

## CHAPTER 229

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**CRIMINAL LAW AND PROCEDURE**

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**HOUSE BILL 06-1364**

BY REPRESENTATIVE(S) Madden, Borodkin, Buescher, Frangas, Garcia, Hoppe, Jahn, Marshall, Paccione, Romanoff, Solano, Todd, and Witwer;  
also SENATOR(S) Shaffer, Boyd, Fitz-Gerald, Groff, Tochtrop, and Williams.

**AN ACT**

**CONCERNING OFFENSES RELATED TO THE LOCATION OF A PROTECTED PERSON.**

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

**SECTION 1.** Article 13 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**18-13-126. Locating protected persons.** (1) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), A PERSON SHALL NOT ACCEPT MONEY OR OTHER FORM OF COMPENSATION TO ASSIST A RESTRAINED PERSON FROM DISCOVERING THE LOCATION OF A PROTECTED PERSON WHEN THE PERSON KNOWS OR REASONABLY SHOULD KNOW THAT THE RESTRAINED PERSON IS SUBJECT TO A COURT ORDER PROHIBITING CONTACT WITH THE PROTECTED PERSON.

(b) THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL NOT APPLY TO A PERSON WHO IS WORKING PURSUANT TO AN AGREEMENT WITH COUNSEL FOR A RESTRAINED PERSON OR WITH THE RESTRAINED PERSON IF HE OR SHE IS REPRESENTING HIMSELF OR HERSELF, IF:

(I) (A) THE RESTRAINED PERSON SEEKS DISCOVERY OF THE LOCATION OF THE PROTECTED PERSON FOR A LAWFUL PURPOSE AS SPECIFIED IN A WRITTEN AGREEMENT BETWEEN THE PERSON AND THE RESTRAINED PERSON OR HIS OR HER COUNSEL; AND

(B) THE WRITTEN AGREEMENT STATES THAT THE LOCATION OF THE PROTECTED PERSON SHALL NOT BE DISCLOSED BY THE PERSON OR BY COUNSEL FOR THE RESTRAINED PERSON TO THE RESTRAINED PERSON UNLESS THE PROTECTED PERSON HAS AGREED TO THE DISCLOSURE IN WRITING OR THE RESTRAINED PERSON OBTAINS COURT PERMISSION TO OBTAIN DISCLOSURE OF THE LOCATION FOR THE STATED

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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.*

LAWFUL PURPOSE; OR

(II) (A) THE RESTRAINED PERSON IS A DEFENDANT IN A CRIMINAL CASE OR A PARTY TO A CIVIL CASE, AN ACTION FOR DISSOLUTION OF MARRIAGE, OR OTHER LEGAL PROCEEDING; AND

(B) THE AGREEMENT STATES THAT THE LAWFUL PURPOSE FOR LOCATING THE PROTECTED PERSON IS TO INTERVIEW OR ISSUE A LAWFUL SUBPOENA OR SUMMONS TO THE PROTECTED PERSON OR FOR ANY OTHER LAWFUL PURPOSE RELATING TO THE PROPER INVESTIGATION OF THE CASE.

(2) A VIOLATION OF SUBSECTION (1) OF THIS SECTION IS A CLASS 1 MISDEMEANOR OFFENSE.

(3) IT SHALL BE AN AFFIRMATIVE DEFENSE TO A CHARGE UNDER SUBSECTION (1) OF THIS SECTION IF THE PERSON:

(a) WITHIN SEVENTY-TWO HOURS PRIOR TO DISCLOSING THE LOCATION OF THE PROTECTED PERSON TO THE RESTRAINED PERSON, VERIFIED THAT THERE WAS NOT A PROTECTION ORDER RELATING TO THE PROTECTED PERSON; AND

(b) PRIOR TO DISCLOSING THE LOCATION OF THE PROTECTED PERSON TO THE RESTRAINED PERSON, OBTAINED FROM THE RESTRAINED PERSON A SIGNED AFFIDAVIT VERIFYING THAT THE RESTRAINED PERSON WAS NOT AWARE OF ANY PROTECTION ORDER RELATED TO THE PROTECTED PERSON.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "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.

(b) "PROTECTION ORDER" MEANS AN ORDER AS DESCRIBED IN SECTION 18-6-803.5 (1.5) (a.5) THAT PROHIBITS A RESTRAINED PERSON FROM CONTACTING A PROTECTED PERSON.

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

**SECTION 2.** 18-6-803.5 (1), 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 protection order if, AFTER THE PERSON HAS BEEN PERSONALLY SERVED WITH A PROTECTION ORDER THAT IDENTIFIES THE PERSON AS A RESTRAINED PERSON OR OTHERWISE HAS ACQUIRED FROM THE COURT ACTUAL KNOWLEDGE OF THE CONTENTS OF A PROTECTION ORDER THAT IDENTIFIES THE PERSON AS A RESTRAINED PERSON, such person:

(a) Contacts, harasses, injures, intimidates, molests, threatens, or touches ~~any~~ THE protected person IDENTIFIED IN THE PROTECTION ORDER or enters or remains on

premises or comes within a specified distance of ~~a~~ THE protected person or premises or violates any other provision of ~~a~~ THE protection order to protect the protected person from imminent danger to life or health, and such conduct is prohibited by ~~a~~ THE 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;~~ OR

(b) EXCEPT AS PERMITTED PURSUANT TO SECTION 18-13-126 (1) (b), HIRES, EMPLOYS, OR OTHERWISE CONTRACTS WITH ANOTHER PERSON TO LOCATE OR ASSIST IN THE LOCATION OF THE PROTECTED PERSON.

**SECTION 3. Effective date - applicability.** This act shall take effect July 1, 2006, and shall apply to offenses committed 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: May 25, 2006