

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0453.01 Conrad Imel x2313

HOUSE BILL 25-1148

HOUSE SPONSORSHIP

Bacon and Carter,

SENATE SPONSORSHIP

Gonzales J.,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROTECTION ORDERS.

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 existing law, a person charged with a criminal offense is subject to a criminal protection order, which remains in effect until final disposition of the criminal action. The bill:

- Prescribes what must be included in the standardized form for a criminal protection order;
- Limits a criminal protection order to orders for the protection of a witness to, or victim of, the acts charged and prohibits a court from including in a criminal

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 an order to enforce a mandated condition of bond or a condition of bond that assists in obtaining the appearance of the defendant in court or ensuring community safety;

- Requires a court to inform a defendant that a violation of a criminal protection order may constitute a misdemeanor offense of violation of a protection order and that conduct that violates the criminal protection order may constitute a felony offense of intimidating a witness or victim or retaliation against a witness or victim;
- Only allows a criminal protection order to prohibit possession or consumption of alcohol or controlled substances without a valid prescription when available information supports a sufficient nexus between that restriction and the safety of the alleged victim or witness; and
- Requires a court to review a criminal protection order at the time of sentencing or other resolution of the criminal case.

Under existing law, a sentence for violating a protection order runs consecutively with any sentence imposed for the crime that gave rise to the protection order. The bill limits this consecutive sentence provision to crimes involving domestic violence or crimes listed in the "Victim Rights Act".

The bill grants a peace officer discretion to arrest, seek a warrant to arrest, or issue a summons to a restrained person for violating, or attempting to violate, a protection order by possessing or consuming alcohol or controlled substances; violating a term included in the protection order to protect the protected person from imminent danger to life or health in cases that do not involve domestic violence or crimes listed in the "Victim Rights Act"; or failing to timely file a signed affidavit or written statement with the court as required by law.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1-1001, **amend**
3 (1), (2), and (3); **repeal** (4); and **add** (6.5) as follows:

4 **18-1-1001. Protection order against defendant - definitions.**

5 (1) (a) There is created a mandatory protection order against ~~any~~ A
6 person charged with a criminal violation of ~~any~~ of the provisions of this
7 title 18, which order remains in effect from the time that the person is

1 advised of the person's rights at arraignment or the person's first
2 appearance before the court and IS informed of ~~such~~ THE order until final
3 disposition of the action, ~~Such~~ UNLESS OTHERWISE ORDERED BY THE
4 COURT PURSUANT TO SUBSECTION (3)(a) OR (6.5) OF THIS SECTION. THE
5 order ~~restrains~~ MUST RESTRAIN the person charged from harassing,
6 molesting, intimidating, retaliating against, or tampering with any witness
7 to or victim of the acts charged.

8 (b) The protection order issued pursuant to this section must be on
9 a standardized form prescribed by the judicial department. ~~and a copy~~
10 ~~provided to the protected parties.~~ THE STANDARDIZED FORM MUST:

11 (I) INCLUDE THE INFORMATION NECESSARY TO PROPERLY IDENTIFY
12 THE NAMES OF PERSONS AND LOCATIONS FROM WHICH THE PERSON IS
13 RESTRAINED BY THE ORDER;

14 (II) INCLUDE ANY OTHER ORDERS OF THE PROTECTION ORDER THAT
15 RESTRAIN THE PERSON FROM HARASSING, MOLESTING, INTIMIDATING,
16 RETALIATING AGAINST, OR TAMPERING WITH ANY WITNESS TO OR VICTIM
17 OF THE ACTS CHARGED; AND

18 (III) IDENTIFY IF THE PROTECTION ORDER IS ISSUED IN A CASE
19 INVOLVING DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 OR A
20 CASE INVOLVING CRIMES LISTED IN SECTION 24-4.1-302.

21 (c) A PROTECTION ORDER ISSUED PURSUANT TO THIS SECTION IS
22 LIMITED TO ORDERS FOR THE PROTECTION OF A WITNESS TO, OR VICTIM OF,
23 THE ACTS CHARGED AND MUST NOT INCLUDE ORDERS THAT RELATE TO THE
24 CONDITIONS OF PRETRIAL RELEASE AS PROVIDED IN SECTION 16-4-105. AN
25 ORDER PROHIBITING THE RESTRAINED PERSON FROM POSSESSION OR
26 CONSUMPTION OF ALCOHOL OR CONTROLLED SUBSTANCES AS A CONDITION
27 OF A PROTECTION ORDER MUST COMPLY WITH THE REQUIREMENTS IN

1 SUBSECTION (3)(a)(II)(D) OF THIS SECTION.

2 (d) THE COURT SHALL PROVIDE A COPY OF THE PROTECTION ORDER
3 TO THE RESTRAINED PERSON AND THE PROTECTED PARTIES IDENTIFIED IN
4 THE ORDER.

5 (2) At the time of arraignment or the person's first appearance
6 before the court, the court shall inform the defendant of the protection
7 order effective pursuant to this section and shall inform the defendant that
8 a violation of such order is punishable by contempt AND MAY CONSTITUTE
9 A MISDEMEANOR OFFENSE OF VIOLATION OF A PROTECTION ORDER AS
10 PROVIDED IN SECTION 18-6-803.5. AS APPLICABLE, THE COURT SHALL
11 ALSO INFORM THE DEFENDANT THAT CONDUCT THAT VIOLATES THE
12 PROTECTION ORDER MAY CONSTITUTE A FELONY OFFENSE OF
13 INTIMIDATING A WITNESS OR VICTIM AS PROVIDED IN SECTION 18-8-704 OR
14 RETALIATION AGAINST A WITNESS OR VICTIM AS PROVIDED IN SECTION
15 18-8-706.

16 (3) (a) (I) Nothing in this section precludes the defendant from
17 applying to the court at any time for modification or dismissal of the
18 protection order issued pursuant to this section or the district attorney
19 from applying to the court at any time for further orders, additional
20 provisions under the protection order, or modification or dismissal of the
21 same. The trial court retains jurisdiction to enforce, modify, or dismiss the
22 protection order until final disposition of the action.

23 (II) Upon motion of the district attorney or on the court's own
24 motion, for the protection of the alleged victim or witness, the court may
25 ~~in cases involving domestic violence as defined in section 18-6-800.3 (1)~~
26 ~~and cases involving crimes listed in section 24-4.1-302, except those~~
27 ~~listed in subsections (1)(cc.5) and (1)(cc.6) of that section,~~ enter any of

1 the following further orders against the defendant FOR THE PROTECTION
2 OF THE ALLEGED VICTIM OR WITNESS:

3 ~~(H)~~ (A) An order to vacate or stay away from the home of the
4 alleged victim or witness and to stay away from any other location where
5 ~~the~~ AN ALLEGED victim or witness is likely to be found;

6 ~~(H)~~ (B) An order to refrain from contact or direct or indirect
7 communication with the alleged victim or witness;

8 ~~(H)~~ (C) An order prohibiting possession or control of firearms or
9 other weapons;

10 ~~(V)~~ (D) WHEN AVAILABLE INFORMATION SUPPORTS A SUFFICIENT
11 NEXUS BETWEEN THE POSSESSION OR CONSUMPTION OF ALCOHOL OR
12 CONTROLLED SUBSTANCES AND THE SAFETY OF THE ALLEGED VICTIM OR
13 WITNESS, an order prohibiting possession or consumption of alcohol or
14 controlled substances WITHOUT A VALID PRESCRIPTION;

15 ~~(V)~~ (E) An order prohibiting the taking, transferring, concealing,
16 harming, disposing of, or threatening to harm an animal owned,
17 possessed, leased, kept, or held by an alleged victim or witness; and

18 ~~(V)~~ (F) Any other order the court deems ~~appropriate~~ NECESSARY
19 to protect the ~~safety of the alleged victim or witness~~ PROTECTED PERSON
20 FROM IMMINENT DANGER TO THE PROTECTED PERSON'S LIFE OR HEALTH.

21 (b) Any further orders issued pursuant to subsection (3)(a) of this
22 section are ONLY for the protection of a victim OF or witness ~~and not~~ TO
23 THE OFFENSE CHARGED. A COURT SHALL NOT INCLUDE AN ORDER IN A
24 PROTECTION ORDER for the protection of the defendant, including for the
25 protection of the defendant from the use of alcohol or other substances,
26 OR TO ENFORCE A CONDITION OF BOND MANDATED PURSUANT TO SECTION
27 16-4-105 (3), (5), OR (6) OR A CONDITION OF BOND THAT ASSISTS IN

1 OBTAINING THE APPEARANCE OF THE DEFENDANT IN COURT OR ENSURING
2 COMMUNITY SAFETY AS DESCRIBED IN SECTION 16-4-105 (8).

3 (4) ~~Any person failing to comply with a protection order issued~~
4 ~~pursuant to this section commits the crime of violation of a protection~~
5 ~~order and may be punished as provided in section 18-6-803.5.~~

6 (6.5) AT THE TIME OF SENTENCING OR OTHER RESOLUTION OF THE
7 CRIMINAL CASE THAT DOES NOT INVOLVE SENTENCING THE DEFENDANT,
8 THE COURT SHALL AUTOMATICALLY REVIEW EACH PROVISION OF THE
9 PROTECTION ORDER TO ENSURE THAT ALL INFORMATION IN THE
10 PROTECTION ORDER IS ACCURATE AND DETERMINE WHETHER TO, GIVEN
11 THE CIRCUMSTANCES OF THE CRIMINAL CASE, MODIFY ANY PROVISIONS OF,
12 OR DISMISS, THE PROTECTION ORDER.

13 **SECTION 2.** In Colorado Revised Statutes, 18-6-803.5, **amend**
14 (1)(a), (1)(c), (2)(c), and (7); and **add** (3)(b.5) as follows:

15 **18-6-803.5. Crime of violation of a protection order - penalty**
16 **- peace officers' duties - definitions.** (1) A person commits the crime of
17 violation of a protection order if, after the person has been personally
18 served with a protection order that identifies the person as a restrained
19 person or otherwise has acquired from the court or law enforcement
20 personnel actual knowledge of the contents of a protection order that
21 identifies the person as a restrained person, the person:

22 (a) (I) Contacts, harasses, injures, intimidates, molests, threatens,
23 or touches the protected person or protected property, including an
24 animal, identified in the protection order; ~~or~~

25 (II) Enters or remains on premises or comes within a specified
26 distance of the protected person, protected property, including an animal,
27 or premises; ~~or~~

1 (III) POSSESSES OR CONSUMES ALCOHOL OR CONTROLLED
2 SUBSTANCES IF PROHIBITED BY THE PROTECTION ORDER;

3 (IV) Violates any other provision of the protection order to protect
4 the protected person from imminent danger to life or health, and ~~such~~ THE
5 conduct is prohibited by the protection order;

6 (c) (I) Violates a civil protection order issued pursuant to section
7 13-14-105.5 ~~or a mandatory protection order issued pursuant to section~~
8 ~~18-1-1001 (9)~~ by:

9 (H) (A) Possessing or attempting to purchase or receive a firearm
10 or ammunition while the protection order is in effect; or

11 (H) (B) Failing to timely file a signed affidavit or written
12 statement with the court as described in section 13-14-105.5; ~~(9);~~
13 ~~18-1-1001 (9)(i), or 18-6-801 (8)(i).~~ OR

14 (II) VIOLATES A MANDATORY PROTECTION ORDER ISSUED
15 PURSUANT TO SECTION 18-1-1001 THAT INCLUDES TERMS REQUIRED BY
16 SECTION 18-1-1001 (9) BY:

17 (A) POSSESSING OR ATTEMPTING TO PURCHASE OR RECEIVE A
18 FIREARM OR AMMUNITION WHILE THE PROTECTION ORDER IS IN EFFECT; OR

19 (B) FAILING TO TIMELY FILE A SIGNED AFFIDAVIT OR WRITTEN
20 STATEMENT WITH THE COURT AS DESCRIBED IN SECTION 18-1-1001 (9)(i)
21 OR 18-6-801 (8)(i).

22 (2) (c) Nothing in this section ~~shall preclude~~ PRECLUDES the
23 ability of a municipality to enact concurrent ordinances. Any sentence
24 imposed for a violation of this section ~~shall~~ MUST run consecutively and
25 not concurrently with any sentence imposed for ~~any~~ A crime ~~which gave~~
26 ~~rise to the issuing of the protection order~~ INVOLVING DOMESTIC VIOLENCE
27 AS DEFINED IN SECTION 18-6-800.3 OR A CRIME LISTED IN SECTION

1 24-4.1-302, EXCEPT FOR THE CRIMES LISTED IN SECTION 24-4.1-302
2 (1)(cc.5) AND (1)(cc.6).

3 (3) (b.5) NOTWITHSTANDING THE REQUIREMENT IN SUBSECTION
4 (3)(b) OF THIS SECTION TO ARREST, OR SEEK A WARRANT FOR THE ARREST
5 OF, A RESTRAINED PERSON, A PEACE OFFICER MAY EXERCISE DISCRETION
6 IN DETERMINING WHETHER TO ARREST OR SEEK AN ARREST WARRANT FOR
7 A RESTRAINED PERSON OR ISSUE A RESTRAINED PERSON A SUMMONS TO
8 APPEAR WHEN A PEACE OFFICER HAS PROBABLE CAUSE THAT THE
9 RESTRAINED PERSON HAS VIOLATED OR ATTEMPTED TO VIOLATE A
10 PROTECTION ORDER BY:

11 (I) POSSESSING OR CONSUMING ALCOHOL OR CONTROLLED
12 SUBSTANCES PURSUANT TO SUBSECTION (1)(a)(III) OF THIS SECTION;

13 (II) VIOLATING A TERM INCLUDED IN THE PROTECTION ORDER TO
14 PROTECT THE PROTECTED PERSON FROM IMMINENT DANGER TO LIFE OR
15 HEALTH PURSUANT TO SUBSECTION (1)(a)(IV) OF THIS SECTION WHEN THE
16 PROTECTION ORDER WAS NOT ISSUED IN A CASE INVOLVING DOMESTIC
17 VIOLENCE AS DEFINED IN SECTION 18-6-800.3 OR A CASE INVOLVING
18 CRIMES LISTED IN SECTION 24-4.1-302, EXCEPT FOR THE CRIMES LISTED IN
19 SECTION 24-4.1-302 (1)(cc.5) AND (1)(cc.6); OR

20 (III) FAILING TO TIMELY FILE A SIGNED AFFIDAVIT OR WRITTEN
21 STATEMENT WITH THE COURT PURSUANT TO SUBSECTION (1)(c)(II) OF THIS
22 SECTION.

23 (7) The protection order ~~shall~~ MUST contain in capital letters and
24 bold print a notice informing the protected person that ~~such~~ THE protected
25 person may either initiate contempt proceedings against the restrained
26 person if the order is issued in a civil action or, IF THE ORDER IS ISSUED IN
27 A CRIMINAL ACTION, request the prosecuting attorney to initiate contempt

1 proceedings ~~if the order is issued in a criminal action~~ OR THE
2 PROSECUTION OF CRIMINAL CONDUCT.

3 **SECTION 3.** In Colorado Revised Statutes, 18-19-102, **amend**
4 the introductory portion and (1)(a) as follows:

5 **18-19-102. Definitions.** As used in this ~~article~~ ARTICLE 19, unless
6 the context otherwise requires:

7 (1) "Alcohol- or drug-related offender" means a person convicted
8 of any of the following offenses or of attempt to commit any of the
9 following offenses:

10 (a) Violation of a protection order as described in ~~section~~
11 ~~18-1-1001(4)~~, SECTION 18-6-803.5 if the VIOLATION INVOLVED A
12 MANDATORY CRIMINAL protection order EFFECTIVE PURSUANT TO SECTION
13 18-1-1001, THE ORDER prohibited the possession or consumption of
14 alcohol or controlled substances, and the violation related to such
15 provisions;

16 **SECTION 4. Effective date - applicability.** This act takes effect
17 July 1, 2025, and applies to protection orders issued in relation to offenses
18 committed on or after said date.

19 **SECTION 5. Safety clause.** The general assembly finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety or for appropriations for
22 the support and maintenance of the departments of the state and state
23 institutions.