

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0466.01 Pierce Lively x2059

HOUSE BILL 23-1032

HOUSE SPONSORSHIP

Ortiz,

SENATE SPONSORSHIP

Rodriguez,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CIVIL ACTION REMEDY PROVISIONS FOR CIVIL RIGHTS**
102 **VIOLETIONS OF PERSONS WITH DISABILITIES.**

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>.)

The bill makes 3 primary clarifications about the remedies a person with a disability is entitled to under current Colorado law related to protections against discrimination on the basis of disability for persons with disabilities:

- That a person with a disability is prohibited from being subject to discrimination by, excluded from participating

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

HOUSE
Amended 2nd Reading
April 10, 2023

in, or denied the benefits of services, programs, or activities of a place of public accommodation;

- That the types of monetary damages to which a person with a disability is entitled include damages for emotional distress; and
- That a person with a disability is entitled to both a court order requiring compliance and either monetary damages or a statutory penalty.

The bill also allows a court to award reasonable attorney fees and costs to a prevailing plaintiff for any action commenced pursuant to certain Colorado law related to protections against discrimination on the basis of disability for persons with disabilities.

Lastly, the bill specifies that certain types of relief do not require exhaustion of potential administrative remedies.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-306, **amend**
3 **(14)** as follows:

4 **24-34-306. Charge - complaint - hearing - procedure -**
5 **exhaustion of administrative remedies.** (14) No person may file a civil
6 action in a district court in this state based on an alleged discriminatory
7 or unfair practice prohibited by ~~parts 4 to 7~~ PARTS 4, 5, AND 7 of this
8 ~~article~~ ARTICLE 34 AND EXCLUDING PART 6 OF THIS ARTICLE 34 AND
9 SECTION 24-34-505.6 without first exhausting the proceedings and
10 remedies available to ~~him~~ THE PERSON under this part 3 unless ~~he~~ THE
11 PERSON shows, in an action filed in the appropriate district court, by clear
12 and convincing evidence, his ill health which is of such a nature that
13 pursuing administrative remedies would not provide timely and
14 reasonable relief and would cause irreparable harm. THIS SUBSECTION
15 (14) DOES NOT APPLY TO CIVIL ACTIONS FILED IN DISTRICT COURT BASED
16 ON ALLEGED DISCRIMINATORY OR UNFAIR PRACTICES PROHIBITED BY
17 EITHER PART 6 OF THIS ARTICLE 34 OR SECTION 24-34-505.6.

1 **SECTION 2.** In Colorado Revised Statutes, 24-34-802, **amend**
2 (1)(b) and (2)(a) introductory portion; and **repeal** (2)(a)(I) as follows:

3 **24-34-802. Violations - penalties - immunity.** (1) (b) An
4 individual with a disability, as defined in section 24-34-301 (5.6), must
5 not, by reason of the individual's disability, be excluded from
6 participation in or be denied the benefits of services, programs, or
7 activities provided by a PLACE OF PUBLIC ACCOMMODATION, AS DEFINED
8 IN SECTION 24-34-601 (1), A public entity, as defined in section
9 24-34-301, or a state agency, as defined in section 24-37.5-102, or be
10 subjected to discrimination by any such PLACE OF PUBLIC
11 ACCOMMODATION, public entity, or state agency.

12 (2) (a) An individual with a disability, as defined in section
13 24-34-301 (5.6), who is subject to a violation of subsection (1) of this
14 section or of section 24-34-502, 24-34-502.2, 24-34-601, or 24-34-803
15 based on the individual's disability may bring a civil suit in a court of
16 competent jurisdiction and, except as provided in section 24-85-103, is
17 entitled to ~~any of~~ A COURT ORDER REQUIRING COMPLIANCE WITH THE
18 PROVISIONS OF THE APPLICABLE SECTION AND EITHER OF the following
19 remedies:

20 (I) ~~A court order requiring compliance with the provisions of the~~
21 ~~applicable section;~~

22 **SECTION 3. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety.