



Legislative Council Staff
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Final Fiscal Note

Drafting Number: LLS 24-0074 Date: June 26, 2024
Prime Sponsors: Rep. Duran; Pugliese Bill Status: Signed into Law
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Bill Topic: PROTECTION ORDERS FOR VICTIMS OF CRIMES

Summary of Fiscal Impact: [ ] State Revenue [ ] State Transfer [x] Local Government
[x] State Expenditure [ ] TABOR Refund [ ] Statutory Public Entity

The bill modifies definitions and administrative processes for civil protection orders.
The bill increases state and local workload beginning in FY 2024-25.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The final fiscal note reflects the enacted bill.

Summary of Legislation

The bill modifies the definitions and administrative processes concerning domestic violence and associated civil protection orders. These changes include:

- modifying definitions of domestic violence, and the grounds for filing and obtaining a civil protection order from being in "imminent danger" to having a risk or threat of physical, psychological, or emotional harm;
• clarifying that a civil protection order can be filed in any county where any one of the acts occurred;
• allowing temporary protection orders to be extended for up to one year after the permanent protection order hearing, and if extended, requiring the petitioner to file a motion informing the court of their intent to get a permanent protection on the date of the hearing;
• requiring courts to encourage petitioners to notify when they are not appearing for the permanent protection order hearing, but must not require they attend hearings or assess attorney fees for not attending;
• prohibiting the requirement to service upon the respondent and petitioner if the temporary protection order is denied or if the petitioner decides to vacate the order, and allowing courts to grant continuances when the petitioner is unable to serve the respondent;

- requiring citations for temporary protection orders, in addition to permanent protection orders, to include information on relinquishing firearms when there are acts of domestic violence involved;
- clarifying that a municipal court does not hold jurisdiction to award temporary care and control of minor children for a period up to one year when a juvenile court maintains exclusive jurisdiction of determining custody;
- prohibiting petitioners from being required to file protection orders in district courts over a county court when they have no pending or existing cases in the district courts;
- requiring that temporary and permanent protection orders be written in plain language
- requiring judges to make a temporary protection order permanent if the respondent engaged in behavior that warrants a civil protection order due to sexual violence or if there's a risk of harm to the petitioner;
- prohibiting courts from charging costs or fees to a petitioner seeking a civil protection order and any public agency from charging fees for services of process to petitioners seeking civil protection orders as a victim of domestic abuse, domestic violence, stalking, or sexual violence; and
- allowing courts to order transfers of the rights to a wireless telephone number in protection orders that involve domestic violence, sexual violence, or stalking.

## State Expenditures

Beginning in FY 2024-25, the bill minimally increases workload for the Judicial Department, independent judicial agencies, and the Department of Human Services (CDHS).

**Judicial Department.** Beginning in FY 2024-25, the bill introduces measures that increase workload in the Judicial Department. First, by expanding the definitions related to civil protection order issuance, the number of orders that are granted is expected to increase, which will require additional court time. Second, allowing petitioners to file an additional motion for an extended temporary order will require additional clerk time to process those filings and for the courts to create new forms and materials. Additionally, the trial courts must update all protection orders to be in plain and simple language and will have longer hearing times from any allowed continuances for the servicing of protection orders. Lastly, protection orders that require courts to order transfers of wireless telephone service rights would require additional time for courts. It is assumed that these changes under the bill will primarily affect a subset of cases. Given this, and the current complexity of these types of cases generally, any overall impact to the trial courts and the Judicial Department is assumed to be minimal and can be accomplished within existing resources.

**Independent judicial agencies.** To the extent there are longer hearing times for protection orders in dependency and neglect cases, workload and costs will increase for any legal representation provided by independent judicial agencies in these cases. This workload is expected to be minimal and can be accomplished within existing resources.

**Department of Human Services.** The CDHS will update training material for state and county staff to reflect the policy changes made by the bill. This workload is minimal and can be accommodated within existing resources.

## Local Government

Similar to state agencies, the bill may increase expenditures for municipal courts. By expanding the grounds for civil protection order issuance, more individuals may file and be granted protection orders in municipal courts, which increases workload for municipal judges and staff.

Additionally, municipal courts have the authority to issue transfers of wireless telephone numbers in certain cases. These new requirements are likely to result in longer hearing times and additional workload for municipal judges. The impacts will vary and are dependent on the local government.

## Effective Date

This bill was signed into law by the Governor and took effect on June 3, 2024.

## State and Local Government Contacts

Child Welfare	Counties	District Attorneys
Human Services	Judicial	Law
Local Affairs	Municipalities	

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).