

CHAPTER 267

COURTS

HOUSE BILL 23-1222

BY REPRESENTATIVE(S) Duran and Weissman, Amabile, Bacon, Boesenecker, Brown, deGruy Kennedy, Froelich, Hamrick, Joseph, Lieder, Lindsay, Lindstedt, Lynch, Mabrey, Marshall, Martinez, McLachlan, Michaelson Jenet, Parenti, Pugliese, Sharbini, Soper, Story, Titone, Velasco, Willford, Woodrow, Young, McCluskie;
also SENATOR(S) Roberts and Winter F., Buckner, Coleman, Cutter, Danielson, Exum, Fields, Ginal, Hansen, Jaquez Lewis, Marchman, Moreno, Mullica, Priola, Sullivan, Van Winkle.

AN ACT**CONCERNING THE JURISDICTION OF MUNICIPAL COURTS TO HEAR DOMESTIC VIOLENCE OFFENSES.**

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

SECTION 1. In Colorado Revised Statutes, **amend** 13-10-103 as follows:

13-10-103. Applicability. This article 10 applies to and governs the operation of municipal courts in the cities and towns of this state. Except for the provisions relating to the method of salary payment for municipal judges, the incarceration of children pursuant to sections 19-2.5-305 and 19-2.5-1511, the appearance of the parent, guardian, or lawful custodian of any child under eighteen years of age who is charged with a municipal offense as required by section 13-10-111, the right to a trial by jury for petty offenses pursuant to section 16-10-109, relief from improperly entered guilty pleas pursuant to section 18-1-410.6, THE PROSECUTION OF AN ALLEGED ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, rules of procedure promulgated by the supreme court, and appellate procedure, this article 10 may be superseded by charter or ordinance enacted by a home rule city.

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

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

(a) THAT VICTIMS, VICTIMS' FAMILIES, AND WITNESSES OF A VIOLATION OF AN ACT

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

OF DOMESTIC VIOLENCE RECEIVE PROTECTIONS AND RIGHTS EQUIVALENT TO THOSE AFFORDED TO VICTIMS, VICTIMS' FAMILIES, AND WITNESSES PURSUANT TO THE "VICTIM RIGHTS ACT", PART 3 OF ARTICLE 4.1 OF TITLE 24, AS IT RELATES TO AN ACT OF DOMESTIC VIOLENCE, BY ESTABLISHING THAT:

(I) THE LAW ENFORCEMENT AGENCY WITHIN THE MUNICIPALITY IS RESPONSIBLE FOR PROVIDING EQUIVALENT RIGHTS AFFORDED TO VICTIMS PURSUANT TO SECTION 24-4.1-303 (2), (5), (7), (9), (10), AND (14.9);

(II) THE CITY ATTORNEY WITHIN THE MUNICIPALITY IS RESPONSIBLE FOR PROVIDING THE EQUIVALENT RIGHTS AFFORDED TO VICTIMS PURSUANT TO SECTION 24-4.1-303 (3), (3.5), (4), (5), (6), (7), (9), (11),(12), AND (13);

(III) THE MUNICIPAL COURT IS RESPONSIBLE FOR PROVIDING THE EQUIVALENT RIGHTS AFFORDED TO VICTIMS PURSUANT TO SECTION 24-4.1-303 (3.5), (6), (14.4), (14.5), AND (14.7);

(IV) THE MUNICIPAL COURT PROBATION OFFICE IS RESPONSIBLE FOR PROVIDING THE EQUIVALENT RIGHTS AFFORDED TO VICTIMS PURSUANT TO SECTION 24-4.1-303 (13.5); AND

(V) THE LAW ENFORCEMENT AGENCY WITHIN THE MUNICIPALITY, THE CITY ATTORNEY WITHIN THE MUNICIPALITY, THE MUNICIPAL COURT, AND THE MUNICIPAL COURT PROBATION OFFICE ARE RESPONSIBLE FOR ENSURING VICTIMS ARE AFFORDED EQUIVALENT RIGHTS TO THOSE DESCRIBED IN SECTION 24-4.1-302.5.

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

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

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

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

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

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

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

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

(c) SEARCH THE COLORADO BUREAU OF INVESTIGATION CREATED IN SECTION 24-33.5-401, THE COLORADO CRIME INFORMATION CENTER DATABASE, AND THE NATIONAL CRIME INFORMATION CENTER SYSTEM DATABASE TO DETERMINE IF THE RESPONDENT HAS A HISTORY OF DOMESTIC VIOLENCE.

(3) ANY CASE INVOLVING AN ALLEGED VIOLATION OF A MUNICIPAL ORDINANCE THAT CRIMINALIZES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, IS A MISDEMEANOR FOR PURPOSES OF COMPLYING WITH 18 U.S.C. SEC. 921.

(4) ANY AFFECTED PERSON MAY ENFORCE COMPLIANCE WITH THIS SECTION BY NOTIFYING THE CRIME VICTIM SERVICES ADVISORY BOARD CREATED IN SECTION 24-4.1-117.3 (1) OF ANY NONCOMPLIANCE WITH THIS SECTION. THE CRIME VICTIM SERVICES ADVISORY BOARD SHALL REVIEW ANY REPORT OF NONCOMPLIANCE, AND, IF THE BOARD DETERMINES THAT THE REPORT OF NONCOMPLIANCE HAS A BASIS IN FACT AND CANNOT BE RESOLVED, THE BOARD SHALL REFER THE REPORT OF NONCOMPLIANCE TO THE GOVERNOR, WHO SHALL REQUEST THAT THE ATTORNEY GENERAL FILE SUIT TO ENFORCE COMPLIANCE WITH THIS SECTION. A PERSON, CORPORATION, OR OTHER LEGAL ENTITY IS NOT ENTITLED TO CLAIM OR TO RECEIVE ANY DAMAGES OR OTHER FINANCIAL REDRESS FOR ANY FAILURE TO COMPLY WITH THIS SECTION.

(5) (a) BEGINNING JANUARY 2025 AND EACH YEAR UNTIL JANUARY 2029, THE DEPARTMENT OF PUBLIC SAFETY SHALL REPORT TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, DURING THE DEPARTMENT'S "SMART ACT" HEARING THE TOTAL NUMBER OF REPORTS AND INQUIRIES SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION, THE COLORADO CRIME INFORMATION CENTER DATABASE, AND THE NATIONAL CRIME INFORMATION CENTER DATABASE PURSUANT TO SUBSECTIONS (2)(b) AND (2)(c) OF THIS SECTION, AGGREGATED BY MUNICIPALITY.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2029.

SECTION 3. In Colorado Revised Statutes, 24-4.1-117.3, **amend** (3) introductory portion; and **add** (3)(f) as follows:

24-4.1-117.3. Crime victim services advisory board - creation - duties.

(3) The advisory board's powers and duties ~~shall~~ include, but ~~need not be~~ ARE NOT limited to, the following:

(f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION 13-10-104.5;

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect January 1, 2024; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an

item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to domestic violence offenses committed on or after the applicable effective date of this act.

Approved: May 25, 2023