

CHAPTER 294

COURTS

HOUSE BILL 02-1034

BY REPRESENTATIVE(S) Veiga, Borodkin, Boyd, Coleman, Garcia, Groff, Larson, Mace, Madden, Marshall, Romanoff, Sanchez, Stafford, Stengel, Tapia, and Williams S.; also SENATOR(S) Anderson, Dyer, Epps, Fitz-Gerald, Hagedorn, Hernandez, Takis, Tupa, and Windels.

AN ACT

CONCERNING FEES IN CONNECTION WITH RESTRAINING ORDERS.

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

SECTION 1. 13-14-102 (11), Colorado Revised Statutes, is amended, and the said 13-14-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

13-14-102. Civil restraining orders. (11) If the order has not been personally served, the peace officer responding to 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.~~

(21) (a) NO FILING FEES MAY BE ASSESSED AGAINST PETITIONERS SEEKING RELIEF UNDER THIS SECTION; EXCEPT THAT THE COURT MAY ASSESS A FILING FEE AGAINST A PETITIONER, IF THE COURT DETERMINES THE PETITIONER IS NOT SEEKING THE RESTRAINING ORDER AS A VICTIM OF DOMESTIC ABUSE AS DEFINED BY SECTION 13-14-101 (2); DOMESTIC VIOLENCE AS DEFINED BY SECTION 18-6-800.3 (1), C.R.S.; STALKING AS DEFINED BY SECTION 18-9-111, C.R.S.; OR SEXUAL ASSAULT AS DEFINED BY SECTION 18-3-402, C.R.S. PETITIONERS SHALL BE PROVIDED THE NECESSARY NUMBER OF CERTIFIED COPIES AT NO COST.

(b) NO FEES FOR SERVICE OF PROCESS MAY BE ASSESSED BY A STATE AGENCY OR PUBLIC AGENCY AGAINST PETITIONERS SEEKING RELIEF UNDER THIS SECTION AS A VICTIM OF CONDUCT CONSISTENT WITH THE FOLLOWING: DOMESTIC ABUSE AS

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

DEFINED BY SECTION 13-14-101 (2); DOMESTIC VIOLENCE AS DEFINED BY SECTION 18-6-800.3 (1), C.R.S.; STALKING AS DEFINED BY SECTION 18-9-111, C.R.S.; OR SEXUAL ASSAULT AS DEFINED BY SECTION 18-3-402, C.R.S.

(c) AT THE PERMANENT RESTRAINING ORDER HEARING, THE COURT MAY REQUIRE THE RESPONDENT TO PAY THE FILING FEE AND SERVICE-OF-PROCESS FEES, AS ESTABLISHED BY THE STATE AGENCY, POLITICAL SUBDIVISION, OR PUBLIC AGENCY PURSUANT TO A FEE SCHEDULE, AND TO REIMBURSE THE PETITIONER FOR COSTS INCURRED IN BRINGING THE ACTION.

SECTION 2. 19-3-316 (1) (d) , Colorado Revised Statutes, is amended to read:

19-3-316. Restraining orders and emergency protection orders. (1) (d) At any time that the law enforcement agency having jurisdiction to enforce an order issued pursuant to paragraph (a) of this subsection (1) has cause to believe that a violation of the order has occurred, it shall enforce the order. If the order has not been personally served, the member of the law enforcement agency responding to the call shall serve a copy of said order upon the person named respondent therein. ~~The cost of serving said order shall be ten dollars, payable to the law enforcement agency serving said order, which shall be assessed against the parties as court costs of obtaining said order.~~

SECTION 3. Effective date - applicability. This act shall take effect July 1, 2002, and shall apply to all petitions for civil restraining orders filed on or after said date.

SECTION 4. 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, 2002