

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 18, 2023
Date

Committee on Judiciary.

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

HB23-1222 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike lines 16 through 23 and substitute:

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

4 **13-10-104.5. Municipal court - municipal ordinance - act of**
5 **domestic violence - report - repeal.** (1) IF A MUNICIPALITY HAS A
6 MUNICIPAL ORDINANCE THAT CRIMINALIZES AN ACT OF DOMESTIC
7 VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, THE MUNICIPALITY SHALL
8 ADOPT AN ORDINANCE ESTABLISHING:

9 (a) THAT VICTIMS, VICTIMS' FAMILIES, AND WITNESSES OF A
10 VIOLATION OF AN ACT OF DOMESTIC VIOLENCE RECEIVE PROTECTIONS AND
11 RIGHTS EQUIVALENT TO THOSE AFFORDED TO VICTIMS, VICTIMS' FAMILIES,
12 AND WITNESSES PURSUANT TO THE "VICTIM RIGHTS ACT", PART 3 OF
13 ARTICLE 4.1 OF TITLE 24, AS IT RELATES TO AN ACT OF DOMESTIC
14 VIOLENCE, BY ESTABLISHING THAT:

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

18 (II) THE CITY ATTORNEY WITHIN THE MUNICIPALITY IS
19 RESPONSIBLE FOR PROVIDING THE EQUIVALENT RIGHTS AFFORDED TO
20 VICTIMS PURSUANT TO SECTION 24-4.1-303 (3), (3.5), (4), (5), (6), (7), (9),
21 (11),(12), AND (13);

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

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

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

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

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

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

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

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

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

25 (a) ISSUE A PROTECTION ORDER THAT MEETS THE MINIMUM
26 STANDARDS REQUIRED PURSUANT TO SECTION 18-1-1001 (3) AND
27 18-1-1001 (5), TO THE EXTENT CONSISTENT WITH THE JURISDICTION OF
28 THE MUNICIPAL COURT;

29 (b) REPORT OR CAUSE TO BE REPORTED THE ALLEGED VIOLATION
30 TO THE COLORADO BUREAU OF INVESTIGATION CREATED IN SECTION
31 24-33.5-401, AND ENTER THE INFORMATION INTO THE COLORADO CRIME
32 INFORMATION CENTER DATABASE AND THE NATIONAL CRIME
33 INFORMATION CENTER DATABASE; AND

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

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

43 (4) ANY AFFECTED PERSON MAY ENFORCE COMPLIANCE WITH THIS

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

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

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

23 **SECTION 3.** In Colorado Revised Statutes, 24-4.1-117.3, **add**
24 (3)(f) as follows:

25 **24-4.1-117.3. Crime victim services advisory board - creation**
26 **- duties.** (3) The advisory board's powers and duties ~~shall~~ include, but
27 ~~need not be~~ IS NOT limited to, the following:

28 (f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION
29 13-10-104.5;".

30 Renumber succeeding section accordingly.

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