

CHAPTER 176

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 12-1114

BY REPRESENTATIVE(S) Hamner, Casso, Court, Duran, Fischer, Gardner B., Kagan, Kefalas, Kerr J., Labuda, Nikkel, Pabon, Pace, Peniston, Priola, Ryden, Schafer S., Singer, Stephens, Todd, Vigil, Waller, Young, Barker, Beezley, Conti, Fields, Gerou, Hüllinghorst, Jones, Kerr A., Lee, Liston, Massey, McCann, Scott, Solano, Summers, Wilson;
also SENATOR(S) Schwartz, Aguilar, Bacon, Boyd, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Spence, Steadman, Tochtrop, White, Williams S., Shaffer B.

AN ACT**CONCERNING THE CRIME OF STALKING.**

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

SECTION 1. In Colorado Revised Statutes, 18-3-602, **add** (8) and (9) as follows:

18-3-602. Stalking - penalty - definitions. (8) (a) WHEN A PERSON IS ARRESTED FOR AN ALLEGED VIOLATION OF THIS SECTION, THE FIXING OF BAIL FOR THE CRIME OF STALKING SHALL BE DONE IN ACCORDANCE WITH SECTION 16-4-103(2) (d), C.R.S., AND A PROTECTION ORDER SHALL ISSUE IN ACCORDANCE WITH SECTION 18-1-1001(5).

(b) THIS SUBSECTION (8) SHALL BE KNOWN AND MAY BE CITED AS "VONNIE'S LAW".

(9) WHEN A VIOLATION UNDER THIS SECTION IS COMMITTED IN CONNECTION WITH A VIOLATION OF A COURT ORDER, INCLUDING BUT NOT LIMITED TO ANY PROTECTION ORDER OR ANY ORDER THAT SETS FORTH THE CONDITIONS OF A BOND, ANY SENTENCES IMPOSED PURSUANT TO THIS SECTION, AND PURSUANT TO SECTION 18-6-803.5 OR ANY SENTENCE IMPOSED IN A CONTEMPT PROCEEDING FOR VIOLATION OF THE COURT ORDER SHALL BE SERVED CONSECUTIVELY AND NOT CONCURRENTLY.

SECTION 2. In Colorado Revised Statutes, 16-4-103, **amend** (2) (d) as follows:

16-4-103. Fixing of bail and conditions of bail bond. (2) (d) A further condition of every bail bond in cases of domestic violence as defined in section

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

18-6-800.3 (1), C.R.S., OR IN CASES OF STALKING PURSUANT TO SECTION 18-3-602, C.R.S., shall be that the released person acknowledge the protection order as provided in section 18-1-1001 (5), C.R.S.

SECTION 3. In Colorado Revised Statutes, 18-1-1001, **amend** (5) and (6) as follows:

18-1-1001. Protection order against defendant. (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), OR IN CASES OF STALKING PURSUANT TO SECTION 18-3-602, state the terms of the 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 protection order as a condition of any bond for the release of the defendant. The prosecuting attorney shall, in such domestic violence cases OR STALKING CASES, notify the alleged victim, the complainant, and the protected person of the order if such persons are not present at the time the protection order is issued.

(6) The defendant or, in cases involving domestic violence as defined in section 18-6-800.3 (1), OR IN CASES OF STALKING PURSUANT TO SECTION 18-3-602, the prosecuting attorney may request a hearing before the court to modify the terms of a protection order issued pursuant to ~~the~~ THIS 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 protection order and any further orders entered and shall consider the modifications, if any, requested by the defendant or the prosecuting attorney.

SECTION 4. In Colorado Revised Statutes, 18-3-602, **amend** (5) as follows:

18-3-602. Stalking - penalty - definitions. (5) If, at the time of the offense, there was a temporary or permanent protection order, injunction, or condition of bond, probation, or parole or any other court order in effect against the person, prohibiting the behavior described in this section, the person commits a class 4 felony. ~~In addition, when a violation under this section is committed in connection with a violation of a court order, including but not limited to any protection order or any order that sets forth the conditions of a bond, any sentence imposed for the 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.~~

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 11, 2012