

CHAPTER 271

GOVERNMENT - STATE

HOUSE BILL 23-1032

BY REPRESENTATIVE(S) Ortiz, Amabile, Bacon, Bird, Boesenecker, Brown, Daugherty, deGruy Kennedy, Dickson, Duran, English, Epps, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Marshall, Martinez, McCormick, McLachlan, Michaelson Jenet, Parenti, Ricks, Sharbini, Sirota, Snyder, Story, Valdez, Velasco, Weissman, Willford, Woodrow, Young, McCluskie;
also SENATOR(S) Rodriguez, Bridges, Buckner, Cutter, Danielson, Exum, Ginal, Gonzales, Hansen, Jaquez Lewis, Kolker, Marchman, Moreno, Priola, Sullivan, Winter F.

AN ACT**CONCERNING CIVIL ACTION REMEDY PROVISIONS FOR CIVIL RIGHTS VIOLATIONS OF PERSONS WITH DISABILITIES.**

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

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

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

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

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.

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

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

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

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

Approved: May 25, 2023