

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB23-1222 be amended as follows:

1 Amend printed bill, page 2, strike lines 16 through 23 and substitute:

2 "SECTION 2. In Colorado Revised Statutes, **add** 13-10-104.5 as
3 follows:

4 **13-10-104.5. Municipal court - municipal ordinance - act of**
5 **domestic violence - report - repeal.** (1) IF A MUNICIPALITY HAS A
6 MUNICIPAL ORDINANCE THAT CRIMINALIZES AN ACT OF DOMESTIC
7 VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, THE MUNICIPALITY SHALL
8 ADOPT AN ORDINANCE ESTABLISHING:

9 (a) THAT VICTIMS, VICTIMS' FAMILIES, AND WITNESSES OF A
10 VIOLATION OF AN ACT OF DOMESTIC VIOLENCE RECEIVE PROTECTIONS AND
11 RIGHTS EQUIVALENT TO THOSE AFFORDED TO VICTIMS, VICTIMS' FAMILIES,
12 AND WITNESSES PURSUANT TO THE "VICTIM RIGHTS ACT", PART 3 OF
13 ARTICLE 4.1 OF TITLE 24, AS IT RELATES TO AN ACT OF DOMESTIC
14 VIOLENCE;

15 (b) SENTENCING FOR VIOLATIONS THAT ARE EQUIVALENT TO THE
16 DOMESTIC VIOLENCE SENTENCES DESCRIBED IN SECTION 18-6-801 (1), (3),
17 (4), (5), (6), AND (8), TO THE EXTENT CONSISTENT WITH THE JURISDICTION
18 OF THE MUNICIPAL COURT;

19 (c) CONDITIONS OF PROBATION THAT THE COURT MAY IMPOSE
20 CONSISTENT WITH THE CONDITIONS DESCRIBED IN SECTION 18-1.3-204(2);

21 (d) CONDITIONS OF RELEASE ON BOND THAT ARE CONSISTENT WITH
22 THE CONDITIONS DESCRIBED IN SECTION 16-4-105 (4) AND (4.1);

23 (e) GUIDELINES AND STANDARDS THAT ARE CONSISTENT WITH THE
24 GUIDELINES AND STANDARDS ADOPTED BY THE DOMESTIC VIOLENCE
25 OFFENDER MANAGEMENT BOARD PURSUANT TO SECTION 16-11.8-103 (4);
26 AND

27 (f) A REQUIREMENT THAT THE PROSECUTING ATTORNEY WHO
28 INITIALLY MEETS WITH THE VICTIM AFTER THE CHARGES ARE FILED MAKE
29 A REASONABLE EFFORT TO REMAIN AS THE PROSECUTING ATTORNEY
30 THROUGHOUT THE PROCEEDING.

31 (2) IN A CASE INVOLVING AN ALLEGED VIOLATION OF A MUNICIPAL
32 ORDINANCE THAT CRIMINALIZES AN ACT OF DOMESTIC VIOLENCE, AS
33 DEFINED IN SECTION 18-6-800.3, THE MUNICIPAL COURT SHALL:

34 (a) ISSUE A PROTECTION ORDER THAT MEETS THE MINIMUM
35 STANDARDS REQUIRED PURSUANT TO SECTION 18-1-1001 (3) AND
36 18-1-1001 (5), TO THE EXTENT CONSISTENT WITH THE JURISDICTION OF
37 THE MUNICIPAL COURT;

38 (b) REPORT OR CAUSE TO BE REPORTED THE ALLEGED VIOLATION
39 TO THE COLORADO BUREAU OF INVESTIGATION CREATED IN SECTION
40 24-33.5-401, AND ENTER THE INFORMATION INTO THE COLORADO CRIME
41 INFORMATION CENTER DATABASE AND THE NATIONAL CRIME

1 INFORMATION CENTER DATABASE; AND
2 (c) SEARCH THE COLORADO BUREAU OF INVESTIGATION CREATED
3 IN SECTION 24-33.5-401, THE COLORADO CRIME INFORMATION CENTER
4 DATABASE, AND THE NATIONAL CRIME INFORMATION CENTER SYSTEM
5 DATABASE TO DETERMINE IF THE RESPONDENT HAS A HISTORY OF
6 DOMESTIC VIOLENCE.
7 (3) ANY CASE INVOLVING AN ALLEGED VIOLATION OF A MUNICIPAL
8 ORDINANCE THAT CRIMINALIZES AN ACT OF DOMESTIC VIOLENCE, AS
9 DEFINED IN SECTION 18-6-800.3, IS A MISDEMEANOR FOR PURPOSES OF
10 COMPLYING WITH 18 U.S.C. SEC. 921.
11 (4) ANY AFFECTED PERSON MAY ENFORCE COMPLIANCE WITH THIS
12 SECTION BY NOTIFYING THE CRIME VICTIM SERVICES ADVISORY BOARD
13 CREATED IN SECTION 24-4.1-117.3 (1) OF ANY NONCOMPLIANCE WITH THIS
14 SECTION. THE CRIME VICTIM SERVICES ADVISORY BOARD SHALL REVIEW
15 ANY REPORT OF NONCOMPLIANCE, AND, IF THE BOARD DETERMINES THAT
16 THE REPORT OF NONCOMPLIANCE HAS A BASIS IN FACT AND CANNOT BE
17 RESOLVED, THE BOARD SHALL REFER THE REPORT OF NONCOMPLIANCE TO
18 THE GOVERNOR, WHO SHALL REQUEST THAT THE ATTORNEY GENERAL FILE
19 SUIT TO ENFORCE COMPLIANCE WITH THIS SECTION. A PERSON,
20 CORPORATION, OR OTHER LEGAL ENTITY IS NOT ENTITLED TO CLAIM OR TO
21 RECEIVE ANY DAMAGES OR OTHER FINANCIAL REDRESS FOR ANY FAILURE
22 TO COMPLY WITH THIS SECTION.
23 (5) (a) BEGINNING JANUARY 2025 AND EACH YEAR UNTIL
24 JANUARY 2029, THE DEPARTMENT OF PUBLIC SAFETY SHALL REPORT TO
25 THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE
26 JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, DURING THE
27 DEPARTMENT'S "SMART ACT" HEARING THE TOTAL NUMBER OF REPORTS
28 AND INQUIRIES SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION,
29 THE COLORADO CRIME INFORMATION CENTER DATABASE, AND THE
30 NATIONAL CRIME INFORMATION CENTER DATABASE PURSUANT TO
31 SUBSECTIONS (2)(b) AND (2)(c) OF THIS SECTION, AGGREGATED BY
32 MUNICIPALITY.
33 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2029.
34 **SECTION 3.** In Colorado Revised Statutes, 24-4.1-117.3, **add**
35 (3)(f) as follows:
36 **24-4.1-117.3. Crime victim services advisory board - creation**
37 **- duties.** (3) The advisory board's powers and duties ~~shall~~ include, but
38 ~~need not be~~ IS NOT limited to, the following:
39 (f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION
40 13-10-104.5;".

41 Renumber succeeding section accordingly.

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