

CHAPTER 222

COURTS

SENATE BILL 07-117

BY SENATOR(S) Bacon, Groff, and Windels;  
also REPRESENTATIVE(S) Carroll T., Casso, Green, Madden, Marshall, McGihon, and Soper.

AN ACT

CONCERNING THE AWARD OF FINANCIAL RECOMPENSE FOR LEGAL EXPENSES TO A PREVAILING PARTY  
IN A CIVIL ACTION TO REMEDY UNFAIR EMPLOYMENT PRACTICES REGARDING LEGAL ACTIVITIES  
OF THE EMPLOYEE CONDUCTED OFF THE PREMISES OF THE EMPLOYER.

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

**SECTION 1.** 24-34-402.5 (2), Colorado Revised Statutes, is amended to read:

**24-34-402.5. Unlawful prohibition of legal activities as a condition of employment.** (2) (a) Notwithstanding any other provisions of this article, the sole remedy for any person claiming to be aggrieved by a discriminatory or unfair employment practice as defined in this section shall be as follows: He OR SHE may bring a civil ~~suit~~ ACTION for damages in any district court of competent jurisdiction and may sue for all wages and benefits ~~which~~ THAT would have been due him OR HER up to and including the date of the judgment had the discriminatory or unfair employment practice not occurred; except that nothing in this section shall be construed to relieve ~~such~~ THE person from the obligation to mitigate his OR HER damages.

(b) (I) IF THE PREVAILING PARTY IN THE CIVIL ACTION IS THE PLAINTIFF, the court shall award the ~~prevailing party in such action~~ PLAINTIFF court costs and a reasonable attorney fee.

(II) THIS PARAGRAPH (b) SHALL NOT APPLY TO AN EMPLOYEE OF A BUSINESS THAT HAS OR HAD FIFTEEN OR FEWER EMPLOYEES DURING EACH OF TWENTY OR MORE CALENDAR WORK WEEKS IN THE CURRENT OR PRECEDING CALENDAR YEAR.

**SECTION 2. Effective date - applicability.** This act shall take effect July 1, 2007, and shall apply to civil actions filed on or after said date.

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 3. 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 14, 2007