

CHAPTER 272

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 08-1115

BY REPRESENTATIVE(S) Liston, Gardner B., Kerr J., King, Labuda, Looper, Marostica, Sonnenberg, Soper, Stephens, Todd, Vaad, Buescher, Carroll T., Frangas, Garza-Hicks, Green, Jahn, Kerr A., Marshall, Massey, Mitchell V., Roberts, Stafford, Merrifield, and Summers;
also SENATOR(S) Renfroe, Kopp, Morse, Penry, Schultheis, Shaffer, Spence, Taylor, and Wiens.

AN ACT

CONCERNING RETALIATION AGAINST A JUDGE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Part 6 of article 8 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

18-8-615. Retaliation against a judge. (1) (a) AN INDIVIDUAL COMMITS RETALIATION AGAINST A JUDGE IF THE INDIVIDUAL MAKES A CREDIBLE THREAT, AS DEFINED IN SECTION 18-9-111 (4) (c) (II), OR COMMITS AN ACT OF HARASSMENT, AS DEFINED IN SECTION 18-9-111 (1), OR AN ACT OF HARM OR INJURY UPON A PERSON OR PROPERTY AS RETALIATION OR RETRIBUTION AGAINST A JUDGE, WHICH ACTION IS DIRECTED AGAINST OR COMMITTED UPON:

(I) A JUDGE WHO HAS SERVED OR IS SERVING IN A LEGAL MATTER ASSIGNED TO THE JUDGE INVOLVING THE INDIVIDUAL OR A PERSON ON WHOSE BEHALF THE INDIVIDUAL IS ACTING;

(II) A MEMBER OF THE JUDGE'S FAMILY;

(III) A PERSON IN CLOSE RELATIONSHIP TO THE JUDGE; OR

(IV) A PERSON RESIDING IN THE SAME HOUSEHOLD WITH THE JUDGE.

(b) AN INDIVIDUAL COMMITS RETALIATION AGAINST A JUDGE BY MEANS OF A CREDIBLE THREAT AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) IF THE

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

INDIVIDUAL KNOWINGLY MAKES THE CREDIBLE THREAT:

(I) DIRECTLY TO THE JUDGE; OR

(II) TO ANOTHER PERSON:

(A) IF THE INDIVIDUAL INTENDED THAT THE COMMUNICATION WOULD BE RELAYED TO THE JUDGE; OR

(B) IF THE OTHER PERSON IS REQUIRED BY STATUTE OR ETHICAL RULE TO REPORT THE COMMUNICATION TO THE JUDGE.

(2) RETALIATION AGAINST A JUDGE IS A CLASS 4 FELONY.

(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "JUDGE" MEANS ANY JUSTICE OF THE SUPREME COURT, JUDGE OF THE COURT OF APPEALS, DISTRICT COURT JUDGE, JUVENILE COURT JUDGE, PROBATE COURT JUDGE, WATER COURT JUDGE, COUNTY COURT JUDGE, DISTRICT COURT MAGISTRATE, COUNTY COURT MAGISTRATE, MUNICIPAL JUDGE, ADMINISTRATIVE LAW JUDGE, OR UNEMPLOYMENT INSURANCE HEARING OFFICER.

SECTION 2. Title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 18
Correctional Facilities - Statutory Appropriations

17-18-101. Appropriation to comply with section 2-2-703 - HB 08-1115 - repeal. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 08-1115, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, C.R.S., THE SUM OF ONE HUNDRED TWENTY-FIVE THOUSAND ONE HUNDRED SIXTY-FIVE DOLLARS (\$125,165).

(b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-EIGHT THOUSAND SEVEN HUNDRED FIFTY-EIGHT DOLLARS (\$28,758).

(c)(I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, C.R.S., THE SUM OF ONE HUNDRED TWELVE THOUSAND SIX HUNDRED FORTY-NINE DOLLARS (\$112,649).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-EIGHT THOUSAND SEVEN HUNDRED FIFTY-EIGHT DOLLARS (\$28,758).

(d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF FIFTY-FOUR THOUSAND SIX HUNDRED FORTY DOLLARS (\$54,640).

(e)(I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, C.R.S., THE SUM OF ONE HUNDRED TWELVE THOUSAND SIX HUNDRED FORTY-NINE DOLLARS (\$112,649).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-EIGHT THOUSAND SEVEN HUNDRED FIFTY-EIGHT DOLLARS (\$28,758).

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013.

SECTION 3. The introductory portion to 24-75-302 (2) and 24-75-302 (2) (u), (2) (v), (2) (w), and (2) (x), Colorado Revised Statutes, are amended, and the said 24-75-302 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-75-302. Capital construction fund - capital assessment fees - calculation.

(2) As of July 1, 1988, and July 1 of each year thereafter through July 1, ~~2010~~ 2012, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount that shall accrue pursuant to this subsection (2) shall be as follows:

(u) On July 1, 2008, sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 04-1021, enacted at the second regular session of the sixty-fourth general assembly; plus three hundred ninety-two thousand three hundred seventy-three dollars pursuant to S.B. 06-206, enacted at the second regular session of the sixty-fifth general assembly; plus three hundred ninety-two thousand three hundred seventy-three dollars pursuant to S.B. 06-207, enacted at the second regular session of the sixty-fifth general assembly; plus four hundred sixty-two thousand one hundred twenty-eight dollars pursuant to H.B. 06-1326, enacted at the second regular session of the sixty-fifth general assembly; plus twenty-six thousand one hundred fifty-eight dollars pursuant to H.B. 06-1145, enacted at the second regular

session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the second regular session of the sixty-fifth general assembly; plus sixty-nine thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004, enacted at the first extraordinary session of the sixty-fifth general assembly; plus three hundred twenty-five thousand four hundred twenty-nine dollars pursuant to S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly; plus one hundred fifty thousand one hundred ninety-eight dollars pursuant to H.B. 07-1326, enacted at the first regular session of the sixty-sixth general assembly; PLUS ONE HUNDRED TWENTY-FIVE THOUSAND ONE HUNDRED SIXTY-FIVE DOLLARS PURSUANT TO H.B. 08-1115, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

(v) On July 1, 2009, five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-207, enacted at the second regular session of the sixty-fifth general assembly; plus forty-three thousand five hundred ninety-seven dollars pursuant to H.B. 06-1145, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the second regular session of the sixty-fifth general assembly; plus one hundred fifty thousand one hundred ninety-eight dollars pursuant to S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly; plus seventy-five thousand ninety-nine dollars pursuant to H.B. 07-1326, enacted at the first regular session of the sixty-sixth general assembly;

(w) On July 1, 2010, five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-207, enacted at the second regular session of the sixty-fifth general assembly; plus forty-three thousand five hundred ninety-seven dollars pursuant to H.B. 06-1145, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the second regular session of the sixty-fifth general assembly; plus sixty-nine thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004, enacted at the first extraordinary session of the sixty-fifth general assembly; plus seven hundred fifty thousand nine hundred ninety dollars pursuant to S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly; PLUS ONE HUNDRED TWELVE THOUSAND SIX HUNDRED FORTY-NINE DOLLARS PURSUANT TO H.B. 08-1115, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

(x) On July 1, 2011, seven hundred fifty thousand nine hundred ninety dollars pursuant to S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly;

(y) ON JULY 1, 2012, ONE HUNDRED TWELVE THOUSAND SIX HUNDRED FORTY-NINE DOLLARS PURSUANT TO H.B. 08-1115, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY.

SECTION 4. Effective date - applicability. This act shall take effect on July 1, 2008, and shall apply to offenses committed on or after said date.

SECTION 5. 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 21, 2008