

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB25-116 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1. Legislative declaration.** (1) The general
4 assembly finds that:

5 (a) In Colorado:

6 (I) Between 25,000 and 30,000 divorces are filed each year;

7 (II) More than 10,000 protection orders are issued annually;

8 (III) Between 15% and 30% of divorces involve domestic
9 violence; and

10 (IV) Spousal support is awarded in approximately 15% of
11 divorces;

12 (b) Under current Colorado law:

13 (I) When a party files a petition for dissolution of marriage or
14 legal separation, the party is required to disclose any temporary or
15 permanent protection order that has been entered against either party
16 within the 2 years prior to filing the petition;

17 (II) A judge may review and consider the criminal history of each
18 party within the 2 years prior to filing a petition for child custody, but a
19 judge is prohibited from reviewing and considering the criminal history
20 of a party in making a determination of, or eligibility for, spousal support.
21 This may result in a financially secure victim being forced to pay spousal
22 support to their abuser.

23 (c) If a marriage lasts less than 3 years, spousal maintenance is not
24 typically required. Conversely, marriages that last more than 20 years
25 generally include permanent spousal maintenance payments, which
26 persist until either spouse remarries or dies.

27 (2) Therefore, the general assembly declares that Senate Bill 25-
28 116 is intended to:

29 (a) Allow a court to consider, when determining spousal
30 maintenance, whether a spouse committed various forms of abuse against
31 the other spouse, including domestic violence, coercive control, economic
32 abuse, litigation abuse, emotional abuse, physical abuse, or unlawful
33 sexual behavior; and

34 (b) Allow a court to review any prior acts of domestic violence or
35 similarly categorized charges as part of the court's guidelines for
36 determining spousal maintenance.

37 **SECTION 2.** In Colorado Revised Statutes, 14-10-103, **add** (1.5)
38 as follows:

39 **14-10-103. Definitions and interpretations of terms.** (1.5) As
40 USED IN THIS ARTICLE 10, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1 (a) "COERCIVE CONTROL" HAS THE SAME MEANING AS SET FORTH
2 IN SECTION 14-10-124 (1.3).

3 (b) "DOMESTIC VIOLENCE" HAS THE SAME MEANING AS SET FORTH
4 IN SECTION 14-10-124 (1.3).

5 (c) "ECONOMIC ABUSE" MEANS A BEHAVIOR THAT IS COERCIVE,
6 DECEPTIVE, OR MANIPULATIVE, OR THAT RESTRAINS, SABOTAGES, OR
7 UNREASONABLY CONTROLS A PERSON'S ABILITY TO ACQUIRE, USE, OR
8 MAINTAIN ECONOMIC RESOURCES THAT THE PERSON IS ENTITLED TO,
9 INCLUDING USING COERCION, THREAT OF HARM, FORCE, FRAUD, OR
10 MANIPULATION TO:

11 (I) RESTRICT A PERSON'S ACCESS TO MONEY, ASSETS, CREDIT, OR
12 FINANCIAL INFORMATION;

13 (II) STEAL OR UNFAIRLY USE A PERSON'S ECONOMIC RESOURCES,
14 INCLUDING MONEY, ASSETS, OR CREDIT;

15 (III) USE A PERSON'S CREDIT OR PROPERTY WITHOUT
16 AUTHORIZATION;

17 (IV) PREVENT A PERSON FROM LEAVING THE PERSON'S RESIDENCE
18 TO ATTEND SCHOOL OR EMPLOYMENT;

19 (V) EXPLOIT THE PERSON'S RESOURCES FOR PERSONAL GAIN;

20 (VI) WITHHOLD INDIVIDUAL RESOURCES FROM A PERSON, SUCH AS
21 FOOD, CLOTHING, NECESSARY MEDICATIONS, OR SHELTER;

22 (VII) CAUSE OR ATTEMPT TO CAUSE A PERSON TO BE FINANCIALLY
23 DEPENDENT BY MAINTAINING CONTROL OVER THE PERSON'S FINANCIAL
24 RESOURCES; OR

25 (VIII) EXERT UNDUE INFLUENCE OVER A PERSON'S FINANCIAL
26 BEHAVIOR OR DECISIONS, INCLUDING FORCING DEFAULT ON JOINT OR
27 OTHER FINANCIAL OBLIGATIONS; EXPLOITING POWERS OF ATTORNEY,
28 GUARDIANSHIP, OR CONSERVATORSHIP; OR THREATENING TO EXPOSE A
29 PERSON'S SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OR THE
30 SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OF A PERSON'S FAMILY
31 MEMBER TO A FEDERAL, STATE, OR LOCAL AGENCY.

32 (d) "UNLAWFUL SEXUAL BEHAVIOR" HAS THE SAME MEANING AS
33 SET FORTH IN SECTION 16-22-102.

34 **SECTION 3.** In Colorado Revised Statutes, 14-10-107.8, **amend**
35 (1) as follows:

36 **14-10-107.8. Required notice of prior restraining, civil**
37 **protection, or emergency protection orders to prevent domestic abuse**
38 **- petitions for dissolution of marriage or legal separation.** (1) When
39 filing a petition for dissolution of marriage or legal separation pursuant
40 to this ~~article~~ ARTICLE 10, the filing party ~~shall have~~ HAS a duty to
41 disclose to the court the existence of any prior temporary or permanent
42 restraining orders and civil protection orders ~~to prevent domestic abuse~~
43 issued pursuant to article 14 of title 13, ~~C.R.S.~~, any mandatory restraining
44 order and protection orders issued pursuant to section 18-1-1001, ~~C.R.S.~~,

1 and any emergency protection orders issued pursuant to section
2 13-14-103 ~~C.R.S., entered~~ against either party WHEN THE OTHER SPOUSE
3 WAS THE PROTECTED PERSON, by any court, within ~~two~~ FIVE years prior
4 to the filing of the petition of dissolution of marriage or legal separation.
5 The disclosure required pursuant to this section ~~shall~~ MUST address the
6 subject matter of the previous restraining, civil protection, or emergency
7 protection orders, including the case number and jurisdiction issuing ~~such~~
8 THE orders.

9 **SECTION 4.** In Colorado Revised Statutes, 14-10-114, **amend**
10 (3)(c)(XII); and **add** (3)(c)(XII.5) as follows:

11 **14-10-114. Spousal maintenance - advisory guidelines -**
12 **legislative declaration - definitions. (3) (c) Factors affecting the**
13 **amount and term of maintenance.** In any proceeding for maintenance,
14 the court shall consider all relevant factors, including but not limited to:

15 (XII) Whether the maintenance is deductible for federal income
16 tax purposes by the payor and taxable income to the recipient, and any
17 adjustments to the amount of maintenance to equitably allocate the tax
18 burden between the parties; ~~and~~

19 (XII.5) WHETHER A SPOUSE HAS ENGAGED IN DOMESTIC VIOLENCE,
20 COERCIVE CONTROL, ECONOMIC ABUSE, LITIGATION ABUSE, EMOTIONAL
21 ABUSE, PHYSICAL ABUSE, OR UNLAWFUL SEXUAL BEHAVIOR AGAINST THE
22 OTHER SPOUSE; AND

23 **SECTION 5. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly; except
26 that, if a referendum petition is filed pursuant to section 1 (3) of article V
27 of the state constitution against this act or an item, section, or part of this
28 act within such period, then the act, item, section, or part will not take
29 effect unless approved by the people at the general election to be held in
30 November 2026 and, in such case, will take effect on the date of the
31 official declaration of the vote thereon by the governor."

** ** ** ** **