

CHAPTER 201

GENERAL ASSEMBLY

HOUSE BILL 98-1378

BY REPRESENTATIVES McElhany, Bacon, C. Berry, Epps, Hefley, Mace, Reeser, and Tool;
also SENATORS Powers, Pascoe, and Tebedo.

AN ACT

CONCERNING CERTAIN UNLAWFUL ACTIONS BY PERSONS AGAINST LEGISLATIVE WITNESSES.

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

SECTION 1. 8-2.5-101 (2), Colorado Revised Statutes, is amended, and the said 8-2.5-101 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

8-2.5-101. Preventing legislative and judicial access to employees - intimidation of legislative witnesses - penalty. (1.5) (a) IT IS UNLAWFUL FOR ANY PERSON:

(I) TO INTIMIDATE A LEGISLATIVE WITNESS, BY USE OF A THREAT, IN ORDER TO INTENTIONALLY INFLUENCE OR INDUCE A LEGISLATIVE WITNESS:

(A) TO APPEAR OR NOT APPEAR BEFORE A COMMITTEE OF THE GENERAL ASSEMBLY;

(B) TO GIVE OR REFRAIN FROM GIVING TESTIMONY TO A COMMITTEE OF THE GENERAL ASSEMBLY;

(C) TO TESTIFY FALSELY BEFORE A COMMITTEE OF THE GENERAL ASSEMBLY; OR

(D) TO AVOID LEGAL PROCESS SUMMONING THE LEGISLATIVE WITNESS TO ATTEND AND TESTIFY BEFORE A COMMITTEE OF THE GENERAL ASSEMBLY; OR

(II) TO TAKE ANY ACTION AGAINST A LEGISLATIVE WITNESS FOR TESTIFYING BEFORE A COMMITTEE OF THE GENERAL ASSEMBLY.

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

(b) FOR THE PURPOSES OF THIS SUBSECTION (1.5):

(I) "LEGISLATIVE WITNESS" MEANS ANY INDIVIDUAL THAT INTENDS TO TESTIFY OR TESTIFIES BEFORE A COMMITTEE OF THE GENERAL ASSEMBLY EITHER VOLUNTARILY OR PURSUANT TO A SUBPOENA ISSUED BY ANY COMMITTEE OF THE GENERAL ASSEMBLY OR OF EITHER HOUSE THEREOF.

(II) "THREAT" MEANS TO COMMUNICATE DIRECTLY THE INTENT TO DO ANY ACT THAT IS INTENDED TO HARM THE HEALTH, SAFETY, PROPERTY, BUSINESS, OR FINANCIAL CONDITION OF THE LEGISLATIVE WITNESS.

(c) ANY PERSON VIOLATING ANY PROVISION OF THIS SUBSECTION (1.5) IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS.

(2) (a) An employee, a franchisee, ~~or~~ an agent or an entity under the control of any person, OR A LEGISLATIVE WITNESS may recover damages, including reasonable attorney fees, from any person for injuries suffered through a violation of this section.

(b) Nothing in this section shall be construed to prohibit an employee, a franchisee, ~~or~~ an agent or an entity under the control of any person, OR A LEGISLATIVE WITNESS from pursuing any other right of action permitted pursuant to law for injuries suffered through a violation of this section.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 18, 1998