

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0058.02 Michael Dohr x4347

HOUSE BILL 20-1121

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HOUSE SPONSORSHIP

Mullica and Soper,

SENATE SPONSORSHIP

(None),

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING CRIMINALIZING RETALIATION AGAINST AN ELECTED  
102 OFFICIAL.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Under current law, there is a crime of retaliation against a judge if an individual makes a credible threat or commits an act of harassment or an act of harm or injury upon a person or property as retaliation or retribution against a judge. The crime is a class 4 felony. The bill adds elected officials and their families to the crime.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 18-8-615 as  
3 follows:

4 **18-8-615. Retaliation against a judge or elected official -**  
5 **definitions.** (1) (a) An individual commits retaliation against a judge OR  
6 ELECTED OFFICIAL if the individual makes a credible threat, as defined in  
7 section 18-3-602 (2)(b), or commits an act of harassment, as defined in  
8 section 18-9-111 (1), or an act of harm or injury upon a person or  
9 property as retaliation or retribution against a judge OR ELECTED OFFICIAL,  
10 which action is directed against or committed upon:

11 (I) A judge who has served or is serving in a legal matter assigned  
12 to the judge involving the individual or a person on whose behalf the  
13 individual is acting;

14 (I.5) AN ELECTED OFFICIAL RELATED TO THE ELECTED OFFICIAL'S  
15 OFFICIAL DUTIES;

16 (II) A member of the judge's OR ELECTED OFFICIAL'S family;

17 (III) A person in close relationship to the judge OR ELECTED  
18 OFFICIAL; or

19 (IV) A person residing in the same household with the judge OR  
20 ELECTED OFFICIAL.

21 (b) An individual commits retaliation against a judge OR ELECTED  
22 OFFICIAL by means of a credible threat as described in ~~paragraph (a) of~~  
23 ~~this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION if the individual  
24 knowingly makes the credible threat:

25 (I) Directly to the judge OR ELECTED OFFICIAL; or

26 (II) To another person:

1 (A) If the individual intended that the communication would be  
2 relayed to the judge OR ELECTED OFFICIAL; or

3 (B) If the other person is required by statute or ethical rule to  
4 report the communication to the judge OR ELECTED OFFICIAL.

5 (2) Retaliation against a judge OR ELECTED OFFICIAL is a class 4  
6 felony.

7 (3) As used in this section, unless the context otherwise requires:

8 (a) "ELECTED OFFICIAL" MEANS ANY PERSON WHO IS SERVING IN  
9 AN ELECTED POSITION IN THE STATE OF COLORADO AT ANY LEVEL OF  
10 GOVERNMENT.

11 (b) "Judge" means any justice of the supreme court, judge of the  
12 court of appeals, district court judge, juvenile court judge, probate court  
13 judge, water court judge, county court judge, district court magistrate,  
14 county court magistrate, municipal judge, administrative law judge, or  
15 unemployment insurance hearing officer.

16 **SECTION 2. Potential appropriation.** Pursuant to section  
17 2-2-703, C.R.S., any bill that results in a net increase in periods of  
18 imprisonment in state correctional facilities must include an appropriation  
19 of money that is sufficient to cover any increased capital construction, any  
20 operational costs, and increased parole costs that are the result of the bill  
21 for the department of corrections in each of the first five years following  
22 the effective date of the bill. Because this act may increase periods of  
23 imprisonment, this act may require a five-year appropriation.

24 **SECTION 3. Effective date - applicability.** This act takes effect  
25 July 1, 2020, and applies to offenses committed on or after said date.

26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.