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## Civil Law

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During the 2018 legislative session, the Colorado General Assembly considered measures related to civil law. Specifically, the legislature considered bills regarding civil protections, the statute of limitations for domestic violence offenses, immunity, jurisdiction, and liability.

### Protections Extended to Civil Cases

Some types of criminal cases, such as assault and battery, may be tried in both civil and criminal court. While criminal law grants victims certain protections from threats, intimidation, or retaliation during these proceedings, victims in concurring civil cases have not been afforded the same ones. The 2018 Colorado General Assembly equalized protections in two instances and addressed witnesses in another.

In Colorado, a victim's sexual history cannot be used as evidence in a sexual assault criminal case, save for a few exceptions. [House Bill 18-1243](#), known as the "civil rape shield law," extends these same protections to civil cases and creates a presumption that evidence related to a victim's sexual conduct is irrelevant and inadmissible except under certain circumstances. If a party wants to introduce sexual conduct evidence, a motion must be filed during a specified period of time, and an *in-camera* hearing must be held on the matter.

Protection orders, also known as restraining orders, are issued by the court and primarily used in domestic disputes to ban one party from contacting another. [Senate Bill 18-060](#) clarifies that the issuance of a protection order in domestic violence cases does not preclude a court from issuing a protection order in a civil proceeding. The bill also adds two new protection orders to the list of options available to the court that relate to animals and cell phones.

Witnesses were also granted protections through [Senate Bill 18-169](#), which clarifies that the prohibition against intimidating or retaliating against a witness or victim also applies to civil cases and administrative proceedings.

### Domestic Violence Torts

Civil law provides a legal avenue for the victims of domestic violence to hold their abusers financially accountable for the inflicted damage. Prior law placed a one-year limitation for victims of domestic violence to file a civil suit against their abusers. Victims reported that one year was not long enough to recover and assess the economic impact of the abuse. [House Bill 18-1398](#) raises the statute of limitations in such cases to six years.

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## Civil Law (cont'd)

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### Immunity from Civil Liability

The safety of police horses was brought to the attention of legislators in the 2018 legislative session. In an effort to better protect service horses, [House Bill 18-1041](#) makes cruelty to a certified police working horse a crime and also grants immunity from civil liability for persons who report such an incident in good faith. Prior to the passage of this bill, immunity was only offered in cases involving cruelty to certified police working dogs.

### Unlawful Sale of Academic Assignments

Contract cheating, whereby a student pays a third party to complete, or find answers to, an assignment, essay, or exam, is reported to be commonplace in higher education institutions. Injunctions against third-party vendors or individuals unlawfully selling academic assignment or on-line exam answers used to be the only remedy available under Colorado law to prevent this practice. [House Bill 18-1252](#) adds an additional option and allows for civil penalties in such cases. Specifically, the bill authorizes the Attorney General to bring a civil action against a person who commits a violation related to the sale of academic assignments or online exam answers, and creates a civil penalty of up to \$750 for each violation.

### Civil Jurisdiction of County Courts and Filing Fees

All types of civil cases may be heard in either county or district courts if a claim is under a certain dollar amount. Previous law capped the concurrent jurisdictional claim limit at \$15,000 in 2001, thereby requiring claims over that amount to be filed solely in district court. The number of claims over \$15,000 has increased since that time, however, and fewer civil cases qualified to be heard in county courts as a

result. Because county courts typically process civil disputes more quickly and at a lower cost, [Senate Bill 18-056](#) expands county court access by raising the jurisdiction limit to \$25,000 in concurrent civil cases. This bill also increases filing fees to ensure that both district and county courts remain revenue neutral and have enough operational funds.

### Snow Removal Contracts

Snow and ice removal contracts, particularly those involving condominium complexes or commercial property, often include language that requires contractors to assume liability for any and all incidents, accidents, and injuries related to snow and ice management. These provisions force snow and ice removal contractors to assume defense and indemnity obligations for situations that are either outside their scope of duties or beyond their control. [Senate Bill 18-062](#), the "Snow Removal Service Limitation Act," specifically addresses hold-harmless agreements and indemnification language. The bill further disallows property owners from passing on their liability to a snow and ice management company.