

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 4, 2021

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB21-064 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 2, strike lines 4 through 26 and substitute:

2 **"18-8-615. Retaliation against a judge or an elected official -**
3 **definitions.** (1.5) (a) AN INDIVIDUAL COMMITS RETALIATION AGAINST AN
4 ELECTED OFFICIAL IF THE INDIVIDUAL KNOWINGLY MAKES A CREDIBLE
5 THREAT AS RETALIATION OR RETRIBUTION AGAINST THE ELECTED OFFICIAL
6 OR ARISING OUT OF THE STATUS OF THE PERSON AS AN ELECTED OFFICIAL
7 AND IS DIRECTED AGAINST OR COMMITTED UPON:

8 (I) AN ELECTED OFFICIAL;
9 (II) A MEMBER OF THE ELECTED OFFICIAL'S FAMILY;
10 (III) A PERSON IN CLOSE RELATIONSHIP TO THE ELECTED OFFICIAL;

11 OR

12 (IV) A PERSON RESIDING IN THE SAME HOUSEHOLD WITH THE
13 ELECTED OFFICIAL.

14 (b) FOR PURPOSES OF THIS SUBSECTION (1.5):

15 (I) "CREDIBLE THREAT" MEANS A THREAT, PHYSICAL ACTION, OR
16 REPEATED CONDUCT THAT WOULD CAUSE A REASONABLE PERSON TO BE IN
17 FEAR FOR THE PERSON'S SAFETY OR THE SAFETY OF HIS OR HER IMMEDIATE
18 FAMILY OR OF SOMEONE WITH WHOM THE PERSON HAS OR HAS HAD A
19 CONTINUING RELATIONSHIP. THE THREAT NEED NOT BE DIRECTLY
20 EXPRESSED IF THE TOTALITY OF THE CONDUCT WOULD CAUSE A
21 REASONABLE PERSON SUCH FEAR.

22 (II) "ELECTED OFFICIAL" MEANS ANY PERSON WHO IS SERVING IN
23 AN ELECTED POSITION IN THE STATE OF COLORADO AT ANY LEVEL OF

1 GOVERNMENT."

2 Page 3, strike lines 1 through 4.

3 Page 3, strike lines 6 through 8 and substitute:

4 "(b) RETALIATION AGAINST AN ELECTED OFFICIAL IS A CLASS 6
5 FELONY."

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