

CHAPTER 139

COURTS

HOUSE BILL 03-1117

BY REPRESENTATIVE(S) Veiga, Borodkin, Boyd, Carroll, Coleman, Garcia, Jahn, Madden, Marshall, Merrifield, Paccione, Pommer, Ragsdale, Romanoff, Salazar, Stafford, Stengel, Tochtrop, Vigil, Weddig, and Williams S.;
also SENATOR(S) Anderson, Evans, Fitz-Gerald, Groff, Hagedorn, Kester, Sandoval, Tapia, and Taylor.

AN ACT**CONCERNING PROTECTION ORDERS.**

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

SECTION 1. The introductory portion to 13-14-101 (1), Colorado Revised Statutes, is amended, and the said 13-14-101 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

13-14-101. Definitions. For purposes of this article, unless the context otherwise requires:

(1) "Abuse of the elderly OR OF AN AT-RISK ADULT" means mistreatment of a person who is sixty years of age or older OR WHO IS AN AT-RISK ADULT AS DEFINED IN SECTION 26-3.1-101 (1), C.R.S., including but not limited to repeated acts that:

(2.3) "PROTECTED PERSON" MEANS THE PERSON OR PERSONS IDENTIFIED IN A PROTECTION ORDER AS THE PERSON OR PERSONS FOR WHOSE BENEFIT THE PROTECTION ORDER WAS ISSUED.

(2.4) "PROTECTION ORDER" MEANS ANY ORDER THAT PROHIBITS THE RESTRAINED PERSON FROM CONTACTING, HARASSING, INJURING, INTIMIDATING, MOLESTING, THREATENING, OR TOUCHING ANY PROTECTED PERSON, OR FROM ENTERING OR REMAINING ON PREMISES, OR FROM COMING WITHIN A SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES OR ANY OTHER PROVISION TO PROTECT THE PROTECTED PERSON FROM IMMINENT DANGER TO LIFE OR HEALTH, THAT IS ISSUED BY A COURT OF THIS STATE OR A MUNICIPAL COURT, AND THAT IS ISSUED PURSUANT TO THIS ARTICLE, 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, C.R.S., SECTION 19-2-707, C.R.S.,

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

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 THAT 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 ARTICLE ONLY, "PROTECTION ORDER" INCLUDES ANY ORDER THAT AMENDS, MODIFIES, SUPPLEMENTS, OR SUPERSEDES THE INITIAL PROTECTION ORDER. "PROTECTION ORDER" ALSO INCLUDES ANY RESTRAINING ORDER ENTERED PRIOR TO JULY 1, 2003, AND ANY FOREIGN PROTECTION ORDER AS DEFINED IN SECTION 18-6-803.8, C.R.S.

(2.8) "RESTRAINED PERSON" MEANS A PERSON IDENTIFIED IN A PROTECTION ORDER AS A PERSON PROHIBITED FROM DOING A SPECIFIED ACT OR ACTS.

SECTION 2. The introductory portion to 13-14-102 (1), 13-14-102 (1) (c), (2), (3), (4), (5), (6), (7), (8), (9), (12), (13), and (14), the introductory portion to 13-14-102 (15), and 13-14-102 (17.5), (18), and (21), Colorado Revised Statutes, are amended to read:

13-14-102. Civil protection orders. (1) Any municipal court of record, if authorized by the municipal governing body, any county court, and any district court shall have original concurrent jurisdiction to issue a temporary or permanent civil ~~restraining~~ PROTECTION order against an adult or against a juvenile who is ten years of age or older for any of the following purposes:

(c) To prevent emotional abuse of the elderly OR OF AN AT-RISK ADULT;

(2) Any civil ~~restraining~~ PROTECTION order issued pursuant to this section shall be issued using the standardized set of forms developed by the state court administrator pursuant to section 13-1-136.

(3) A motion for a temporary civil ~~restraining~~ PROTECTION order shall be set for hearing, which hearing may be ex parte, at the earliest possible time and shall take precedence over all matters, except those matters of the same character that have been on the court docket for a longer period of time. The court shall hear all such motions as expeditiously as possible.

(4) (a) A temporary civil ~~restraining~~ PROTECTION order may be issued if the issuing judge or magistrate finds that an imminent danger exists to the person or persons seeking protection under the civil ~~restraining~~ PROTECTION order. In determining whether an imminent danger exists to the life or health of one or more persons, the court shall consider when the most recent incident of abuse or threat of harm occurred as well as all other relevant evidence concerning the safety and protection of the persons seeking the ~~restraining~~ PROTECTION order. However, the court shall not deny a petitioner the relief requested solely because of a lapse of time between an act of abuse or threat of harm and filing of the petition for a ~~restraining~~ PROTECTION order.

(b) If the judge or magistrate finds that an imminent danger exists to the employees of a business entity, he or she may issue a civil ~~restraining~~ PROTECTION order in the

name of the business for the protection of the employees. An employer shall not be liable for failing to obtain a civil ~~restraining~~ PROTECTION order in the name of the business for the protection of the employees and patrons.

(5) Upon the filing of a complaint duly verified, alleging that the defendant has committed acts that would constitute grounds for a civil ~~restraining~~ PROTECTION order, any judge or magistrate, after hearing the evidence and being fully satisfied therein that sufficient cause exists, may issue a temporary civil ~~restraining~~ PROTECTION order to prevent the actions complained of and a citation directed to the defendant commanding the defendant to appear before the court at a specific time and date and to show cause, if any, why said temporary civil ~~restraining~~ PROTECTION order should not be made permanent; except that, if the temporary ~~restraining~~ PROTECTION order is issued by the district court in connection with an action filed under the "Uniform Dissolution of Marriage Act", article 10 of title 14, C.R.S., 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~~ PROTECTION order remain in effect until revoked, modified, or terminated as provided in section 14-10-108, C.R.S. In addition, the court may order any other relief that the court deems appropriate. Complaints may be filed by persons seeking protection for themselves or for others as provided in section 26-3.1-102 (1) (b) and (1) (c), C.R.S. If the defendant fails to appear before the court for the show cause hearing at the time and on the date identified in the citation issued by the court and the court finds that the defendant was properly served with the temporary ~~restraining~~ PROTECTION order and such citation, it shall not be necessary to re-serve the defendant to make the ~~restraining~~ PROTECTION order permanent.

(6) A copy of the complaint together with a copy of the temporary civil ~~restraining~~ PROTECTION order and a copy of the citation shall be served upon the defendant and upon the person to be protected, if the complaint was filed by another person, in accordance with the rules for service of process as provided in rule 304 of the rules of county court civil procedure or rule 4 of the Colorado rules of civil procedure. The citation shall inform the defendant that, if the defendant fails to appear in court in accordance with the terms of the citation, a bench warrant may be issued for the arrest of the defendant and the temporary ~~restraining~~ PROTECTION order previously entered by the court shall be made permanent without further notice or service upon the defendant.

(7) The return date of the citation shall be set not more than fourteen days after the issuance of the temporary civil ~~restraining~~ PROTECTION order and citation. If the petitioner is unable to serve the defendant in that period, the court shall extend the temporary ~~restraining~~ PROTECTION order previously issued, continue the show of cause hearing, and issue an alias citation stating the date and time to which the hearing is continued. The petitioner may thereafter request additional continuances as needed if the petitioner has still been unable to serve the defendant.

(8) (a) Any person against whom a temporary ~~restraining~~ PROTECTION order is issued pursuant to this section, which temporary ~~restraining~~ PROTECTION order excludes such person from a shared residence, shall be permitted to return to such shared residence one time to obtain sufficient undisputed personal effects as are necessary for such person to maintain a normal standard of living during any period prior to a hearing concerning such order. Such person against whom a temporary

~~restraining~~ PROTECTION order is issued shall be permitted to return to such shared residence only if such person is accompanied at all times while the person is at or in such shared residence by a peace officer.

(b) When any person is served with notice of a temporary ~~restraining~~ PROTECTION order issued against such person excluding such person from a shared residence, such notice shall contain a notification in writing to such person of such person's ability to return to such shared residence pursuant to paragraph (a) of this subsection (8). Such written notification shall be in bold print and conspicuously placed in such temporary ~~restraining~~ PROTECTION order. No judge, magistrate, or other judicial officer shall issue a temporary ~~restraining~~ PROTECTION order that does not comply with this subsection (8).

(c) Any person against whom a temporary ~~restraining~~ PROTECTION order is issued pursuant to this section, which temporary ~~restraining~~ PROTECTION order excludes such person from a shared residence, shall be entitled to avail himself or herself of the forcible entry and detainer remedies available pursuant to article 40 of this title. However, such person shall not be entitled to return to the residence until such time as a valid writ of restitution is executed, filed with the court issuing the ~~restraining~~ PROTECTION order, and the ~~restraining~~ PROTECTION order is modified accordingly. A landlord whose lessee has been excluded from a residence pursuant to the terms of a ~~restraining~~ PROTECTION order is also entitled to avail himself or herself of the remedies available pursuant to article 40 of this title.

(9) (a) On the return date of the citation, or on the day to which the hearing has been continued, the judge or magistrate shall examine the record and the evidence. If upon such examination the judge or magistrate is of the opinion that the defendant has committed acts constituting grounds for issuance of a civil ~~restraining~~ PROTECTION order and that unless restrained will continue to commit such acts, the judge or magistrate shall order the temporary civil ~~restraining~~ PROTECTION order to be made permanent or order a permanent civil ~~restraining~~ PROTECTION order with different provisions from the temporary civil ~~restraining~~ PROTECTION order. The judge or magistrate shall inform said defendant that a violation of the civil ~~restraining~~ PROTECTION order shall constitute a criminal offense pursuant to section 18-6-803.5, C.R.S., or shall constitute contempt of court and subject the defendant to such punishment as may be provided by law. If the defendant fails to appear at the return date and the petition is for a ~~restraining~~ PROTECTION order to prevent domestic abuse, the court shall order the terms of the temporary ~~restraining~~ PROTECTION order to be made permanent without further notice or service upon the defendant.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (9), the judge or magistrate, after examining the record and the evidence, for good cause shown may continue the temporary ~~restraining~~ PROTECTION order and the show cause hearing to a date certain not to exceed one hundred twenty days after the date of the hearing if he or she determines such continuance would be in the best interests of the parties and if both parties are present at the hearing and agree to the continuance. In addition, each party may request one continuance for a period not to exceed fourteen days which the judge or magistrate, after examining the record and the evidence, may grant upon a finding of good cause. The judge or magistrate shall inform the defendant that a violation of the temporary civil ~~restraining~~ PROTECTION order shall constitute a criminal offense pursuant to section 18-6-803.5, C.R.S., or shall

constitute contempt of court and subject the defendant to such punishment as may be provided by law.

(12) The duties of peace officers enforcing the civil ~~restraining~~ PROTECTION order 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.

(13) A person failing to comply with any order of the court issued pursuant to this section shall be found in contempt of court or may be prosecuted for violation of a civil ~~restraining~~ PROTECTION order pursuant to section 18-6-803.5, C.R.S.

(14) At the time a civil ~~restraining~~ 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, any knowledge such party and such party's attorney may have concerning the existence of any prior ~~restraining~~ PROTECTION orders of any court addressing in whole or in part the subject matter of the requested civil ~~restraining~~ PROTECTION order.

(15) A municipal court of record that is authorized by its municipal governing body to issue ~~restraining~~ PROTECTION orders and any county court, in connection with issuing a civil ~~restraining~~ PROTECTION order, shall have original concurrent jurisdiction with the district court to issue such additional orders as the municipal or county court deems necessary for the protection of persons. Such additional orders may include, but are not limited to:

(17.5) (a) Nothing in this section shall preclude the protected party from applying to the court at any time for modification, including but not limited to a modification of the duration of the ~~restraining~~ A PROTECTION order, or dismissal of a temporary or permanent ~~restraining~~ PROTECTION order issued pursuant to this section. The restrained party may apply to the court for modification, including but not limited to a modification of the duration of the ~~restraining~~ PROTECTION order, or dismissal of a permanent ~~restraining~~ PROTECTION order pursuant to this section. However, if a permanent ~~restraining~~ PROTECTION order has been issued or if a motion for modification or dismissal of a permanent ~~restraining~~ PROTECTION order has been filed by the restrained party, whether or not it was granted, no motion to modify or dismiss may be filed by the restrained party within four years after issuance of the permanent order or after disposition of the prior motion.

(b) (I) (A) Notwithstanding any provision of paragraph (a) of this subsection (17.5) to the contrary, after issuance of the permanent ~~restraining~~ PROTECTION order, if the restrained party is convicted of any misdemeanor other than the original misdemeanor that formed the basis for the issuance of the ~~restraining~~ PROTECTION order, the underlying factual basis of which has been found by a court on the record to include an act of domestic violence, as that term is defined in section 18-6-800.3 (1), C.R.S., or of any felony, then the ~~restraining~~ PROTECTION order shall remain permanent and shall not be MODIFIED OR dismissed by the court.

(B) NOTWITHSTANDING THE PROHIBITION IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), A PROTECTION ORDER MAY BE MODIFIED OR DISMISSED ON THE MOTION OF THE PROTECTED PERSON, OR THE PERSON'S ATTORNEY, PARENT OR LEGAL GUARDIAN IF A MINOR, OR CONSERVATOR OF LEGAL GUARDIAN IF ONE HAS BEEN

APPOINTED; EXCEPT THAT THIS SUB-SUBPARAGRAPH (B) SHALL NOT APPLY IF THE PARENT, LEGAL GUARDIAN, OR CONSERVATOR IS THE RESTRAINED PERSON.

(II) Any motion to modify a ~~restraining~~ PROTECTION order filed by a restrained party pursuant to paragraph (a) of this subsection (17.5) shall be accompanied by the results from the Colorado bureau of investigation of a fingerprint-based criminal history record check. The fingerprint-based criminal history record check shall include arrests, conviction records, any criminal dispositions reflected in the Colorado bureau of investigation and federal bureau of investigation records concerning any felony record or any misdemeanor record, the underlying factual basis of which has been found by a court on the record to include an act of domestic violence, fingerprint processing by the federal bureau of investigation and the Colorado bureau of investigation, and a query of the ~~restraining~~ PROTECTION order registry. The ~~moving~~ RESTRAINED party shall be responsible for providing certified copies of any criminal dispositions that are not reflected in the Colorado bureau of investigation or federal bureau of investigation records and any other dispositions that are unknown. The ~~moving~~ RESTRAINED party shall be responsible for supplying fingerprints to the Colorado bureau of investigation and for obtaining the fingerprint-based criminal history record check. The ~~moving~~ RESTRAINED party shall also be responsible for the cost of the fingerprint-based criminal history record check.

(c) Except as otherwise provided in this section, the issuing court shall retain jurisdiction to enforce, modify, or dismiss a temporary or permanent ~~restraining~~ PROTECTION order.

(d) Any motion filed pursuant to paragraph (a) of this subsection (17.5) shall be heard by the court. The party moving for a modification or dismissal of a temporary or permanent ~~restraining~~ PROTECTION order pursuant to paragraph (a) of this subsection (17.5) shall affect personal service on the other party with a copy of the motion and notice of the hearing on the motion, as provided by rule 4 (e) of the Colorado rules of civil procedure. The moving party shall bear the burden of proof to show, by a preponderance of the evidence, that the modification is appropriate or that a dismissal is appropriate because the ~~restraining~~ PROTECTION order is no longer necessary. If the protected party has requested that his or her address be kept confidential, the court shall not disclose such information to the restrained party or any other person, except as otherwise authorized by law.

(e) In considering whether to modify or dismiss a ~~restraining~~ PROTECTION order issued pursuant to this section, the court shall consider all relevant factors, including but not limited to:

(I) Whether the restrained party has complied with the terms of the ~~restraining~~ PROTECTION order;

(II) Whether the restrained party has met the conditions associated with the ~~restraining~~ PROTECTION order, if any;

(III) Whether the restrained party has been ordered to participate in and complete a domestic violence treatment program provided by an entity approved pursuant to section 16-11.8-103 (4) (b) (III) (C), C.R.S., and whether the restrained party has completed the program;

(IV) Whether the restrained party has voluntarily participated in any domestic violence treatment program or other counseling addressing domestic violence or anger management issues;

(V) The time that has lapsed since the ~~restraining~~ PROTECTION order was issued;

(VI) When the last incident of abuse or threat of harm occurred or other relevant information concerning the safety and protection of the protected person;

(VII) Whether, since the issuance of the ~~restraining~~ PROTECTION order, the restrained person has been convicted of or pled guilty to a crime, the underlying factual basis of which has been found by a court on the record to include an act of domestic violence, as that term is defined in section 18-6-800.3 (1), C.R.S., other than the original offense, if any, that formed the basis for the issuance of the ~~restraining~~ PROTECTION order;

(VIII) Whether any other restraining orders or protective orders or protection orders have been subsequently issued against the restrained person pursuant to this section or any other law of this state or any other state; and

(IX) The circumstances of the parties, including the relative proximity of the parties' residences and work places and whether the parties have minor children together.

(18) A court shall not grant a mutual ~~restraining~~ PROTECTION order to prevent domestic abuse for the protection of opposing parties unless each party has met his or her burden of proof as described in subsection (4) of this section and the court makes separate and sufficient findings of fact to support the issuance of the mutual ~~restraining~~ PROTECTION order to prevent domestic abuse for the protection of opposing parties. No party may waive the requirements set forth in this subsection (18).

(21) (a) ~~No~~ THE COURT MAY ASSESS A filing ~~fees may be assessed~~ FEE against ~~petitioners~~ A PETITIONER seeking relief under this section; except that the court may NOT assess a filing fee against a petitioner, if the court determines the petitioner is ~~not~~ seeking the ~~restraining~~ PROTECTION 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., OR UNLAWFUL SEXUAL CONTACT AS DEFINED BY SECTION 18-3-404, 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 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.; OR UNLAWFUL SEXUAL CONTACT AS DEFINED BY SECTION 18-3-404, C.R.S.

(c) At the permanent ~~restraining~~ PROTECTION 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 3. 13-1-136, Colorado Revised Statutes, is amended to read:

13-1-136. Civil protection orders - single set of forms. (1) The general assembly hereby finds that the statutes provide for the issuance of several types of civil ~~restraining~~ PROTECTION orders to protect the public, but that many of these ~~restraining~~ PROTECTION orders have many elements in common. The general assembly also finds that consolidating the various forms for issuing and verifying service of civil ~~restraining~~ PROTECTION orders and creating, to the extent possible, a standardized set of forms that will be applicable to the issuance and service of civil ~~restraining~~ PROTECTION orders will simplify the procedures for issuing these ~~restraining~~ PROTECTION orders and enhance the efficient use of the courts' and citizens' time and resources.

(2) On or before July 1, ~~1999~~ 2003, the state court administrator, pursuant to the rule-making authority of the Colorado supreme court, shall design and make available to the courts copies of a standardized set of forms that shall be used in the issuance and verification of service of civil ~~restraining~~ PROTECTION orders issued pursuant to article 14 of this title or section 14-10-108, C.R.S., or rule 365 of the Colorado rules of county court civil procedure. The state court administrator shall design the standardized set of forms in such a manner as to make the forms easy to understand and use and in such a manner as will facilitate and improve the procedure for requesting, issuing, and enforcing civil ~~restraining~~ PROTECTION orders.

(3) In developing the standardized set of forms for the issuance and verification of service of civil ~~restraining~~ PROTECTION orders pursuant to this section, the state court administrator shall work with representatives of municipal, county, and district court judges, law enforcement, a member of the Colorado bar association, and representatives of other interested groups.

SECTION 4. 18-1-1001 (1) and (2), the introductory portion to 18-1-1001 (3), and 18-1-1001 (4), (5), and (6), Colorado Revised Statutes, are amended to read:

18-1-1001. Protection order against defendant. (1) There is hereby created a mandatory ~~restraining~~ PROTECTION 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 or her rights at arraignment or the person's first appearance before the court and informed of such order until final disposition of the action. 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~~ PROTECTION 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.

(2) At the time of arraignment or the person's first appearance before the court, the court shall inform the defendant of the ~~restraining~~ PROTECTION order effective pursuant to this section and shall inform the defendant that a violation of such order is punishable by contempt.

(3) Nothing in this section shall preclude the defendant from applying to the court at any time for modification or dismissal of the ~~restraining~~ PROTECTION order issued pursuant to this section or the district attorney from applying to the court at any time for further orders, additional provisions under the ~~restraining~~ PROTECTION order, or modification or dismissal of the same. The trial court shall retain jurisdiction to enforce, modify, or dismiss the ~~restraining~~ PROTECTION order until final disposition of the action. Upon motion of the district attorney, or on the court's motion to protect the alleged victim, the court may, in cases involving domestic violence as defined in section 18-6-800.3 (1), enter any of the following further orders against the defendant:

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

(5) Before a defendant is released on bail pursuant to article 4 of title 16, C.R.S., the court shall, in cases involving domestic violence as defined in section 18-6-800.3 (1), state the terms of the ~~restraining~~ PROTECTION order issued pursuant to this section, including any additional provisions added pursuant to subsection (3) of this section, to the defendant on the record and the court shall further require the defendant to acknowledge the ~~restraining~~ PROTECTION order as a condition of any bond for the release of the defendant. The prosecuting attorney shall, in such domestic violence cases, notify the alleged victim, the complainant, and the protected person of the order if such persons are not present at the time the ~~restraining~~ PROTECTION order is issued.

(6) The defendant or, in cases involving domestic violence as defined in section 18-6-800.3 (1), the prosecuting attorney may request a hearing before the court to modify the terms of a ~~restraining~~ PROTECTION order issued pursuant to the section. Upon such a request, the court shall set a hearing and the prosecuting attorney shall send notice of the hearing to the defendant and the alleged victim. At the hearing the court shall review the terms of the ~~restraining~~ PROTECTION order and any further orders entered and shall consider the modifications, if any, requested by the defendant or the prosecuting attorney.

SECTION 5. 18-1-1001 (8), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18-1-1001. Protection order against defendant. (8) For purposes of this section:

(a.5) "PROTECTION ORDER" SHALL INCLUDE A RESTRAINING ORDER ENTERED PURSUANT TO THIS SECTION PRIOR TO JULY 1, 2003.

SECTION 6. 18-6-803.5, Colorado Revised Statutes, is amended to read:

18-6-803.5. Crime of violation of a protection order - penalty - peace officers' duties. (1) A person commits the crime of violation of a ~~restraining~~ PROTECTION order if such person 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 or violates any other

provision of a ~~restraining~~ PROTECTION order to protect the protected person from imminent danger to life or health, and such conduct is prohibited by a ~~restraining~~ PROTECTION 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~~ PROTECTION order as the person or persons for whose benefit the ~~restraining~~ PROTECTION order was issued.

(a.5) "PROTECTION ORDER" MEANS ANY ORDER THAT PROHIBITS THE RESTRAINED PERSON FROM CONTACTING, HARASSING, INJURING, INTIMIDATING, MOLESTING, THREATENING, OR TOUCHING ANY PROTECTED PERSON, OR FROM ENTERING OR REMAINING ON PREMISES, OR FROM COMING WITHIN A SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES OR ANY OTHER PROVISION TO PROTECT THE PROTECTED PERSON FROM IMMINENT DANGER TO LIFE OR HEALTH, THAT IS ISSUED BY A COURT OF THIS STATE OR A MUNICIPAL COURT, AND THAT IS ISSUED PURSUANT TO ARTICLE 14 OF TITLE 13, 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 19-2-707, 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 THAT 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, "PROTECTION ORDER" INCLUDES ANY ORDER THAT AMENDS, MODIFIES, SUPPLEMENTS, OR SUPERSEDES THE INITIAL PROTECTION ORDER. "PROTECTION ORDER" ALSO INCLUDES ANY RESTRAINING ORDER ENTERED PRIOR TO JULY 1, 2003, AND ANY FOREIGN PROTECTION ORDER AS DEFINED IN SECTION 18-6-803.8.

(b) "Registry" means the computerized information system created in section 18-6-803.7 or the national crime information center created pursuant to 28 U.S.C. sec. 534.

(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 that 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 or any other provision to protect the protected person from imminent danger to life or health, that is issued by a court of this state or a municipal court, and that is issued pursuant to article 14 of title 13, 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 19-2-707, 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 that 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 that amends, modifies, supplements, or supersedes the initial restraining order. "Restraining order" also includes any foreign protection order as defined in section 18-6-803.8.~~

(2) (a) Violation of a ~~restraining~~ PROTECTION order is a class 2 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~~ PROTECTION order is issued pursuant to section 18-1-1001, the violation is a class 1 misdemeanor.

(b) (Deleted by amendment, L. 95, p. 567, § 3, effective July 1, 1995.)

(c) Nothing in this section shall preclude the ability of a municipality to enact concurrent ordinances. Any sentence imposed for a violation of this section shall run consecutively and not concurrently with any sentence imposed for any crime which gave rise to the ~~restraining~~ PROTECTION order.

(3) (a) Whenever a ~~restraining~~ PROTECTION 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~~ PROTECTION 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~~ PROTECTION order; and

(II) The restrained person has been properly served with a copy of the ~~restraining~~ PROTECTION 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 is accurate. A peace officer shall enforce a valid ~~restraining~~ PROTECTION order whether or not there is a record of the ~~restraining~~ PROTECTION order in the registry.

(d) The arrest and detention of a restrained person is governed by applicable constitutional and applicable state rules of criminal procedure. The arrested person shall be removed from the scene of the arrest and shall be taken to the peace officer's station for booking, whereupon the arrested person may be held or released in accordance with the adopted bonding schedules for the jurisdiction in which the arrest is made. The law enforcement agency or any other locally designated agency shall make all reasonable efforts to contact the protected party upon the arrest of the restrained person. The prosecuting attorney shall present any available arrest affidavits and the 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) If a restrained person is on bond in connection with a violation or attempted violation of a ~~restraining~~ PROTECTION order in this or any other state and is subsequently arrested for violating or attempting to violate a ~~restraining~~ PROTECTION 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~~ PROTECTION order issued by the court has occurred.

(5) A peace officer arresting a person for violating a ~~restraining~~ PROTECTION order or otherwise enforcing a ~~restraining~~ PROTECTION 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) (a) A peace officer is authorized to use every reasonable means to protect the alleged victim or the alleged victim's children to prevent further violence. Such peace officer may transport, or obtain transportation for, the alleged victim to shelter. Upon the request of the protected person, the peace officer may also transport the minor child of the protected person, who is not an emancipated minor, to the same shelter if such shelter is willing to accept the child, whether or not there is a custody order or an order allocating parental responsibilities with respect to such child or an order for the care and control of the child and whether or not the other parent objects. A peace officer who transports a minor child over the objection of the other parent shall not be held liable for any damages that may result from interference with the custody, parental responsibilities, care, and control of or access to a minor child in complying with this subsection (6).

(b) For purposes of this subsection (6), "shelter" means a battered women's shelter, a friend's or family member's home, or such other safe haven as may be designated by the protected person and which is within a reasonable distance from the location at which the peace officer found the victim.

(7) The ~~restraining~~ PROTECTION 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.

(8) A ~~restraining~~ PROTECTION order issued in the state of Colorado shall contain

a statement that:

(a) The order or injunction shall be accorded full faith and credit and be enforced in every civil or criminal court of the United States, another state, an Indian tribe, or a United States territory pursuant to 18 U.S.C. sec. 2265;

(b) The issuing court had jurisdiction over the parties and subject matter; and

(c) The defendant was given reasonable notice and opportunity to be heard.

SECTION 7. 18-6-803.7, Colorado Revised Statutes, is amended to read:

18-6-803.7. Central registry of protection 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~~ PROTECTION order as the person or persons for whose benefit the ~~restraining~~ PROTECTION order was issued.

(b.5) "PROTECTION ORDER" MEANS ANY ORDER THAT PROHIBITS THE RESTRAINED PERSON FROM CONTACTING, HARASSING, INJURING, INTIMIDATING, MOLESTING, THREATENING, OR TOUCHING ANY PROTECTED PERSON, OR FROM ENTERING OR REMAINING ON PREMISES, OR FROM COMING WITHIN A SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES, THAT IS ISSUED BY A COURT OF THIS STATE OR AN AUTHORIZED MUNICIPAL COURT, AND THAT IS ISSUED PURSUANT TO ARTICLE 14 OF TITLE 13, 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 19-2-707, 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. "PROTECTION ORDER" ALSO INCLUDES ANY RESTRAINING ORDER ENTERED PRIOR TO JULY 1, 2003, AND ANY FOREIGN PROTECTION ORDER AS DESCRIBED IN SECTION 18-6-803.8.

(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 that 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, that is issued by a court of this state or an authorized municipal court, and that is issued pursuant to article 14 of title 13, 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 19-2-707, 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. "Restraining order" also includes any foreign~~

~~protection order as described in section 18-6-803.8.~~

(f) "Subsequent order" means an order which amends, modifies, supplements, or supersedes a ~~restraining~~ PROTECTION order.

(2) (a) There is hereby created in the bureau a computerized central registry of ~~restraining~~ PROTECTION 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~~ PROTECTION orders and subsequent orders shall be entered into the registry by the clerk of the court issuing the ~~restraining~~ PROTECTION order; except that orders issued pursuant to sections 18-1-1001 and 19-2-707, C.R.S., shall be entered into the registry only at the discretion of the court or upon motion of the district attorney. The clerk of the court issuing the ~~restraining~~ PROTECTION order shall be responsible for updating the registry electronically in a timely manner to ensure the notice is as complete and accurate as is reasonably possible with regard to the information specified in subsection (3) of this section.

(c) The restrained person's attorney, if present at the time the ~~restraining~~ PROTECTION 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~~ PROTECTION 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~~ PROTECTION 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~~ PROTECTION order or subsequent order, if any, the bureau shall note the termination in the registry.

(f) In the event the ~~restraining~~ PROTECTION 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~~ PROTECTION order or subsequent order in the registry.

(3) (a) In addition to any information, notice, or warning required by law, a ~~restraining~~ PROTECTION 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~~ PROTECTION 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~~ PROTECTION order, if any;

(VI) Whether the restrained person has been served with the ~~restraining~~ PROTECTION 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~~ PROTECTION order.

(b) If available, the ~~restraining~~ PROTECTION order or subsequent order shall contain the fingerprint-based state identification number issued by the bureau to the restrained person.

SECTION 8. 18-6-803.8 (4), Colorado Revised Statutes, is amended to read:

18-6-803.8. Foreign protection orders. (4) Process. A person entitled to protection under a foreign protection order may, but shall not be required to, file such order in the district or county court by filing with such court a certified copy of such order, which shall be entered into the central registry of ~~restraining~~ PROTECTION orders created in section 18-6-803.7. The certified order shall be accompanied by an affidavit in which the protected person affirms to the best of his or her knowledge that the order has not been changed or modified since it was issued. There shall be no filing fee charged. It is the responsibility of the protected person to notify the court if the protection order is subsequently modified.

SECTION 9. The introductory portion to 8-2-109 (1), Colorado Revised Statutes, is amended to read:

8-2-109. Rights of person charged with contempt. (1) In all cases where a person is charged with indirect criminal contempt for violation of a ~~restraining~~ PROTECTION order or injunction issued by a court, the accused shall enjoy:

SECTION 10. 8-73-108 (4) (r) (I) (A), Colorado Revised Statutes, is amended to read:

8-73-108. Benefit awards. (4) Full award. An individual separated from a job shall be given a full award of benefits if any of the following reasons and pertinent conditions related thereto are determined by the division to have existed. The determination of whether or not the separation from employment shall result in a full award of benefits shall be the responsibility of the division. The following reasons shall be considered, along with any other factors that may be pertinent to such determination:

(r) (I) Quitting a job because of domestic abuse may be reason for a determination for a full award only if:

(A) The division has been provided a copy of a police report, criminal charges, ~~restraining~~ PROTECTION order, medical records, or any other corroborative evidence

documenting the domestic abuse;

SECTION 11. 13-40-107.5 (5) (b) (I), Colorado Revised Statutes, is amended to read:

13-40-107.5. Termination of tenancy for substantial violation - definition - legislative declaration. (5) (b) In any action for possession under this section, it shall be a defense that:

(I) The tenant is a victim of domestic violence that has been documented by the filing of a police report or the issuance of a ~~restraining~~ PROTECTION order and the domestic violence is the basis for the termination notice; or

SECTION 12. 14-4-103 (4), Colorado Revised Statutes, is amended to read:

14-4-103. Emergency protection orders. (4) An emergency protection order shall expire not later than the close of judicial business on the third day of judicial business following the day of issue, unless otherwise continued by the court. The court may continue an emergency protection order only if the plaintiff has filed a complaint for a ~~restraining~~ PROTECTION order to prevent domestic abuse pursuant to article 14 of title 13, C.R.S., and the judge is unable to set a hearing on plaintiff's request for a temporary ~~restraining~~ PROTECTION order on the day the complaint was filed.

SECTION 13. 14-4-107 (2) (a) and (5) (f), Colorado Revised Statutes, are amended to read:

14-4-107. Family violence justice fund - creation - grants from fund. (2) Grants from the fund shall be used to fund qualifying organizations to provide legal advice, representation, and advocacy for and on behalf of indigent clients who are victims of family violence. Moneys from the fund may be provided for services that include, but are not limited to:

(a) The provision of direct legal representation to victims of family violence in resolving their civil legal matters and removing impediments to the elimination of family violence. Such representation may include, but need not be limited to, representation in any ~~restraining~~ PROTECTION order proceeding, action for dissolution of marriage, legal separation, or declaration of invalidity of marriage, paternity action, child custody action, proceeding to establish or enforce child support, administrative hearings, or any other judicial actions in which family violence is an issue or in which legal representation is necessary to protect the interests of a victim of family violence.

(5) For purposes of this section:

(f) "~~Restraining~~ PROTECTION order" has the same meaning as set forth in section 18-6-803.7 (1) ~~(e)~~ (a.5), C.R.S.

SECTION 14. 14-10-108 (2.3), (2.5), (3), (6), and (7), Colorado Revised Statutes, are amended to read:

14-10-108. Temporary order or temporary injunction. (2.3) Any ~~restraining~~ PROTECTION order issued pursuant to this section on or after July 1, 1999, shall be issued using the standardized set of forms developed by the state court administrator pursuant to section 13-1-136, C.R.S.

(2.5) As part of a temporary ~~restraining~~ PROTECTION order, the court may award interim decision-making responsibility of a child to a person entitled to bring an action for the allocation of parental responsibilities 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 decision-making responsibility 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 decision-making responsibility 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 decision-making responsibility order shall be without prejudice to the rights of the parties or child at subsequent hearings in the proceedings. The interim decision-making responsibility order may provide for parenting time for any other party.

(3) The court may issue a temporary ~~restraining~~ PROTECTION 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. A copy of any temporary ~~restraining~~ PROTECTION order issued pursuant to this section shall be provided to the protected parties.

(6) On two days' notice to the party who obtained the temporary ~~restraining~~ PROTECTION order without notice or on such shorter notice to that party as the court may prescribe, the adverse party may appear and move its dissolution or modification. The motion to dissolve or modify the temporary ~~restraining~~ PROTECTION order granted without notice shall be set down for hearing at the earliest possible time and take precedence of all matters except older matters of the same character, and the court shall determine such motion as expeditiously as the ends of justice require.

(7) At the time a ~~restraining~~ PROTECTION 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~~ PROTECTION orders of any court addressing in whole or in part the subject matter of the requested ~~restraining~~ PROTECTION order.

SECTION 15. 14-10-115 (3) (b) (III), Colorado Revised Statutes, is amended to read:

14-10-115. Child support - guidelines - schedule of basic child support obligations. (3) (b) (III) Upon request of the noncustodial parent, the court may order the custodial parent to submit an annual update of financial information using

the approved standardized child support guideline forms, including information on the actual expenses relating to the children of the marriage for whom support has been ordered. The court shall not order the custodial parent to update such financial information pursuant to this subparagraph (III) in circumstances where the noncustodial parent has failed to exercise parenting time rights or when child support payments are in arrears or where there is documented evidence of domestic violence, child abuse, or a violation of a ~~restraining~~ PROTECTION order on the part of the noncustodial parent. The court may order the noncustodial parent to pay the costs involved in preparing an update to the financial information. If the noncustodial parent claims, based upon the information in the updated form, that the custodial parent is not spending the child support for the benefit of the children, the court may refer the parties to a mediator to resolve the differences. If there are costs for such mediation, the court shall order that the party requesting the mediation pay such costs.

SECTION 16. 14-10-120 (6), Colorado Revised Statutes, is amended to read:

14-10-120. Decree. (6) Notwithstanding the entry of a final decree of dissolution of marriage or of legal separation pursuant to this section, the district court may maintain jurisdiction to enter such temporary or permanent civil ~~restraining~~ PROTECTION orders as may be provided by law upon request of any of the parties to the action for dissolution of marriage or legal separation, including, but not limited to, any ~~restraining~~ PROTECTION order requested pursuant to section 14-10-108.

SECTION 17. 14-10-123.7 (2), Colorado Revised Statutes, is amended to read:

14-10-123.7. Parental education - legislative declaration. (2) A court may order a parent whose child is under eighteen years of age to attend a program designed to provide education concerning the impact of separation and divorce on children in cases in which the parent of a minor is a named party in a dissolution of marriage proceeding, a legal separation proceeding, a proceeding concerning the allocation of parental responsibilities, parenting time proceedings, or postdecree proceedings involving the allocation of parental responsibilities or parenting time or proceedings in which the parent is the subject of a ~~restraining~~ PROTECTION order issued pursuant to this article.

SECTION 18. 14-11-101 (1) and (2), Colorado Revised Statutes, are amended to read:

14-11-101. Foreign decrees - how handled. (1) Upon the docketing in a court of competent jurisdiction in this state of exemplified copies of all the written pleadings and court orders, judgments, and decrees in a case of divorce, separate maintenance, or annulment, or for support of minor children or a spouse, or for a ~~restraining~~ PROTECTION order or other court order issued for the protection of a party or parties, or for a combination of the same entered in any court of competent jurisdiction in any other state or jurisdiction having reciprocal provisions for a like enforcement of orders, judgments, or decrees entered in the state of Colorado and upon obtaining jurisdiction by personal service of process as provided by the Colorado rules of civil procedure, said court in this state shall have jurisdiction over the subject matter and of the person in like manner as if the original suit or action had been commenced in this state, and is empowered to amend, modify, set aside, and make new orders as the court may find necessary and proper so as to do justice and

equity to all parties to the action according to the public policy of this state, and has the same right, power, and authority to enter orders for temporary alimony, support money, and attorneys' fees as in similar actions originating in this state.

(2) The courts of this state in cases of dissolution of marriage, legal separation, or declaration of invalidity of marriage, or for support of minor children or a spouse, or for the protection of a party or parties by means of a ~~restraining~~ PROTECTION order, however styled or designated, or for any combination of the same, where the action originated in this state, have the power to enforce the decrees, judgments, and orders of other states or jurisdictions made pursuant to statutes similar to this statute, or to amend the same, or to enter new orders to the same extent and in the same manner as though such decrees, judgments, and orders were entered in the courts of this state.

SECTION 19. 16-3-402 (2.5), Colorado Revised Statutes, is amended to read:

16-3-402. Right to communicate with attorney and family. (2.5) If the victim is able to demonstrate through the use of Caller I.D. or other credible evidence that the incarcerated defendant has called the victim from the jail or correctional facility in violation of the ~~restraining~~ PROTECTION order issued pursuant to section 18-1-1001, C.R.S., or in violation of any other valid ~~restraining~~ PROTECTION order or emergency protection order in effect, then the defendant shall not be entitled to further telephone calls except to such defendant's attorney, which calls shall be placed by a jail or correctional facility staff member. If the defendant was arrested for violating an order not to contact certain family members, the right to contact those family members by telephone shall be prohibited, and the jail or correctional facility staff shall place all outgoing telephone calls that the defendant wishes to make which are not identified in the ~~restraining~~ PROTECTION order as prohibited.

SECTION 20. 16-4-103 (2), Colorado Revised Statutes, is amended to read:

16-4-103. Fixing of bail and conditions of bail bond. (2) A condition of every bail bond, and the only condition for a breach of which a surety or security on the bail bond may be subjected to forfeiture, is that the released person appear to answer the charge against such person at a place and upon a date certain and at any place or upon any date to which the proceeding is transferred or continued. Further conditions of every bail bond shall be that the released person not commit any felony while at liberty on such bail bond and that the court in which the action is pending have the power to revoke the release of the defendant, to increase the bail bond, or to change any bail bond condition if it is shown that a competent court has found probable cause to believe that the defendant has committed a felony while released pending adjudication of a prior felony charge. A further condition of every bail bond in cases of domestic violence as defined in section 18-6-800.3 (1), C.R.S., shall be that the released person acknowledge the ~~restraining~~ PROTECTION order as provided in section 18-1-1001 (5), C.R.S. A further condition of every bail bond in a case of an offense under section 42-2-138 (1) (d) (I), C.R.S., of driving while such person's driver's license or privilege to drive, either as a resident or nonresident, is restrained solely or partially because of a conviction of a driving offense pursuant to section 42-4-1301 (1) or (2) (a), C.R.S., shall be that such person not drive any motor vehicle during the period of such driving restraint. In addition, the judge may impose such additional conditions upon the conduct of the defendant as will, in the judge's opinion, render it more likely that the defendant will fulfill the other bail bond

conditions. These additional conditions may include submission of the defendant to the supervision of some qualified person or organization. Any defendant whose bail bond is revoked or increased under an order entered pursuant to this section and who remains in custody must be tried on the charges on which the bail bond has been increased or revoked within ninety days after such order or within six months after the defendant's arraignment on such charges, whichever date is earlier.

SECTION 21. 18-1.3-204 (2) (b) (III), Colorado Revised Statutes, is amended to read:

18-1.3-204. Conditions of probation. (2) (b) When granting probation, in addition to the consideration of the provisions set forth in paragraph (a) of this subsection (2), the court shall order as a condition of probation in cases in which the defendant was convicted of a crime, the underlying factual basis of which included an act of domestic violence, as defined in section 18-6-800.3 (1), that the defendant:

(III) Comply with the terms of any ~~restraining~~ PROTECTION order in effect against the defendant during the probation period;

SECTION 22. 18-1.3-501 (3) (b) (IV), Colorado Revised Statutes, is amended to read:

18-1.3-501. Misdemeanors classified - penalties. (3) (b) Misdemeanors that present an extraordinary risk of harm to society shall include the following:

(IV) Second and all subsequent violations of a ~~restraining~~ PROTECTION order as defined in section 18-6-803.5 (1.5) ~~(d)~~ (a.5); and

SECTION 23. 18-9-111 (5) (b), Colorado Revised Statutes, is amended to read:

18-9-111. Harassment - stalking. (5) Where a person commits stalking under paragraph (b) of subsection (4) of this section, the following shall apply:

(b) If, at the time of the offense, there was a temporary or permanent ~~restraining~~ PROTECTION order, injunction, or condition of bond, probation, or parole or any other court order in effect against such person prohibiting the behavior described in paragraph (b) of subsection (4) of this section, such person commits a class 4 felony. In addition, when a violation under subsection (4) of this section is committed in connection with a violation of a court order, including but not limited to any ~~restraining~~ PROTECTION order or any order that sets forth the conditions of a bond, any sentence imposed for such violation pursuant to this subsection (5) shall run consecutively and not concurrently with any sentence imposed pursuant to section 18-6-803.5 and with any sentence imposed in a contempt proceeding for violation of the court order. Nothing in this paragraph (b) shall be construed to alter or diminish the inherent authority of the court to enforce its orders through civil or criminal contempt proceedings; however, before a criminal contempt proceeding is heard before the court, notice of the proceedings shall be provided to the district attorney for the district of the court where the proceedings are to be heard and the district attorney for the district of the court where the alleged act of criminal contempt occurred. The district attorney for either district shall be allowed to appear and argue for the imposition of contempt sanctions.

SECTION 24. 19-2-707 (1), (2), and (3), Colorado Revised Statutes, are amended to read:

19-2-707. Mandatory protection order. (1) (a) There is hereby created a mandatory ~~restraining~~ PROTECTION order against any juvenile charged with the commission of a delinquent act and the juvenile's parents or legal guardian, which order shall remain in effect from the time that the juvenile is advised of such juvenile's rights and informed of such order at such juvenile's first appearance before the court until final disposition of the action or, in the case of an appeal, until disposition of the appeal. Such order shall restrain the juvenile and the juvenile's parents or legal guardian from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of the delinquent act charged.

(b) Repealed.

(c) The ~~restraining~~ PROTECTION 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.

(2) At the time of the juvenile's first appearance before the court, the court shall inform the juvenile and the juvenile's parents or legal guardian of the ~~restraining~~ PROTECTION order effective pursuant to this section and shall also inform the juvenile and the juvenile's parents or legal guardian that a violation of such order is punishable as contempt of court.

(3) Nothing in this section shall preclude the juvenile or the juvenile's parents or legal guardian from applying to the court at any time for modification or dismissal of the ~~restraining~~ PROTECTION order issued pursuant to this section or the district attorney from applying to the court at any time for additional provisions under the ~~restraining~~ PROTECTION order, modification of the order, or dismissal of the order. The trial court shall retain jurisdiction to enforce, modify, or dismiss the ~~restraining~~ PROTECTION order during the pendency of any appeal that may be brought.

SECTION 25. 19-3-316 (1) (a) and (5), Colorado Revised Statutes, are amended to read:

19-3-316. Protection orders and emergency protection orders. (1) (a) The juvenile court and the district court shall have the authority to issue ~~restraining~~ PROTECTION 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~~ PROTECTION 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.

(5) At the time a ~~restraining~~ PROTECTION 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~~ PROTECTION orders or emergency protection orders of any court addressing in whole or in part the subject matter of the requested ~~restraining~~ PROTECTION order or emergency protection order.

SECTION 26. 19-4-111 (4) and (5), Colorado Revised Statutes, are amended 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~~ PROTECTION 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 the allocation of parental responsibilities, including allocation of decision-making responsibility and 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 orders concerning the allocation of parental responsibilities, including decision-making responsibility and parenting time, and issues of 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~~ PROTECTION 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~~ PROTECTION 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~~ PROTECTION orders of any court addressing in whole or in part the subject matter of the requested ~~restraining~~ PROTECTION order.

SECTION 27. 19-5-102.5 (2), Colorado Revised Statutes, is amended to read:

19-5-102.5. Relinquishment hearings - court docket priority. (2) Notwithstanding the provisions of subsection (1) of this section, nothing in this section shall affect the priority of a hearing concerning the issuance of a temporary ~~restraining~~ PROTECTION order pursuant to section 13-14-102, C.R.S., section 14-4-103, C.R.S., or section 14-10-108, C.R.S.

SECTION 28. 19-5-202.5 (2), Colorado Revised Statutes, is amended to read:

19-5-202.5. Adoption hearings - termination appeals - court docket priority - exceptions. (2) Notwithstanding the provisions of subsection (1) of this section, nothing in this section shall affect the priority of a hearing concerning the issuance of a temporary ~~restraining~~ PROTECTION order pursuant to section 13-14-102, C.R.S., section 14-4-103, C.R.S., or section 14-10-108, C.R.S.

SECTION 29. 19-5-207 (2.5)(a), Colorado Revised Statutes, is amended to read:

19-5-207. Written consent and home study report for public adoptions. (2.5)(a) In all petitions for adoption, whether by the court, the county department of

social services, or child placement agencies, in addition to the written home study report described in subsection (2) of this section, the court shall require the county department of social services, the designated qualified individual, or the child placement agency to conduct a criminal records check for any prospective adoptive parent and to report to the court any case in which a record check reveals that the prospective adoptive parent was convicted at any time of a felony or misdemeanor in one of the following areas: Child abuse or neglect; spousal abuse; any crime against a child; any crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3, C.R.S.; violation of a ~~restraining~~ PROTECTION order, as described in section 18-6-803.5, C.R.S.; any crime involving violence, rape, sexual assault, or homicide; or any felony physical assault or battery conviction or felony drug-related conviction within, at a minimum, the past five years. No person convicted of a felony offense specified in this subsection (2.5) shall be allowed to adopt a child. In addition to the criminal records check, the county department of social services, the individual, or the child placement agency conducting the investigation shall access the state central registry of child protection to determine whether the prospective adoptive parent or parents are the subject of a report of known or suspected child abuse. Pursuant to section 19-1-307 (2) (k.5), information shall be made available if a person's name is on the central registry of child protection or has been designated as "status pending" pursuant to section 19-3-313.

SECTION 30. 24-34-402.7 (1) (a) (I), Colorado Revised Statutes, is amended to read:

24-34-402.7. Unlawful action against employees seeking protection.

(1) (a) Employers shall permit an employee to request or take up to three working days of leave from work in any twelve-month period, with or without pay, if the employee is the victim of domestic abuse, as that term is defined in section 13-14-101 (2), C.R.S., the victim of stalking, as that crime is defined in section 18-9-111 (4), C.R.S., the victim of sexual assault, as that crime is defined in section 18-3-402, C.R.S., or the victim of any other crime, the underlying factual basis of which has been found by a court on the record to include an act of domestic violence, as that term is defined in section 18-6-800.3 (1), C.R.S. This section shall only apply if such employee is using the leave from work to protect himself or herself by:

(I) Seeking a civil ~~restraining~~ PROTECTION order to prevent domestic abuse pursuant to section 13-14-102, C.R.S.;

SECTION 31. 26-6-108 (2) (a.5), Colorado Revised Statutes, is amended to read:

26-6-108. Denial of original license - suspension - revocation - probation - refusal to renew license - fines. (2) The department may deny, suspend, revoke, or make probationary the license of any facility regulated and licensed under this part 1 or assess a fine against the licensee pursuant to section 26-6-114 should the licensee, an affiliate of the licensee, a person employed by the licensee, or a person who resides with the licensee at the facility:

(a.5) Be convicted of third degree assault, as described in section 18-3-204, C.R.S., any misdemeanor, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section

18-6-800.3, C.R.S., the violation of a ~~restraining~~ PROTECTION order, as described in section 18-6-803.5, C.R.S., any misdemeanor offense of child abuse as defined in section 18-6-401, C.R.S., or any misdemeanor offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in this paragraph (a.5). For purposes of this paragraph (a.5), "convicted" shall have the same meaning as set forth in section 26-6-104 (7) (a) (II); or

SECTION 32. 27-1-110 (7) (c) (III), Colorado Revised Statutes, is amended to read:

27-1-110. Employment of personnel - screening of applicants - disqualifications from employment. (7) (c) Except as otherwise provided in paragraph (d) of this subsection (7), a person shall be disqualified from employment either as an employee or as a contracting employee if less than ten years have passed since the person was discharged from a sentence imposed for conviction of any of the following criminal offenses:

(III) Violation of a ~~restraining~~ PROTECTION order, as described in section 18-6-803.5, C.R.S.;

SECTION 33. Effective date - applicability. This act shall take effect July 1, 2003, and shall apply to orders entered and offenses committed on or after said date.

SECTION 34. 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: April 17, 2003