT IS NEVER A
24 NECESSARY CONDITION FOR FINDING AN INTIMATE RELATIONSHIP.

25 (2.4) (a) "Protection order" means ~~any~~ AN order that prohibits the
26 restrained person from contacting, harassing, injuring, intimidating,
27 molesting, threatening, touching, stalking, or COMMITTING SEXUAL

1 VIOLENCE THROUGH sexually assaulting or abusing ~~any~~ A protected person
2 or from entering or remaining on premises, or from coming within a
3 specified distance of a protected person or premises, or from taking,
4 transferring, concealing, harming, disposing of or threatening harm to an
5 animal owned, possessed, leased, kept, or held by a protected person, or
6 any other provision to protect the protected person from ~~imminent danger~~
7 ~~to life or health~~ THE RISK OR THREAT OF PHYSICAL, PSYCHOLOGICAL, OR
8 EMOTIONAL HARM that is issued by a court of this state or a municipal
9 court and that is issued pursuant to:

10 (2.9) "Sexual ~~assault or abuse~~ VIOLENCE" means ~~any~~ AN
11 UNWANTED OR NONCONSENSUAL SEXUAL BEHAVIOR act, attempted act, or
12 threatened act, ~~of~~ INCLUDING, BUT NOT LIMITED TO, unlawful sexual
13 behavior, as described in section 16-11.7-102 (3), ~~C.R.S.~~, by ~~any~~ A person
14 against another person, regardless of the relationship between the actor
15 and the petitioner.

16 **SECTION 3.** In Colorado Revised Statutes, 13-14-103, **amend**
17 (1)(e) and (2)(a) as follows:

18 **13-14-103. Emergency protection orders.** (1) (e) When the
19 county, district, and juvenile courts are unavailable from the close of
20 business at the end of the day or week to the resumption of business at the
21 beginning of the day or week and a peace officer asserts reasonable
22 grounds to believe that an adult is in immediate and present danger of
23 domestic abuse, assault, stalking, sexual ~~assault or abuse~~ VIOLENCE, or
24 that a minor child is in immediate and present danger of an unlawful
25 sexual offense, as defined in section 18-3-411 (1), ~~C.R.S.~~, or of domestic
26 abuse, as defined in section 13-14-101 (2), a judge made available
27 pursuant to ~~paragraph (d) of this subsection (1)~~ SUBSECTION (1)(d) OF

1 THIS SECTION may issue a written or verbal ex parte emergency protection
2 order. Any written emergency protection order issued pursuant to this
3 subsection (1) ~~shall~~ MUST be on a standardized form prescribed by the
4 judicial department, and a copy shall be provided to the protected person.

5 (2) (a) A verbal emergency protection order may be issued
6 pursuant to subsection (1) of this section only if the issuing judge finds
7 that ~~an imminent danger~~ THE RISK OR THREAT OF PHYSICAL,
8 PSYCHOLOGICAL, OR EMOTIONAL HARM EXISTS in close proximity ~~exists~~
9 to ~~the life or health of~~ one or more persons or that ~~a danger~~ THE RISK OR
10 THREAT OF PHYSICAL, PSYCHOLOGICAL, OR EMOTIONAL HARM exists to the
11 life or health of the minor child in the reasonably foreseeable future.

12 **SECTION 4.** In Colorado Revised Statutes, 13-14-104.5, **amend**
13 (1)(a) introductory portion, (1)(a)(IV), (3), (7), (8), (9), and (10) as
14 follows:

15 **13-14-104.5. Procedure for temporary civil protection order.**

16 (1) (a) Any municipal court of record, if authorized by the municipal
17 governing body; any county court; and any district, probate, or juvenile
18 court ~~shall have~~ HAS original concurrent jurisdiction to issue a temporary
19 or permanent civil protection order against an adult or against a juvenile
20 who is ten years of age or older for any of the following purposes:

- 21 (IV) To prevent sexual ~~assault or abuse~~ VIOLENCE; and
- 22 (3) Venue for filing a motion or complaint pursuant to this section
23 is proper in any county where ANY ONE OF the acts that are the subject of
24 the motion or complaint ~~occur~~ OCCURRED, in any county where one of the
25 parties resides, or in any county where one of the parties is employed.
26 This requirement for venue does not prohibit the change of venue to any
27 other county appropriate under applicable law.

1 (7) (a) A temporary civil protection order may be issued if the
2 issuing judge or magistrate finds that ~~an imminent danger~~ A RISK OR
3 THREAT OF PHYSICAL, PSYCHOLOGICAL, OR EMOTIONAL HARM exists to the
4 person or persons seeking protection under the civil protection order. In
5 determining whether ~~an imminent danger~~ A RISK OR THREAT OF PHYSICAL,
6 PSYCHOLOGICAL, OR EMOTIONAL HARM exists to ~~the life or health of one~~
7 or more persons, the court shall consider all relevant evidence concerning
8 the safety and protection of the persons seeking the protection order, ~~The~~
9 ~~court shall not deny a petitioner the relief requested because of the length~~
10 ~~of time between an act of abuse or threat of harm and the filing of the~~
11 ~~petition for a protection order. The court shall not deny a petitioner the~~
12 ~~relief requested because~~ REGARDLESS OF WHEN AN INCIDENT OCCURRED
13 OR THE EXISTENCE OF a protection order ~~has been~~ issued pursuant to
14 section 18-1-1001 or 18-1-1001.5.

15 (b) If the judge or magistrate finds that ~~an imminent danger~~ A RISK
16 OR THREAT OF PHYSICAL, PSYCHOLOGICAL, OR EMOTIONAL HARM exists
17 to the employees of a business entity, ~~he or she~~ THE JUDGE OR
18 MAGISTRATE may issue a civil protection order in the name of the
19 business for the protection of the employees. An employer is not ~~be~~ liable
20 for failing to obtain a civil protection order in the name of the business
21 for the protection of the employees and patrons.

22 (8) (a) Upon the filing of a complaint, duly verified, alleging that
23 the respondent has committed acts that would constitute grounds for a
24 civil protection order, any judge or magistrate, after hearing the evidence
25 and being fully satisfied ~~therein~~ that sufficient cause exists, may issue a
26 temporary civil protection order to prevent the actions complained of and
27 a citation directed to the respondent commanding the respondent to

1 appear before the court at a specific time and date and to show cause, if
2 any, why ~~said~~ THE temporary civil protection order should not be made
3 permanent. In addition, the court may order any other relief that the court
4 deems appropriate. Complaints may be filed by persons seeking
5 protection for themselves or for others as provided in section 26-3.1-102
6 (1)(b) and (1)(c). ~~C.R.S.~~

7 (b) THE JUDGE OR MAGISTRATE MAY CONTINUE THE TEMPORARY
8 PROTECTION ORDER FOR A PERIOD OF NOT MORE THAN ONE YEAR AFTER
9 THE DATE WHEN THE PERMANENT PROTECTION ORDER HEARING TAKES
10 PLACE. IF THE TEMPORARY PROTECTION ORDER IS CONTINUED FOR ONE
11 YEAR, THE PETITIONER SHALL FILE A MOTION AT LEAST FOURTEEN DAYS
12 BEFORE THE SCHEDULED HEARING NOTIFYING THE COURT AND THE
13 RESPONDENT OF THE PETITIONER'S INTENT TO PURSUE A PERMANENT
14 PROTECTION ORDER ON THE DATE OF THE SCHEDULED HEARING.

15 (9) UPON THE ISSUANCE OF A TEMPORARY CIVIL PROTECTION
16 ORDER, a copy of the complaint, a copy of the temporary civil protection
17 order, and a copy of the citation must be served upon the respondent and
18 upon the person to be protected, if the complaint was filed by another
19 person, in accordance with the rules for service of process as provided in
20 rule 304 of the rules of county court civil procedure or rule 4 of the
21 Colorado rules of civil procedure. SERVICE UPON THE RESPONDENT AND
22 UPON THE PERSON TO BE PROTECTED IS PROHIBITED IF THE TEMPORARY
23 PROTECTION ORDER IS DENIED OR IF THE PETITIONER MOVES TO VACATE
24 THE TEMPORARY PROTECTION ORDER PRIOR TO THE COURT RECEIVING
25 CONFIRMATION THAT THE RESPONDENT WAS PERSONALLY SERVED OR HAD
26 ACTUAL KNOWLEDGE OF THE REQUEST FOR A CIVIL PROTECTION ORDER.
27 The citation must inform the respondent that, if the respondent fails to

1 appear in court in accordance with the terms of the citation, a bench
2 warrant may be issued for the arrest of the respondent and the temporary
3 protection order previously entered by the court made permanent without
4 further notice or service upon the respondent. IF THE TEMPORARY
5 PROTECTION ORDER INCLUDES AN ACT OF DOMESTIC VIOLENCE, AS
6 DEFINED IN SECTION 18-6-800.3, THE CITATION MUST ALSO INFORM THE
7 RESPONDENT THAT THE RESPONDENT MUST COMPLY WITH SECTION
8 13-14-105.5 BY REFRAINING FROM POSSESSING OR PURCHASING ANY
9 FIREARM OR AMMUNITION FOR THE DURATION OF THE ORDER AND
10 RELINQUISHING FOR THE DURATION OF THE ORDER ANY FIREARM OR
11 AMMUNITION IN THE RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL
12 OR SUBJECT TO THE RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL.

13 (10) The ~~return date of the citation~~ HEARING FOR A PERMANENT
14 PROTECTION ORDER must be set not more than fourteen days after the
15 issuance of the temporary civil protection order and citation. If the
16 petitioner is unable to serve the respondent in that period, the court ~~shall~~
17 MUST extend the temporary protection order previously issued, continue
18 the ~~show of cause~~ PERMANENT PROTECTION ORDER hearing, and issue an
19 alias citation stating the date and time to which the hearing is continued.
20 The petitioner may thereafter request, and the court ~~may~~ MUST grant,
21 additional continuances as needed if the petitioner has still been unable
22 to serve the respondent IF THE PETITIONER IS ABLE TO SHOW THE
23 PETITIONER HAS MADE REASONABLE EFFORTS TO SERVE THE RESPONDENT
24 OR THAT THE RESPONDENT IS EVADING SERVICE.

25 **SECTION 5.** In Colorado Revised Statutes, 13-14-105, **add** (1.5),
26 (3), and (4); and **repeal** (1)(e) as follows:

27 **13-14-105. Provisions relating to civil protection orders.** (1) A

1 municipal court of record that is authorized by its municipal governing
2 body to issue protection or restraining orders and any county court, in
3 connection with issuing a civil protection order, has original concurrent
4 jurisdiction with the district court to include any provisions in the order
5 that the municipal or county court deems necessary for the protection of
6 persons, including but not limited to orders:

7 ~~(e) (I) Awarding temporary care and control of any minor children~~
8 ~~of either party involved for a period of not more than one year.~~

9 ~~(H) If temporary care and control is awarded, the order may~~
10 ~~include parenting time rights for the other party involved and any~~
11 ~~conditions of such parenting time, including the supervision of parenting~~
12 ~~time by a third party who agrees to the terms of the supervised parenting~~
13 ~~time and any costs associated with supervised parenting time, if~~
14 ~~necessary. If the restrained party is unable to pay the ordered costs, the~~
15 ~~court shall not place such responsibility with publicly funded agencies. If~~
16 ~~the court finds that the safety of any child or the protected party cannot be~~
17 ~~ensured with any form of parenting time reasonably available, the court~~
18 ~~may deny parenting time.~~

19 ~~(HH) The court may award interim decision-making responsibility~~
20 ~~of a child to a person entitled to bring an action for the allocation of~~
21 ~~parental responsibilities under section 14-10-123, C.R.S., when such~~
22 ~~award is reasonably related to preventing domestic abuse as defined in~~
23 ~~section 13-14-101 (2), or preventing the child from witnessing domestic~~
24 ~~abuse.~~

25 ~~(IV) Temporary care and control or interim decision-making~~
26 ~~responsibility must be determined in accordance with the standard~~
27 ~~contained in section 14-10-124, C.R.S.~~

1 (1.5) (a) A MUNICIPAL COURT OF RECORD THAT IS AUTHORIZED BY
2 ITS MUNICIPAL GOVERNING BODY TO ISSUE PROTECTION OR RESTRAINING
3 ORDERS AND ANY COUNTY COURT, IN CONNECTION WITH ISSUING A CIVIL
4 PROTECTION ORDER, HAS ORIGINAL CONCURRENT JURISDICTION WITH THE
5 DISTRICT COURT AND SHALL INCLUDE IN THE ORDER, AT THE REQUEST OF
6 THE PETITIONER OR RESPONDENT, A PROVISION AWARDED TEMPORARY
7 CARE AND CONTROL OF ANY JOINT OR SHARED MINOR CHILDREN OF THE
8 PARTIES INVOLVED FOR A PERIOD OF NOT MORE THAN ONE YEAR AFTER
9 THE DATE ON WHICH THE TEMPORARY CARE AND CONTROL IS AWARDED IN
10 THE TEMPORARY PROTECTION ORDER; EXCEPT THAT, THIS SUBSECTION
11 (1.5)(a) DOES NOT APPLY WHEN THE DISTRICT COURT MAINTAINS
12 EXCLUSIVE ORIGINAL JURISDICTION IN PROCEEDINGS TO DETERMINE THE
13 LEGAL CUSTODY OF A CHILD WHO COMES WITHIN THE JUVENILE COURT'S
14 JURISDICTION PURSUANT TO SECTION 19-1-104.

15 (b) THE ORDER FOR TEMPORARY CARE AND CONTROL DESCRIBED
16 IN SUBSECTION (1.5)(a) OF THIS SECTION MAY INCLUDE PARENTING TIME
17 RESPONSIBILITIES FOR BOTH PARTIES INVOLVED AND ANY CONDITIONS OF
18 PARENTING TIME, INCLUDING SUPERVISED PARENTING TIME BY A THIRD
19 PARTY WHO AGREES TO THE TERMS OF THE SUPERVISED PARENTING TIME,
20 AND ANY COSTS ASSOCIATED WITH SUPERVISED PARENTING TIME, IF
21 NECESSARY. IF THE RESTRAINED PARTY IS UNABLE TO PAY THE ORDERED
22 COSTS, THE COURT SHALL NOT IMPOSE THE COST ON A PUBLICLY FUNDED
23 AGENCY OR THE PETITIONER. IF THE COURT FINDS THAT THE SAFETY OF
24 ANY CHILD OR THE PROTECTED PARTY CANNOT BE ENSURED WITH ANY
25 FORM OF PARENTING TIME REASONABLY AVAILABLE, THE COURT MAY
26 DENY PARENTING TIME.

27 (c) THE COURT SHALL AWARD INTERIM DECISION-MAKING

1 RESPONSIBILITY OF A CHILD TO A PERSON ENTITLED TO BRING AN ACTION
2 FOR THE ALLOCATION OF PARENTAL RESPONSIBILITIES PURSUANT TO
3 SECTION 14-10-123 WHEN INTERIM DECISION-MAKING RESPONSIBILITY IS
4 REASONABLY RELATED TO PREVENTING DOMESTIC VIOLENCE OR
5 PREVENTING THE CHILD FROM WITNESSING DOMESTIC VIOLENCE.

6 (d) TEMPORARY CARE AND CONTROL OR INTERIM
7 DECISION-MAKING RESPONSIBILITY MUST BE DETERMINED IN ACCORDANCE
8 WITH THE STANDARD CONTAINED IN SECTION 14-10-124.

9 (3) IF THERE IS NO PENDING OR EXISTING DOMESTIC RELATIONS OR
10 JUVENILE CASE IN DISTRICT COURT INVOLVING THE PETITIONER AND
11 RESPONDENT, THE PETITIONER IS NOT REQUIRED AND MUST NOT BE
12 INSTRUCTED TO FILE A COMPLAINT FOR A PROTECTION ORDER IN DISTRICT
13 COURT WHEN THE PETITIONER IS OTHERWISE ELIGIBLE TO FILE FOR A CIVIL
14 PROTECTION ORDER IN COUNTY COURT.

15 (4) A TEMPORARY PROTECTION ORDER OR PERMANENT
16 PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE 14 MUST BE
17 WRITTEN AND COMMUNICATED IN SIMPLE AND PLAIN LANGUAGE.

18 **SECTION 6.** In Colorado Revised Statutes, 13-14-105.5, **amend**
19 (1) introductory portion as follows:

20 **13-14-105.5. Civil protection orders - prohibition on**
21 **possessing or purchasing a firearm. (1) Order requirements.** If the
22 court subjects a respondent to a TEMPORARY OR PERMANENT civil
23 protection order and the court determines on the record after reviewing
24 the petition for the protection order that the protection order includes an
25 act of domestic violence, as defined in section 18-6-800.3 (1), and the act
26 of domestic violence involved the threat of use, use of, or attempted use
27 of physical force, the court, as part of such order:

1 **SECTION 7.** In Colorado Revised Statutes, 13-14-106, **amend**

2 (1)(a) as follows:

3 **13-14-106. Procedure for permanent civil protection orders.**

4 (1) (a) On the ~~return~~ date of the ~~citation~~ PERMANENT PROTECTION ORDER
5 HEARING, or on the day to which the hearing has been continued, the
6 judge or magistrate shall examine the record and the evidence. IN ALL
7 CASES EXCEPT THOSE INVOLVING SEXUAL VIOLENCE, if upon ~~such~~ THE
8 examination the judge or magistrate finds by a preponderance of the
9 evidence that the respondent has committed acts constituting grounds for
10 THE issuance of a civil protection order and that unless restrained THE
11 RESPONDENT will continue to commit ~~such~~ THE acts or acts designed to
12 intimidate or retaliate against the protected person, the judge or
13 magistrate shall order the temporary civil protection order to be made
14 permanent or enter a permanent civil protection order with provisions
15 different from the temporary civil protection order. ~~A finding of imminent~~
16 ~~danger to the protected person is not a necessary prerequisite to the~~
17 ~~issuance of a permanent civil protection order.~~ IF UPON THE EXAMINATION
18 THE JUDGE OR MAGISTRATE FINDS BY A PREPONDERANCE OF THE EVIDENCE
19 THAT THE RESPONDENT HAS ENGAGED IN A BEHAVIOR CONSTITUTING
20 GROUNDS FOR THE ISSUANCE OF A CIVIL PROTECTION ORDER ON THE BASIS
21 OF SEXUAL VIOLENCE AND THAT A RISK OR THREAT OF PHYSICAL,
22 PSYCHOLOGICAL, OR EMOTIONAL HARM EXISTS TO THE PETITIONER, THE
23 JUDGE OR MAGISTRATE SHALL ORDER THE TEMPORARY CIVIL PROTECTION
24 ORDER TO BE MADE PERMANENT OR ENTER A PERMANENT CIVIL
25 PROTECTION ORDER WITH PROVISIONS DIFFERENT FROM THE TEMPORARY
26 CIVIL PROTECTION ORDER. The court shall not deny a petitioner the relief
27 requested because a protection order has been issued pursuant to section

1 18-1-1001 or 18-1-1001.5. THE COURT SHALL ENCOURAGE THE
2 PETITIONER TO NOTIFY THE RESPONDENT IF THE PETITIONER INTENDS NOT
3 TO APPEAR AT THE PERMANENT PROTECTION ORDER HEARING, BUT THE
4 COURT SHALL NEITHER REQUIRE THE PETITIONER TO ATTEND NOR ASSESS
5 ATTORNEY FEES OR COSTS AGAINST THE PETITIONER FOR CHOOSING NOT
6 TO ATTEND THE HEARING. The judge or magistrate shall inform the
7 respondent that a violation of the civil PERMANENT protection order
8 constitutes a criminal offense pursuant to section 18-6-803.5 or
9 constitutes contempt of court and subjects the respondent to such
10 punishment as may be provided by law. If the respondent fails to appear
11 before the court for the ~~show-cause~~ PERMANENT PROTECTION ORDER
12 hearing at the time and on the date identified in the citation issued by the
13 court and the court finds that the respondent was properly served with the
14 temporary protection order and ~~such~~ THE citation, it is not necessary to
15 re-serve the respondent ~~to make the~~ AND THE COURT MUST ISSUE A
16 PERMANENT protection order ~~permanent~~ BY DEFAULT WITHOUT REQUIRING
17 ADDITIONAL EVIDENCE OR TESTIMONY. However, if the court modifies the
18 protection order on the motion of the protected party, the modified
19 protection order must be served upon the respondent AND, IF THE
20 TEMPORARY PROTECTION ORDER INCLUDES AN ACT OF DOMESTIC
21 VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, THE TEMPORARY
22 PROTECTION ORDER MUST ALSO INFORM THE RESPONDENT THAT THE
23 RESPONDENT MUST COMPLY WITH SECTION 13-14-105.5 BY REFRAINING
24 FROM POSSESSING OR PURCHASING A FIREARM OR AMMUNITION FOR THE
25 DURATION OF THE ORDER AND RELINQUISHING FOR THE DURATION OF THE
26 ORDER A FIREARM OR AMMUNITION IN THE RESPONDENT'S IMMEDIATE
27 POSSESSION OR CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE

1 POSSESSION OR CONTROL.

2 **SECTION 8.** In Colorado Revised Statutes, 13-14-108, **amend**
3 (1), (2)(b), and (5) as follows:

4 **13-14-108. Modification and termination of civil protection**
5 **orders.** (1) Any order granted pursuant to ~~section 13-14-105 (1)(c) or~~
6 ~~(1)(c) must terminate~~ SECTION 13-14-105 (1)(c) OR (1.5) TERMINATES
7 whenever a subsequent order regarding the same subject matter is granted
8 pursuant to the "Uniform Dissolution of Marriage Act", article 10 of title
9 14; ~~C.R.S.~~; the "Uniform Child-custody Jurisdiction and Enforcement
10 Act", article 13 of title 14; ~~C.R.S.~~; or the "Colorado Children's Code",
11 title 19. ~~C.R.S.~~

12 (2) (b) The restrained party may apply to the court for
13 modification, including, but not limited to, a modification of the duration
14 of the protection order or dismissal of a permanent protection order
15 pursuant to this section. However, if a permanent protection order has
16 been issued or if a motion for modification or dismissal of a permanent
17 protection order has been filed by the restrained party, whether or not ~~it~~
18 ~~THE MOTION~~ was granted, ~~no~~ A motion to modify or dismiss may NOT be
19 filed by the restrained party within two years after issuance of the
20 permanent order or AFTER disposition of the prior motion.

21 (5) The court shall hear any motion filed pursuant to subsection
22 (2) of this section, EXCEPT FOR A MOTION THAT DOES NOT COMPLY WITH
23 SUBSECTION (3)(b) OF THIS SECTION. The party moving for a modification
24 or dismissal of a temporary or permanent protection order pursuant to
25 subsection (2) of this section shall affect personal service on the other
26 party with a copy of the motion and notice of the hearing on the motion,
27 as provided by rule 4 (e) of the Colorado rules of civil procedure. The

1 moving party ~~shall bear~~ BEARS the burden of proof to show, by a
2 preponderance of the evidence, that the modification is appropriate or that
3 a dismissal is appropriate because the protection order is no longer
4 necessary. If the protected party has requested that ~~his or her~~ THE
5 PROTECTED PARTY'S address be kept confidential, the court shall not
6 disclose such information to the restrained party or any other person,
7 except as otherwise authorized by law.

8 **SECTION 9.** In Colorado Revised Statutes, 13-14-109, **amend**
9 (1) and (2) as follows:

10 **13-14-109. Fees and costs.** (1) (a) The court may assess a filing
11 fee against a petitioner seeking relief ~~under~~ PURSUANT TO this ~~article~~
12 ARTICLE 14; except that the court may not assess a filing fee against a
13 petitioner if the court determines the petitioner is seeking the protection
14 order as a victim of ~~domestic abuse, domestic violence as defined in~~
15 ~~section 18-6-800.3 (1), C.R.S., DOMESTIC VIOLENCE, stalking, or sexual~~
16 ~~assault or abuse~~ VIOLENCE. The court shall provide the necessary number
17 of certified copies at no cost to petitioners.

18 (b) THE COURT SHALL NEITHER AWARD ANY COSTS NOR ASSESS
19 ANY FEES, INCLUDING ATTORNEY FEES, AGAINST A PETITIONER SEEKING
20 RELIEF PURSUANT TO THIS ARTICLE 14, EXCEPT AS PROVIDED IN
21 SUBSECTION (1)(a) OF THIS SECTION AND SECTION 13-17-102 (2) AND (6).

22 (2) A state or public agency ~~may~~ SHALL not assess fees for service
23 of process against a petitioner seeking relief ~~under~~ PURSUANT TO this
24 ~~article~~ ARTICLE 14 as a victim of ~~conduct consistent with the following:~~
25 domestic abuse, domestic violence as defined in section 18-6-800.3 (1),
26 ~~C.R.S.,~~ stalking, or sexual ~~assault or abuse~~ VIOLENCE.

27 **SECTION 10.** In Colorado Revised Statutes, **add** 13-14-111 as

1 follows:

2 **13-14-111. Transfer of wireless telephone service in domestic**

3 **abuse cases - definitions.** (1) IN ADDITION TO THE OPTIONS DESCRIBED
4 IN SECTION 13-14-103 (1)(b), AS PART OF A REQUEST FOR A TEMPORARY
5 OR PERMANENT PROTECTION ORDER IN A CASE INVOLVING DOMESTIC
6 VIOLENCE, SEXUAL VIOLENCE, OR STALKING, THE COURT MAY ENTER AN
7 ORDER DIRECTING A WIRELESS TELEPHONE SERVICE PROVIDER TO
8 TRANSFER THE FINANCIAL RESPONSIBILITY FOR AND RIGHTS TO A WIRELESS
9 TELEPHONE NUMBER OR NUMBERS TO THE PETITIONER IF THE PETITIONER:

10 (a) IS NOT THE ACCOUNT HOLDER; AND

11 (b) PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT THE
12 PETITIONER AND ANY MINOR CHILDREN IN THE PETITIONER'S CARE ARE THE
13 PRIMARY USERS OF EACH WIRELESS TELEPHONE NUMBER THAT THE
14 PETITIONER REQUESTED BE TRANSFERRED PURSUANT TO THIS SECTION.

15 (2) (a) AN ORDER TRANSFERRING THE FINANCIAL RESPONSIBILITY
16 FOR AND RIGHTS TO A WIRELESS TELEPHONE NUMBER OR NUMBERS TO A
17 PETITIONER PURSUANT TO THIS SECTION MUST BE A SEPARATE WRITTEN
18 ORDER THAT IS DIRECTED TO THE WIRELESS TELEPHONE SERVICE
19 PROVIDER.

20 (b) THE ORDER MUST LIST THE NAME AND BILLING TELEPHONE
21 NUMBER OF THE ACCOUNT HOLDER, THE NAME AND CONTACT
22 INFORMATION OF THE PETITIONER TO WHOM THE TELEPHONE NUMBER OR
23 NUMBERS WILL BE TRANSFERRED, AND EACH TELEPHONE NUMBER TO BE
24 TRANSFERRED TO THE PETITIONER.

25 (c) THE COURT SHALL ENSURE THAT THE PETITIONER'S CONTACT
26 INFORMATION IS NOT PROVIDED TO THE ACCOUNT HOLDER IN
27 PROCEEDINGS HELD PURSUANT TO THIS ARTICLE 14.

1 (d) THE ORDER MUST BE SENT OR DELIVERED IN PERSON OR
2 ELECTRONICALLY BY THE PETITIONER TO THE WIRELESS TELEPHONE
3 SERVICE PROVIDER'S REGISTERED AGENT.

4 (e) A WIRELESS TELEPHONE SERVICE PROVIDER MUST TERMINATE
5 THE ACCOUNT HOLDER'S USE OF A TELEPHONE NUMBER THAT THE COURT
6 HAS ORDERED TO BE TRANSFERRED TO THE PETITIONER PURSUANT TO THIS
7 SECTION UNLESS THE WIRELESS TELEPHONE SERVICE PROVIDER NOTIFIES
8 THE PETITIONER AND THE COURT WITHIN FIVE BUSINESS DAYS AFTER THE
9 WIRELESS TELEPHONE SERVICE PROVIDER RECEIVES THE ORDER EITHER
10 THAT AN ACCOUNT HOLDER NAMED IN THE ORDER HAS TERMINATED THE
11 ACCOUNT OR THAT THE REQUESTED TRANSFER CANNOT BE EFFECTUATED
12 DUE TO DIFFERENCES IN NETWORK TECHNOLOGY THAT PREVENT
13 FUNCTIONALITY OF A DEVICE ON THE NETWORK OR DUE TO GEOGRAPHIC
14 LIMITATIONS ON NETWORK OR SERVICE AVAILABILITY.

15 (3) A TRANSFER ORDERED PURSUANT TO THIS SECTION DOES NOT
16 PRECLUDE A WIRELESS TELEPHONE SERVICE PROVIDER FROM APPLYING
17 ANY ROUTINE AND CUSTOMARY REQUIREMENTS FOR ACCOUNT
18 ESTABLISHMENT TO THE PETITIONER AS PART OF THE TRANSFER OF
19 FINANCIAL RESPONSIBILITY FOR A WIRELESS TELEPHONE NUMBER OR
20 NUMBERS AND ANY DEVICES ATTACHED TO THE NUMBER OR NUMBERS,
21 INCLUDING, WITHOUT LIMITATION, IDENTIFICATION, FINANCIAL
22 INFORMATION, AND CUSTOMER PREFERENCES.

23 (4) A WIRELESS TELEPHONE SERVICE PROVIDER IS IMMUNE FROM
24 CIVIL LIABILITY FOR COMPLYING WITH AN ORDER TO TRANSFER A
25 TELEPHONE NUMBER PURSUANT TO THIS SECTION.

26 (5) FOR PURPOSES OF THIS SECTION:

27 (a) "ACCOUNT HOLDER" MEANS A RESPONDENT WHO HAS A CIVIL

1 PROTECTION ORDER ISSUED AGAINST THEM, THE UNDERLYING BASIS OF
2 WHICH INCLUDES AN ACT OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, OR
3 STALKING AND MAINTAINS AN ACCOUNT WITH A WIRELESS TELEPHONE
4 SERVICE PROVIDER.

5 (b) "FINANCIAL RESPONSIBILITY" MEANS AN OBLIGATION TO PAY
6 SERVICE FEES AND OTHER COSTS AND CHARGES ASSOCIATED WITH A
7 TELEPHONE NUMBER.

8 (c) "WIRELESS TELEPHONE SERVICE PROVIDER" MEANS A PERSON
9 OR ENTITY THAT PROVIDES OR RESELLS COMMERCIAL MOBILE SERVICE, AS
10 DEFINED IN SECTION 47 U.S.C. SEC. 332 (d)(1).

11 **SECTION 11. Safety clause.** The general assembly finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety or for appropriations for
14 the support and maintenance of the departments of the state and state
15 institutions.