

## CHAPTER 323

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**CRIMINAL LAW AND PROCEDURE**

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**HOUSE BILL 94-1090**

BY REPRESENTATIVES Allen, Adkins, Armstrong, Benavidez, Blue, DeGette, Epps, Fleming, Friednash, George, Grampsas, Greenwood, Hagedorn, Hernandez, Kaufman, Kerns, Lawrence, Mattingly, Nichol, Pierson, Reeser, Rupert, Snyder, Strom, Tucker, Williams, Wright, Lyle, Martin, Morrison, and Prinster;  
also SENATORS Wham, Bishop, Cassidy, Feeley, Gallagher, Hopper, Johnson, Mares, Mendez, Norton, L. Powers, R. Powers, Rizzuto, Schroeder, Tebedo, Traylor, and Wattenberg.

**AN ACT**

**CONCERNING THE STRENGTHENING OF LAWS GOVERNING THE ENFORCEMENT OF RESTRAINING ORDERS, AND, IN CONNECTION THEREWITH, CREATING A CENTRAL REGISTRY OF RESTRAINING ORDERS.**

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

**SECTION 1.** 13-6-107 (5), (9), (10), and (11), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended, and the said 13-6-107 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**13-6-107. Restraining orders to prevent emotional abuse of the elderly.**

(5) Upon the filing of a complaint duly verified, alleging that the defendant has committed acts constituting emotional abuse of an elderly person, any judge or magistrate, after hearing the evidence and being fully satisfied therein that sufficient cause exists, may issue a temporary restraining order ON A STANDARDIZED FORM PRESCRIBED BY THE JUDICIAL DEPARTMENT to prevent such abuse and a citation directed to the defendant commanding the defendant to appear before the court at a specific time and date, to show cause, if any, why said temporary restraining order should not be made permanent. Complaints may be filed by the elderly person or by persons listed in section 26-3.1-102 (1) (b) and (1) (c), C.R.S.

(9) A copy of any order issued pursuant to this section shall be delivered to any law enforcement agency having jurisdiction to enforce said order and to the elderly person who is the subject of the restraining order. ~~Such protected party or other person shall show said order to any officer called to enforce the order.~~

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(10) ~~At any time that the law enforcement agency having jurisdiction to enforce the order issued pursuant to this section has cause to believe that a violation of the order has occurred, such agency shall enforce the order.~~ If the order has not been personally served, the ~~member of the law enforcement agency~~ PEACE OFFICER responding to ~~the~~ A call FOR ASSISTANCE shall serve a copy of said order on the person named defendant therein AND SHALL WRITE THE TIME, DATE, AND MANNER OF SERVICE ON THE PROTECTED PERSON'S COPY OF SUCH ORDER AND SHALL SIGN SUCH STATEMENT. The cost of serving said order shall be ten dollars, payable to the law enforcement agency EMPLOYING THE PEACE OFFICER serving said order, which TEN DOLLARS shall be assessed against the parties as court costs of obtaining said order.

(11) The duties of peace officers enforcing said restraining order shall be in accordance with section ~~14-4-104~~, 18-6-803.5, C.R.S., AND ANY RULES ADOPTED BY THE COLORADO SUPREME COURT PURSUANT TO SAID SECTION.

(15) AT THE TIME A RESTRAINING ORDER IS REQUESTED, THE COURT SHALL INQUIRE ABOUT, AND THE REQUESTING PARTY AND SUCH PARTY'S ATTORNEY SHALL HAVE AN INDEPENDENT DUTY TO DISCLOSE, KNOWLEDGE SUCH PARTY AND SUCH PARTY'S ATTORNEY MAY HAVE CONCERNING THE EXISTENCE OF ANY PRIOR RESTRAINING ORDERS OF ANY COURT ADDRESSING IN WHOLE OR IN PART THE SUBJECT MATTER OF THE REQUESTED RESTRAINING ORDER.

**SECTION 2.** 14-4-102 (5), (9), and (10), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended, and the said 14-4-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**14-4-102. Restraining orders to prevent domestic abuse.** (5) Upon the filing of a complaint, duly verified, alleging that the defendant has committed acts constituting domestic abuse against the plaintiff or a minor child of either of the parties, any judge of a municipal, county, or district court, after hearing the evidence and being fully satisfied therein that sufficient cause exists, may issue a temporary restraining order ON A STANDARDIZED FORM PRESCRIBED BY THE JUDICIAL DEPARTMENT to prevent domestic abuse and a citation directed to the defendant, commanding ~~him~~ SUCH DEFENDANT to appear before the court at a specific time and date, to show cause, if any, why said temporary restraining order should not be made permanent. HOWEVER, IF THE TEMPORARY RESTRAINING ORDER IS ISSUED BY THE DISTRICT COURT IN CONNECTION WITH AN ACTION FILED UNDER THE "UNIFORM DISSOLUTION OF MARRIAGE ACT", ARTICLE 10 OF THIS TITLE, OR BY THE JUVENILE COURT UNDER THE "UNIFORM PARENTAGE ACT", ARTICLE 4 OF TITLE 19, C.R.S., THE COURT MAY DISPENSE WITH THE ISSUANCE OF A CITATION AND REQUIRE THAT THE TEMPORARY RESTRAINING ORDER REMAIN IN EFFECT UNTIL REVOKED, MODIFIED, OR TERMINATED AS PROVIDED IN SECTION 14-10-108.

(9) A copy of any order issued pursuant to this section shall be delivered to any law enforcement agency having jurisdiction to enforce said order and to the protected party. ~~Such protected party shall show said order to any officer called to enforce it.~~

(10) ~~At any time that the law enforcement agency having jurisdiction to enforce the order issued pursuant to this section has cause to believe that a violation of the order has occurred, it shall enforce the order.~~ THE DUTIES OF PEACE OFFICERS

ENFORCING ORDERS ISSUED PURSUANT TO THIS SECTION SHALL BE IN ACCORDANCE WITH SECTION 18-6-803.5, C.R.S., AND ANY RULES ADOPTED BY THE COLORADO SUPREME COURT PURSUANT TO SAID SECTION. If the order has not been personally served, the member of the law enforcement agency PEACE OFFICER responding to the A call FOR ASSISTANCE shall serve a copy of said order on the person named respondent therein AND SHALL WRITE THE TIME, DATE, AND MANNER OF SERVICE ON THE PROTECTED PERSON'S COPY OF SUCH ORDER AND SHALL SIGN SUCH STATEMENT. The cost of serving said order shall be ten dollars, payable to the law enforcement agency EMPLOYING THE PEACE OFFICER serving said order, which TEN DOLLARS shall be assessed against the parties as court costs of obtaining said order.

(13) AT THE TIME A RESTRAINING ORDER IS REQUESTED, THE COURT SHALL INQUIRE ABOUT, AND THE REQUESTING PARTY AND SUCH PARTY'S ATTORNEY SHALL HAVE AN INDEPENDENT DUTY TO DISCLOSE, KNOWLEDGE SUCH PARTY AND SUCH PARTY'S ATTORNEY MAY HAVE CONCERNING THE EXISTENCE OF ANY PRIOR RESTRAINING ORDERS OF ANY COURT ADDRESSING IN WHOLE OR IN PART THE SUBJECT MATTER OF THE REQUESTED RESTRAINING ORDER.

**SECTION 3.** 14-4-104, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

**14-4-104. Duties of peace officers - enforcement of restraining orders and emergency protection orders.** (1) ~~A peace officer shall use every reasonable means to enforce an order of any court issued pursuant to section 14-4-102, 14-4-103, or 13-6-107, C.R.S. A peace officer shall also carry out any duties prescribed in section 14-4-102 (7.5). Whenever there is exhibited to any duly authorized sheriff or police officer an emergency protection order or a certified copy of a restraining order issued by any district or county court, as provided for in section 14-4-102, 14-4-103, or 13-6-107, C.R.S., restraining and enjoining any person from threatening, molesting, injuring, or contacting any other person, or requiring the person to remove himself from certain premises and to refrain from entering or remaining near or upon the premises thereafter, and whenever the copy of the emergency protection order or restraining order shows, under signature of the person so serving, that a copy of the order has been properly served upon the person named in the order or the person named in the order has received actual notice of the existence and substance of such order, and whenever the sheriff or police officer has probable cause to believe that the alleged violator has been threatening, molesting, or injuring any person, or entering or remaining on the premises in violation of the order, it is the duty of the sheriff or police officer to arrest the alleged violator and take him immediately before the court issuing the emergency protection order or restraining order or, if that court is not in session, to the nearest jail until the convening of the next session of the court, but in no event to exceed seventy-two hours unless extended for good cause shown by the issuing court, to await further action for the violation. A peace officer shall not be held civilly or criminally liable for acting pursuant to this section if he acts in good faith and without malice.~~

(2) (a) ~~Whenever a police officer arrests a party for a violation of an emergency protection order or restraining order issued pursuant to section 14-4-102, 14-4-103, or 13-6-107, C.R.S., it is the duty of the officer to inform the party protected by the emergency protection order or restraining order that the aggrieved party has the right to initiate contempt proceedings against the alleged violator in the court which issued~~

the original order.

~~(b) When an officer makes an arrest for the violation of an emergency protection order or restraining order issued pursuant to section 14-4-102, 14-4-103, or 13-6-107, C.R.S., he shall advise the court orally or in writing of the nature of the alleged violation at the alleged violator's first court appearance. If the court is satisfied that probable cause exists to believe that a violation has been committed, the court shall advise the alleged violator of his rights concerning contempt proceedings.~~

~~(c) If the matter is not resolved at first appearance, bail shall be set and a return date shall be fixed. If a contempt proceeding has not been filed by the first appearance, the return date shall be set on the next regular court day following the first appearance. If a contempt proceeding is not filed by the return date, the defendant shall be released from the bail requirement. THE DUTIES OF PEACE OFFICERS ENFORCING RESTRAINING ORDERS ISSUED PURSUANT TO SECTION 14-4-102 OR 14-4-103 SHALL BE IN ACCORDANCE WITH SECTION 18-6-803.5, C.R.S., AND ANY RULES ADOPTED BY THE COLORADO SUPREME COURT PURSUANT TO SAID SECTION.~~

**SECTION 4.** 14-10-108 (3), Colorado Revised Statutes, 1987 Repl. Vol., is amended, and the said 14-10-108 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**14-10-108. Temporary order or temporary injunction.** (2.5) AS PART OF A TEMPORARY RESTRAINING ORDER, THE COURT MAY AWARD INTERIM LEGAL CUSTODY OF A CHILD TO A PERSON ENTITLED TO BRING A CUSTODY ACTION UNDER SECTION 14-10-123, WHEN SUCH AWARD IS REASONABLY RELATED TO PREVENTING DOMESTIC ABUSE AS DEFINED IN SECTION 14-4-101 (2) OR PREVENTING THE CHILD FROM WITNESSING DOMESTIC ABUSE. THE INTERIM LEGAL CUSTODY ORDER MAY BE MODIFIED OR DISSOLVED, BASED UPON THE BEST INTERESTS OF THE CHILD AS SET FORTH IN SECTION 14-10-124, AT A SUBSEQUENT TEMPORARY OR PERMANENT ORDERS HEARING OR AS OTHERWISE PROVIDED BY SUBSECTION (6) OF THIS SECTION OR AS OTHERWISE ORDERED BY THE COURT. THE INTERIM LEGAL CUSTODY ORDER MAY BE ISSUED WITHOUT NOTICE TO THE OTHER PARTY ONLY IF THE COURT FINDS THAT IRREPARABLE INJURY WOULD RESULT TO THE MOVING PARTY OR THE CHILD IF NO ORDER WERE ISSUED UNTIL THE TIME FOR RESPONDING TO THE MOTION HAD ELAPSED. THE INTERIM LEGAL CUSTODY ORDER SHALL BE WITHOUT PREJUDICE TO THE RIGHTS OF THE PARTIES OR CHILD AT SUBSEQUENT HEARINGS IN THE PROCEEDINGS. THE INTERIM LEGAL CUSTODY ORDER MAY PROVIDE FOR PARENTING TIME FOR ANY OTHER PARTY.

(3) The court may issue a temporary restraining order without requiring notice to the other party only if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury would result to the moving party if no order were issued until the time for responding had elapsed. ANY TEMPORARY RESTRAINING ORDER ISSUED PURSUANT TO THIS SECTION SHALL BE ON A STANDARDIZED FORM PRESCRIBED BY THE JUDICIAL DEPARTMENT AND A COPY SHALL BE PROVIDED TO THE PROTECTED PARTIES.

(7) AT THE TIME A RESTRAINING ORDER IS REQUESTED PURSUANT TO THIS SECTION, THE COURT SHALL INQUIRE ABOUT, AND THE REQUESTING PARTY AND SUCH PARTY'S ATTORNEY SHALL HAVE AN INDEPENDENT DUTY TO DISCLOSE, KNOWLEDGE SUCH PARTY AND SUCH PARTY'S ATTORNEY MAY HAVE CONCERNING THE EXISTENCE OF ANY

PRIOR RESTRAINING ORDERS OF ANY COURT ADDRESSING IN WHOLE OR IN PART THE SUBJECT MATTER OF THE REQUESTED RESTRAINING ORDER.

**SECTION 5.** 14-10-109, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

**14-10-109. Enforcement of restraining orders.** ~~Whenever there is exhibited to any duly authorized sheriff or police officer a certified copy of a restraining order issued by any district court, as provided for in section 14-10-108, restraining and enjoining any person from threatening, beating, striking, or assaulting any other person, or requiring the person to remove himself from certain premises and to refrain from loitering, entering, or remaining near the premises thereafter, and the copy of the restraining order shows, under signature of the person so serving, that a copy of the order has been properly served upon the person named in the order or the person named in the order has received actual notice of the existence and substance of such order, and whenever the sheriff or police officer has probable cause to believe that the alleged violator has been threatening, beating, striking, or assaulting any person, or entering or remaining on the premises in violation of the order, it is the duty of the sheriff or police officer to arrest the alleged violator and take him immediately before the court issuing the restraining order or, if that court is not in session, to the nearest jail until the convening of its next session to await further action for the violation.~~ THE DUTIES OF PEACE OFFICERS ENFORCING ORDERS ISSUED PURSUANT TO SECTION 14-10-107 OR 14-10-108 SHALL BE IN ACCORDANCE WITH SECTION 18-6-803.5, C.R.S., AND ANY RULES ADOPTED BY THE COLORADO SUPREME COURT PURSUANT TO SAID SECTION.

**SECTION 6.** 18-1-1001 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 18-1-1001 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**18-1-1001. Restraining order against defendant.** (1) There is hereby created a mandatory restraining order against any person charged with a violation of any of the provisions of this title, which order shall remain in effect from the time that the person is advised of ~~his~~ SUCH PERSON'S rights at arraignment or the person's first appearance before the court and informed of such order until final disposition of the action or until further order of the court. Such order shall restrain the person charged from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of the acts charged. THE RESTRAINING ORDER ISSUED PURSUANT TO THIS SECTION SHALL BE ON A STANDARDIZED FORM PRESCRIBED BY THE JUDICIAL DEPARTMENT AND A COPY SHALL BE PROVIDED TO THE PROTECTED PARTIES.

(7) THE DUTIES OF PEACE OFFICERS ENFORCING ORDERS ISSUED PURSUANT TO THIS SECTION SHALL BE IN ACCORDANCE WITH SECTION 18-6-803.5 AND ANY RULES ADOPTED BY THE COLORADO SUPREME COURT PURSUANT TO SAID SECTION.

**SECTION 7.** 18-6-803.5, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**18-6-803.5. Crime of violation of a restraining order - penalty - peace officers' duties.** (1) A person commits the crime of violation of a restraining order if such person ~~commits an act which~~ CONTACTS, HARASSES, INJURES, INTIMIDATES,

MOLESTS, THREATENS, OR TOUCHES ANY PROTECTED PERSON, OR ENTERS OR REMAINS ON PREMISES, OR COMES WITHIN A SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES, AND SUCH CONDUCT is prohibited by ~~any court pursuant to a valid A RESTRAINING order, issued pursuant to section 13-6-107, C.R.S., sections 14-4-101 to 14-4-104, C.R.S., section 18-1-1001, rule 365 of the Colorado rules of county court civil procedure, or an order issued by any district court, as provided for in section 14-10-108, C.R.S., which restrains and enjoins any person from threatening, beating, striking, or assaulting any other person or requires a person to leave certain premises and refrain from entering or remaining on such premises, or a municipal ordinance which provides for an order to issue which restrains any person from threatening, molesting, or injuring any person, or entering or remaining on the premises, or any protective order issued pursuant to title 19, C.R.S., or if such person fails to perform any act mandated by any such order, after such person has been personally served with any such order. or otherwise has acquired from the court actual knowledge of the contents of any such order.~~

(1.5) AS USED IN THIS SECTION:

(a) "PROTECTED PERSON" MEANS THE PERSON OR PERSONS IDENTIFIED IN THE RESTRAINING ORDER AS THE PERSON OR PERSONS FOR WHOSE BENEFIT THE RESTRAINING ORDER WAS ISSUED.

(b) "REGISTRY" MEANS THE COMPUTERIZED INFORMATION SYSTEM CREATED IN SECTION 18-6-803.7.

(c) "RESTRAINED PERSON" MEANS THE PERSON IDENTIFIED IN THE ORDER AS THE PERSON PROHIBITED FROM DOING THE SPECIFIED ACT OR ACTS.

(d) "RESTRAINING ORDER" MEANS ANY ORDER WHICH PROHIBITS THE RESTRAINED PERSON FROM CONTACTING, HARASSING, INJURING, INTIMIDATING, MOLESTING, THREATENING, OR TOUCHING ANY PERSON, OR FROM ENTERING OR REMAINING ON PREMISES, OR FROM COMING WITHIN A SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES, WHICH IS ISSUED BY A COURT OF THIS STATE OR A MUNICIPAL COURT, AND WHICH IS ISSUED PURSUANT TO SECTION 13-6-107, C.R.S., SECTIONS 14-4-101 TO 14-4-105, C.R.S., SECTION 14-10-107, C.R.S., SECTION 14-10-108, C.R.S., SECTION 18-1-1001, SECTION 19-2-403, C.R.S., SECTION 19-3-316, C.R.S., SECTION 19-4-111, C.R.S., OR RULE 365 OF THE COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE, AN ORDER ISSUED AS PART OF THE PROCEEDINGS CONCERNING A CRIMINAL MUNICIPAL ORDINANCE VIOLATION, OR ANY OTHER ORDER OF A COURT WHICH PROHIBITS A PERSON FROM CONTACTING, HARASSING, INJURING, INTIMIDATING, MOLESTING, THREATENING, OR TOUCHING ANY PERSON, OR FROM ENTERING OR REMAINING ON PREMISES, OR FROM COMING WITHIN A SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES. FOR PURPOSES OF THIS SECTION ONLY, "RESTRAINING ORDER" INCLUDES ANY ORDER WHICH AMENDS, MODIFIES, SUPPLEMENTS, OR SUPERSEDES THE INITIAL RESTRAINING ORDER.

(2) (a) Violation of a restraining order is a class 3 2 misdemeanor; ~~when the court order violated has been issued pursuant to section 13-6-107, C.R.S., sections 14-4-101 to 14-4-104, C.R.S., the portions of section 14-10-108, C.R.S., authorizing the restraining and enjoining of any person from threatening, beating, striking, or assaulting any other person or requiring a person to leave certain premises and refrain~~

~~from entering or remaining on such premises, rule 365 of the Colorado rules of county court civil procedure, any protective order issued pursuant to title 19, C.R.S., or a municipal ordinance which provides for an order to issue which restrains any person from threatening, molesting, or injuring any person, or entering or remaining on the premises. However, when it is plead and proven that the violator has been previously convicted within seven years under this section, the offense is a class 1 misdemeanor. EXCEPT THAT, IF THE RESTRAINED PERSON HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING THIS SECTION OR A FORMER VERSION OF THIS SECTION OR AN ANALOGOUS MUNICIPAL ORDINANCE, OR IF THE RESTRAINING ORDER IS ISSUED PURSUANT TO SECTION 18-1-1001, THE VIOLATION IS A CLASS 1 MISDEMEANOR.~~

(b) A PRIOR CONVICTION NEED NOT BE PLED OR PROVEN AT TRIAL. THE EXISTENCE OF A PRIOR CONVICTION SHALL BE A MATTER FOR THE COURT TO DETERMINE AT SENTENCING. THE EXISTENCE OF A PRIOR CONVICTION IS ESTABLISHED BY A CERTIFIED COPY OF A JUDGMENT OF CONVICTION FROM THE COURT IN WHICH THE CONVICTION OCCURRED.

(c) Nothing in this ~~subsection (2)~~ SECTION shall preclude the ability of a municipality to enact concurrent ordinances. Any sentence imposed ~~pursuant to this subsection (2)~~ FOR A VIOLATION OF THIS SECTION shall run consecutively and not concurrently with any sentence imposed for any crime which gave rise to the issuing of the restraining order.

~~(3) Violation of a restraining order is a class 1 misdemeanor when the court order violated has been issued pursuant to section 18-1-1001. Any sentence imposed pursuant to this subsection (3) shall run consecutively and not concurrently with any sentence imposed for any crime which gave rise to the issuing of the restraining order.~~

(a) WHENEVER A RESTRAINING ORDER IS ISSUED, THE PROTECTED PERSON SHALL BE PROVIDED WITH A COPY OF SUCH ORDER. A PEACE OFFICER SHALL USE EVERY REASONABLE MEANS TO ENFORCE A RESTRAINING ORDER.

(b) A PEACE OFFICER SHALL ARREST, OR, IF AN ARREST WOULD BE IMPRACTICAL UNDER THE CIRCUMSTANCES, SEEK A WARRANT FOR THE ARREST OF A RESTRAINED PERSON WHEN THE PEACE OFFICER HAS INFORMATION AMOUNTING TO PROBABLE CAUSE THAT:

(I) THE RESTRAINED PERSON HAS VIOLATED OR ATTEMPTED TO VIOLATE ANY PROVISION OF A RESTRAINING ORDER; AND

(II) THE RESTRAINED PERSON HAS BEEN PROPERLY SERVED WITH A COPY OF THE RESTRAINING ORDER OR THE RESTRAINED PERSON HAS RECEIVED ACTUAL NOTICE OF THE EXISTENCE AND SUBSTANCE OF SUCH ORDER.

(c) IN MAKING THE PROBABLE CAUSE DETERMINATION DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (3), A PEACE OFFICER SHALL ASSUME THAT THE INFORMATION RECEIVED FROM THE REGISTRY CREATED BY SECTION 18-6-803.7 IS ACCURATE. A PEACE OFFICER SHALL ENFORCE A VALID RESTRAINING ORDER WHETHER OR NOT THERE IS A RECORD OF THE RESTRAINING ORDER IN THE CENTRAL REGISTRY.

(d) THE ARREST AND DETENTION OF A RESTRAINED PERSON IS GOVERNED BY APPLICABLE CONSTITUTIONAL AND APPLICABLE STATE RULES OF CRIMINAL

PROCEDURE. THE RESTRAINED PERSON SHALL BE TAKEN TO THE NEAREST JAIL OR DETENTION FACILITY UTILIZED BY THE PEACE OFFICER. THIS PARAGRAPH (d) SHALL NOT BE CONSTRUED TO LIMIT THE DISCRETION OF THE JAIL OR DETENTION FACILITY STAFF CONCERNING THE MANAGEMENT OF OVERCROWDING. THE PROSECUTING ATTORNEY SHALL MAKE ALL REASONABLE EFFORTS TO CONTACT THE PROTECTED PARTY UPON THE ARREST OF THE RESTRAINED PERSON AND SHALL PRESENT THE INVESTIGATIVE REPORTS AND CRIMINAL HISTORY OF THE RESTRAINED PERSON TO THE COURT AT THE TIME OF THE FIRST APPEARANCE OF THE RESTRAINED PERSON BEFORE THE COURT.

(e) THE ARRESTING AGENCY ARRESTING THE RESTRAINED PERSON SHALL FORWARD TO THE ISSUING COURT A COPY OF SUCH AGENCY'S REPORT, A LIST OF WITNESSES TO THE VIOLATION, AND, IF APPLICABLE, A LIST OF ANY CHARGES FILED OR REQUESTED AGAINST THE RESTRAINED PERSON. THE AGENCY SHALL GIVE A COPY OF THE AGENCY'S REPORT, WITNESS LIST, AND CHARGING LIST TO THE PROTECTED PARTY. THE AGENCY SHALL DELETE THE ADDRESS AND TELEPHONE NUMBER OF A WITNESS FROM THE LIST SENT TO THE COURT UPON REQUEST OF SUCH WITNESS, AND SUCH ADDRESS AND TELEPHONE NUMBER SHALL NOT THEREAFTER BE MADE AVAILABLE TO ANY PERSON, EXCEPT LAW ENFORCEMENT OFFICIALS AND THE PROSECUTING AGENCY, WITHOUT ORDER OF THE COURT.

~~(4) Nothing in this section shall be construed to alter or diminish the inherent authority of the court to enforce its orders through civil or criminal contempt proceedings.~~ IF A RESTRAINED PERSON IS ON BOND IN CONNECTION WITH A VIOLATION OR ATTEMPTED VIOLATION OF A RESTRAINING ORDER IN THIS OR ANY OTHER STATE AND IS SUBSEQUENTLY ARRESTED FOR VIOLATING OR ATTEMPTING TO VIOLATE A RESTRAINING ORDER, THE ARRESTING AGENCY SHALL NOTIFY THE PROSECUTING ATTORNEY WHO SHALL FILE A MOTION WITH THE COURT WHICH ISSUED THE PRIOR BOND FOR THE REVOCATION OF THE BOND AND FOR THE ISSUANCE OF A WARRANT FOR THE ARREST OF THE RESTRAINED PERSON IF SUCH COURT IS SATISFIED THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT A VIOLATION OF THE RESTRAINING ORDER ISSUED BY THE COURT HAS OCCURRED.

~~(5) No person charged with violation of a restraining order pursuant to this section shall be permitted, in the criminal action resulting from such charge, to collaterally attack the validity of the order which such person is accused of violating.~~ A PEACE OFFICER ARRESTING A PERSON FOR VIOLATING A RESTRAINING ORDER OR OTHERWISE ENFORCING A RESTRAINING ORDER SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE FOR SUCH ARREST OR ENFORCEMENT UNLESS THE PEACE OFFICER ACTS IN BAD FAITH AND WITH MALICE OR DOES NOT ACT IN COMPLIANCE WITH RULES ADOPTED BY THE COLORADO SUPREME COURT.

(6) THE RESTRAINING ORDER SHALL CONTAIN IN CAPITAL LETTERS AND BOLD PRINT A NOTICE INFORMING THE PROTECTED PERSON THAT SUCH PROTECTED PERSON MAY EITHER INITIATE CONTEMPT PROCEEDINGS AGAINST THE RESTRAINED PERSON IF THE ORDER IS ISSUED IN A CIVIL ACTION OR REQUEST THE PROSECUTING ATTORNEY TO INITIATE CONTEMPT PROCEEDINGS IF THE ORDER IS ISSUED IN A CRIMINAL ACTION.

**SECTION 8.** Part 8 of article 6 of title 18, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**18-6-803.7. Central registry of restraining orders - creation.** (1) AS USED IN THIS SECTION:

(a) "BUREAU" MEANS THE COLORADO BUREAU OF INVESTIGATION.

(b) "PROTECTED PERSON" MEANS THE PERSON OR PERSONS IDENTIFIED IN THE RESTRAINING ORDER AS THE PERSON OR PERSONS FOR WHOSE BENEFIT THE RESTRAINING ORDER WAS ISSUED.

(c) "REGISTRY" MEANS A COMPUTERIZED INFORMATION SYSTEM.

(d) "RESTRAINED PERSON" MEANS THE PERSON IDENTIFIED IN THE ORDER AS THE PERSON PROHIBITED FROM DOING THE SPECIFIED ACT OR ACTS.

(e) "RESTRAINING ORDER" MEANS ANY ORDER WHICH PROHIBITS THE RESTRAINED PERSON FROM CONTACTING, HARASSING, INJURING, INTIMIDATING, MOLESTING, THREATENING, OR TOUCHING ANY PERSON, OR FROM ENTERING OR REMAINING ON PREMISES, OR FROM COMING WITHIN A SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES, WHICH IS ISSUED BY A COURT OF THIS STATE OR AN AUTHORIZED MUNICIPAL COURT, AND WHICH IS ISSUED PURSUANT TO SECTION 13-6-107, C.R.S., SECTIONS 14-4-101 TO 14-4-105, C.R.S., SECTION 14-10-107, C.R.S., SECTION 14-10-108, C.R.S., SECTION 18-1-1001, SECTION 19-2-403, C.R.S., SECTION 19-3-316, C.R.S., SECTION 19-4-111, C.R.S., OR RULE 365 OF THE COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE, OR AN ORDER ISSUED AS PART OF THE PROCEEDINGS CONCERNING A CRIMINAL MUNICIPAL ORDINANCE VIOLATION.

(f) "SUBSEQUENT ORDER" MEANS AN ORDER WHICH AMENDS, MODIFIES, SUPPLEMENTS, OR SUPERSEDES A RESTRAINING ORDER.

(2) (a) THERE IS HEREBY CREATED IN THE BUREAU A COMPUTERIZED CENTRAL REGISTRY OF RESTRAINING ORDERS WHICH SHALL BE ACCESSIBLE TO ANY STATE LAW ENFORCEMENT AGENCY OR TO ANY LOCAL LAW ENFORCEMENT AGENCY HAVING A TERMINAL WHICH COMMUNICATES WITH THE BUREAU. THE CENTRAL REGISTRY COMPUTERS SHALL COMMUNICATE WITH COMPUTERS OPERATED BY THE STATE JUDICIAL DEPARTMENT.

(b) RESTRAINING ORDERS AND SUBSEQUENT ORDERS SHALL BE ENTERED INTO THE REGISTRY BY THE CLERK OF THE COURT ISSUING THE RESTRAINING ORDER.

(c) THE RESTRAINED PERSON'S ATTORNEY, IF PRESENT AT THE TIME THE RESTRAINING ORDER OR SUBSEQUENT ORDER IS ISSUED, SHALL NOTIFY THE RESTRAINED PERSON OF THE CONTENTS OF SUCH ORDER IF THE RESTRAINED PERSON WAS ABSENT WHEN SUCH ORDER WAS ISSUED.

(d) RESTRAINING ORDERS AND SUBSEQUENT ORDERS SHALL BE PLACED IN THE REGISTRY NOT LATER THAN TWENTY-FOUR HOURS AFTER THEY HAVE BEEN ISSUED; EXCEPT THAT, IF THE COURT ISSUING THE RESTRAINING ORDER OR SUBSEQUENT ORDER SPECIFIES THAT IT BE PLACED IN THE REGISTRY IMMEDIATELY, SUCH ORDER SHALL BE PLACED IN THE REGISTRY IMMEDIATELY.

(e) UPON REACHING THE EXPIRATION DATE OF A RESTRAINING ORDER OR

SUBSEQUENT ORDER, IF ANY, THE BUREAU SHALL NOTE THE TERMINATION IN THE REGISTRY.

(f) IN THE EVENT THE RESTRAINING ORDER OR SUBSEQUENT ORDER DOES NOT HAVE A TERMINATION DATE, THE CLERK OF THE ISSUING COURT SHALL BE RESPONSIBLE FOR NOTING THE TERMINATION OF THE RESTRAINING ORDER OR SUBSEQUENT ORDER IN THE REGISTRY.

(3) (a) IN ADDITION TO ANY INFORMATION, NOTICE, OR WARNING REQUIRED BY LAW, A RESTRAINING ORDER OR SUBSEQUENT ORDER ENTERED INTO THE REGISTRY SHALL CONTAIN THE FOLLOWING INFORMATION, IF SUCH INFORMATION IS AVAILABLE:

(I) THE NAME, DATE OF BIRTH, SEX, AND PHYSICAL DESCRIPTION OF THE RESTRAINED PERSON TO THE EXTENT KNOWN;

(II) THE DATE THE ORDER WAS ISSUED, AND THE EFFECTIVE DATE OF THE ORDER IF SUCH DATE IS DIFFERENT FROM THE DATE THE ORDER WAS ISSUED;

(III) THE NAMES OF THE PROTECTED PERSONS AND THEIR DATES OF BIRTH;

(IV) IF THE RESTRAINING ORDER IS ONE PROHIBITING THE RESTRAINED PERSON FROM ENTERING IN, REMAINING UPON, OR COMING WITHIN A SPECIFIED DISTANCE OF CERTAIN PREMISES, THE ADDRESS OF THE PREMISES AND THE DISTANCE LIMITATION;

(V) THE EXPIRATION DATE OF THE RESTRAINING ORDER, IF ANY;

(VI) WHETHER THE RESTRAINED PERSON HAS BEEN SERVED WITH THE RESTRAINING ORDER, AND IF SO, THE DATE AND TIME OF SERVICE; AND

(VII) THE AMOUNT OF BAIL AND ANY CONDITIONS OF BOND WHICH THE COURT HAS SET IN THE EVENT THE RESTRAINED PERSON HAS VIOLATED A RESTRAINING ORDER.

(b) IF AVAILABLE, THE RESTRAINING ORDER OR SUBSEQUENT ORDER SHALL CONTAIN THE FINGERPRINT BASED STATE IDENTIFICATION NUMBER ISSUED BY THE BUREAU TO THE RESTRAINED PERSON.

**SECTION 9.** 19-2-403 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 19-2-403 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**19-2-403. Restraining order against juvenile.** (1) There is hereby created a mandatory restraining order against any juvenile charged with the commission of a delinquent act, which order shall remain in effect from the time that the juvenile is advised of ~~his~~ SUCH JUVENILE'S rights and informed of such order at ~~his~~ SUCH JUVENILE'S first appearance before the court until final disposition of the action or until further order of the court. Such order shall restrain the juvenile from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of the delinquent act charged. THE RESTRAINING ORDER ISSUED PURSUANT TO THIS SECTION SHALL BE ON A STANDARDIZED FORM PRESCRIBED BY THE JUDICIAL DEPARTMENT AND A COPY SHALL BE PROVIDED TO THE PROTECTED PARTIES.

(4) THE DUTIES OF PEACE OFFICERS ENFORCING ORDERS ISSUED PURSUANT TO THIS SECTION SHALL BE IN ACCORDANCE WITH SECTION 18-6-803.5, C.R.S., AND ANY RULES ADOPTED BY THE COLORADO SUPREME COURT PURSUANT TO SAID SECTION.

**SECTION 10.** 19-3-316 (1) (a), (2) (b), (2) (f) and (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended, and the said 19-3-316 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**19-3-316. Restraining orders and emergency protection orders.** (1) (a) The juvenile court and the district court shall have the authority to issue restraining orders to prevent an unlawful sexual offense, as defined in section 18-3-411 (1), C.R.S., when requested by the local law enforcement agency, the county department, or a responsible person who asserts, in a verified petition supported by affidavit, that there are reasonable grounds to believe that a child is in danger in the reasonably foreseeable future of being the victim of an unlawful sexual offense, based upon an allegation of a recent actual unlawful sexual offense or threat of the same. ANY RESTRAINING ORDER ISSUED PURSUANT TO THIS SECTION SHALL BE ON A STANDARDIZED FORM PRESCRIBED BY THE JUDICIAL DEPARTMENT AND A COPY SHALL BE PROVIDED TO THE PROTECTED PERSON.

(2) (b) When the district and juvenile courts are closed for judicial business and a peace officer asserts reasonable grounds to believe that a child is in danger in the reasonably foreseeable future of being the victim of an unlawful sexual offense, based upon an allegation of a recent actual unlawful sexual offense or threat of the same, a judge made available pursuant to paragraph (a) of this subsection (2) may issue a written or verbal ex parte emergency protection order. ANY WRITTEN EMERGENCY PROTECTION ORDER ISSUED PURSUANT TO THIS SUBSECTION (2) SHALL BE ON A STANDARDIZED FORM PRESCRIBED BY THE JUDICIAL DEPARTMENT AND A COPY SHALL BE PROVIDED TO THE PROTECTED PERSON.

(f) ~~At any time that the law enforcement agency having jurisdiction to enforce the emergency protection order issued pursuant to this subsection (2) has cause to believe that a violation of the order has occurred, it shall enforce the order.~~ If the EMERGENCY PROTECTION order ISSUED PURSUANT TO THIS SUBSECTION (2) is written and has not been personally served, a member of the law enforcement agency shall serve a copy of said order on the person named respondent therein. If the order is verbal, a member of the law enforcement agency shall notify the respondent of the existence and substance thereof.

(3) ~~A peace officer shall use every reasonable means to enforce an order of the court issued pursuant to this section. A peace officer shall not be held civilly or criminally liable for acting pursuant to this section if he acts in good faith and without malice.~~ THE DUTIES OF PEACE OFFICERS ENFORCING ORDERS ISSUED PURSUANT TO THIS SECTION SHALL BE IN ACCORDANCE WITH SECTION 18-6-803.5, C.R.S., AND ANY RULES ADOPTED BY THE COLORADO SUPREME COURT PURSUANT TO SAID SECTION.

(5) AT THE TIME A RESTRAINING ORDER OR AN EMERGENCY PROTECTION ORDER IS REQUESTED, THE COURT SHALL INQUIRE ABOUT, AND THE REQUESTING PARTY AND SUCH PARTY'S ATTORNEY SHALL HAVE AN INDEPENDENT DUTY TO DISCLOSE, KNOWLEDGE SUCH PARTY AND SUCH PARTY'S ATTORNEY MAY HAVE CONCERNING THE EXISTENCE OF ANY PRIOR RESTRAINING ORDERS OR EMERGENCY PROTECTION ORDERS

OF ANY COURT ADDRESSING IN WHOLE OR IN PART THE SUBJECT MATTER OF THE REQUESTED RESTRAINING ORDER OR EMERGENCY PROTECTION ORDER.

**SECTION 11.** 19-4-111, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**19-4-111. Pretrial proceedings.** (4) UPON THE FILING OF A PETITION UNDER THIS ARTICLE, ANY PARTY MAY SEEK THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER OR INJUNCTION UNDER THE CRITERIA SET FORTH IN SECTION 14-10-108, C.R.S. ANY PARTY MAY FURTHER SEEK TEMPORARY ORDERS AS TO CUSTODY, PARENTING TIME, AND SUPPORT ONCE AN ORDER DETERMINING THE EXISTENCE OF THE PARENT AND CHILD RELATIONSHIP HAS BEEN ENTERED BY THE COURT. THE FILING OF A MOTION FOR TEMPORARY ORDERS SHALL NOT PREVENT A PARTY OR PUBLIC AGENCY FROM SEEKING OTHER RELIEF AS MAY BE PROVIDED BY THIS ARTICLE. ISSUES OF TEMPORARY CUSTODY, PARENTING TIME, AND SUPPORT SHALL BE DETERMINED IN ACCORDANCE WITH THE CRITERIA SET FORTH IN THE "UNIFORM DISSOLUTION OF MARRIAGE ACT", ARTICLE 10 OF TITLE 14, C.R.S. ANY TEMPORARY RESTRAINING ORDER ISSUED PURSUANT TO THIS SUBSECTION (4) SHALL BE ON A STANDARDIZED FORM PRESCRIBED BY THE JUDICIAL DEPARTMENT AND A COPY SHALL BE PROVIDED TO THE PROTECTED PERSON.

(5) AT THE TIME A RESTRAINING ORDER IS REQUESTED PURSUANT TO THIS SECTION, THE COURT SHALL INQUIRE ABOUT, AND THE REQUESTING PARTY AND SUCH PARTY'S ATTORNEY SHALL HAVE AN INDEPENDENT DUTY TO DISCLOSE, KNOWLEDGE SUCH PARTY AND SUCH PARTY'S ATTORNEY MAY HAVE CONCERNING THE EXISTENCE OF ANY PRIOR RESTRAINING ORDERS OF ANY COURT ADDRESSING IN WHOLE OR IN PART THE SUBJECT MATTER OF THE REQUESTED RESTRAINING ORDER.

(6) THE DUTIES OF PEACE OFFICERS ENFORCING ORDERS ISSUED PURSUANT TO THIS SECTION SHALL BE IN ACCORDANCE WITH SECTION 18-6-803.5, C.R.S., AND ANY RULES ADOPTED BY THE COLORADO SUPREME COURT PURSUANT TO SAID SECTION.

**SECTION 12.** 24-33.5-412 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-33.5-412. Functions of bureau - legislative review.** (1) The bureau has the following authority:

(m) TO CARRY OUT THE DUTIES DESCRIBED IN SECTION 18-6-803.7, C.R.S.

**SECTION 13. Effective date - applicability.** This act shall take effect January 1, 1995, and shall apply to restraining orders and subsequent orders issued on or after said date.

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

Approved: June 3, 1994