

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

LLS NO. 18-0423.01 Jerry Barry x4341

**SENATE BILL 18-015**

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**SENATE SPONSORSHIP**

**Gardner and Hill,**

**HOUSE SPONSORSHIP**

**Williams D. and Liston,**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE "PROTECTING HOMEOWNERS AND DEPLOYED**  
102 **MILITARY PERSONNEL ACT".**

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**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 directs a peace officer to remove a person from a residential premises and to order the person to remain off the premises if the owner or owner's authorized agent (declarant) swears to a declaration making specified statements concerning ownership of the premises and the lack of authority for the person or persons who are on the premises to

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

SENATE  
3rd Reading Unamended  
January 29, 2018

SENATE  
Amended 2nd Reading  
January 25, 2018

be there. The peace officer must allow the person a reasonable opportunity to obtain evidence of his or her authority to be on the premises.

A declarant:

! Agrees to indemnify a peace officer and his or her agency for acts and omissions made in reliance upon the declaration; and

! Is liable for actual damages, attorney fees, and costs for any false statements made in the declaration.

If the declaration includes a statement that the property has been altered or damaged, or if the peace officer sees evidence of alteration or damage, the peace officer shall collect the personal information of the persons removed and provide it to the declarant. A person removed from the property pursuant to the bill who alters or damages the property is guilty of a class 1 misdemeanor.

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

2           **SECTION 1. Short title.** The short title of this act is the  
3 "Protecting Homeowners and Deployed Military Personnel Act".

4           **SECTION 2.** In Colorado Revised Statutes, **add** 18-4-504.2 and  
5 18-4-504.3 as follows:

6           **18-4-504.2. Removal of unauthorized persons - definition.**

7 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
8 REQUIRES, "RESIDENTIAL PREMISES" MEANS A DWELLING UNIT, THE  
9 STRUCTURE OF WHICH THE UNIT IS A PART, AND THE PROPERTY  
10 SURROUNDING THE STRUCTURE.

11 (2) THE OWNER OF A RESIDENTIAL PREMISES, OR HIS OR HER  
12 AUTHORIZED AGENT, MAY INITIATE THE INVESTIGATION OF AND REQUEST  
13 THE REMOVAL OF AN UNAUTHORIZED PERSON OR PERSONS FROM THE  
14 RESIDENTIAL PREMISES BY PROVIDING TO LAW ENFORCEMENT A  
15 DECLARATION CONTAINING ALL OF THE FOLLOWING REQUIRED ELEMENTS  
16 AND IN SUBSTANTIALLY THE FOLLOWING FORM:

17           REQUEST TO REMOVE TRESPASSER(S) FORM

1 THE UNDERSIGNED OWNER, OR AUTHORIZED AGENT  
2 OF THE OWNER, OF THE RESIDENTIAL PREMISES LOCATED AT  
3 ..... HEREBY REPRESENTS AND DECLARES UNDER THE  
4 PENALTY OF PERJURY THAT (INITIAL EACH BOX):  
5 1. [ ] THE DECLARANT IS THE OWNER OF THE PREMISES OR  
6 THE AUTHORIZED AGENT OF THE OWNER OF THE PREMISES;  
7 2. [ ] AN UNAUTHORIZED PERSON OR PERSONS HAVE  
8 ENTERED AND ARE REMAINING UNLAWFULLY ON THE  
9 PREMISES;  
10 3. [ ] THE PERSON OR PERSONS WERE NOT AUTHORIZED TO  
11 ENTER OR REMAIN;  
12 4. [ ] THE PERSON OR PERSONS ARE NOT A TENANT OR  
13 TENANTS AND HAVE NOT BEEN A TENANT OR TENANTS, OR  
14 A HOMEOWNER OR HOMEOWNERS WHO HAVE BEEN ON  
15 TITLE, WITHIN THE LAST THREE MONTHS ON THE PROPERTY;  
16 5. [ ] THE DECLARANT HAS DEMANDED THAT THE  
17 UNAUTHORIZED PERSON OR PERSONS VACATE THE PREMISES  
18 BUT THEY HAVE NOT DONE SO;  
19 6. [ ] THE PREMISES WERE NOT ABANDONED AT THE TIME  
20 THE UNAUTHORIZED PERSON OR PERSONS ENTERED;  
21 7. [ ] THE PREMISES WERE NOT OPEN TO MEMBERS OF THE  
22 PUBLIC AT THE TIME THE UNAUTHORIZED PERSON OR  
23 PERSONS ENTERED;  
24 8. [ ] THE DECLARANT UNDERSTANDS THAT A PERSON OR  
25 PERSONS REMOVED FROM THE PREMISES PURSUANT TO  
26 SECTION 18-4-504.2, COLORADO REVISED STATUTES, MAY  
27 BRING A CAUSE OF ACTION PURSUANT TO SECTION

1 13-21-129, COLORADO REVISED STATUTES, AGAINST THE  
2 DECLARANT FOR ANY FALSE STATEMENTS MADE IN THIS  
3 DECLARATION, AND, THAT AS A RESULT OF SUCH ACTION,  
4 THE DECLARANT MAY BE HELD LIABLE FOR ACTUAL  
5 DAMAGES, ATTORNEY FEES, AND COSTS;

6 9. [ ] THE DECLARANT AGREES TO INDEMNIFY AND HOLD  
7 HARMLESS ANY PEACE OFFICER AND THE OFFICER'S LAW  
8 ENFORCEMENT AGENCY FOR ACTIONS OR OMISSIONS MADE  
9 IN GOOD FAITH PURSUANT TO THIS DECLARATION; AND

10 10. [ ] ADDITIONAL OPTIONAL EXPLANATORY COMMENTS  
11 OR STATEMENT THAT THE PREMISES HAS BEEN ALTERED OR  
12 DAMAGED:

13 .....

14 (3) A DECLARANT WHO FALSELY SWEARS ON A DECLARATION  
15 PROVIDED TO LAW ENFORCEMENT PURSUANT TO THIS SECTION MAY BE  
16 PROSECUTED FOR PERJURY IN THE FIRST OR SECOND DEGREE, AS  
17 DESCRIBED IN SECTION 18-8-502 OR 18-8-503, OR FALSE SWEARING, AS  
18 DESCRIBED IN SECTION 18-8-504.

19 (4) (a) SUBJECT TO SUBSECTIONS (5) AND (6) OF THIS SECTION AND  
20 WITHIN TWENTY-FOUR HOURS AFTER THE RECEIPT OF A DECLARATION  
21 SIGNED UNDER PENALTY OF PERJURY, IN THE FORM PRESCRIBED IN  
22 SUBSECTION (2) OF THIS SECTION, DECLARING THE TRUTH OF ALL OF THE  
23 REQUIRED ELEMENTS SET FORTH IN SUBSECTION (2) OF THIS SECTION, A  
24 PEACE OFFICER SHALL:

25 (I) REMOVE THE PERSON OR PERSONS FROM THE RESIDENTIAL  
26 PREMISES, WITH OR WITHOUT ARRESTING THE PERSON OR PERSONS; AND

27 (II) ORDER THE PERSON OR PERSONS TO REMAIN OFF THE

1 RESIDENTIAL PREMISES OR BE SUBJECT TO ARREST FOR CRIMINAL  
2 TRESPASS.

3 (b) IF THE DECLARATION INCLUDES A STATEMENT THAT THE  
4 PROPERTY HAS BEEN ALTERED OR DAMAGED OR THE PEACE OFFICER SEES  
5 EVIDENCE THAT THE PROPERTY HAS BEEN ALTERED OR DAMAGED, THE  
6 PEACE OFFICER SHALL COLLECT PERSONAL INFORMATION FROM THE  
7 PERSON OR PERSONS AND SHALL PROVIDE THAT INFORMATION TO THE  
8 DECLARANT.

9  
10 (5) WHILE A PEACE OFFICER MAY TAKE INTO ACCOUNT A  
11 DECLARATION FROM THE PROPERTY OWNER SIGNED UNDER PENALTY OF  
12 PERJURY CONTAINING ALL OF THE REQUIRED ELEMENTS AND IN THE FORM  
13 PRESCRIBED IN SUBSECTION (2) OF THIS SECTION, THE PEACE OFFICER MUST  
14 PROVIDE THE OCCUPANT OR OCCUPANTS WITH A REASONABLE  
15 OPPORTUNITY TO SECURE AND PRESENT ANY CREDIBLE EVIDENCE  
16 PROVIDED BY THE PERSON OR PERSONS ON THE PREMISES, WHICH THE  
17 PEACE OFFICER MUST CONSIDER, SHOWING THAT THE PERSON OR PERSONS  
18 ARE TENANTS, LEGAL OCCUPANTS, OR THE GUESTS OR INVITEES OF THE  
19 TENANTS OR LEGAL OCCUPANTS.

20 (6) NEITHER THE PEACE OFFICER NOR HIS OR HER LAW  
21 ENFORCEMENT AGENCY SHALL BE HELD LIABLE FOR ACTIONS OR  
22 OMISSIONS MADE IN GOOD FAITH PURSUANT TO THIS SECTION, AND THE  
23 DECLARANT AGREES TO INDEMNIFY THE OFFICER AND AGENCY FOR SUCH  
24 ACTIONS OR OMISSIONS.

25 (7) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT RIGHTS  
26 PURSUANT TO ARTICLE 38 OF TITLE 38 OR TO ALLOW A PEACE OFFICER TO  
27 REMOVE OR EXCLUDE AN OCCUPANT WHO IS ENTITLED TO OCCUPY A

1 DWELLING UNIT UNDER A RENTAL AGREEMENT OR WHO IS THE OCCUPANT'S  
2 GUEST OR INVITEE.

3 **18-4-504.3. Unauthorized alteration or damage of a residential**  
4 **property.** (1) A PERSON WHO IS REMOVED FROM A RESIDENTIAL  
5 PROPERTY PURSUANT TO SECTION 18-4-504.2 AND WHO HAS MATERIALLY  
6 ALTERED OR DAMAGED THE RESIDENTIAL PROPERTY COMMITS  
7 UNAUTHORIZED ALTERATION OR DAMAGE OF A RESIDENTIAL PROPERTY.

8 (2) UNAUTHORIZED ALTERATION OR DAMAGE OF A RESIDENTIAL  
9 PROPERTY IS A CLASS 1 MISDEMEANOR.

10 (3) NOTHING IN THIS SECTION PRECLUDES THE PROSECUTION OF  
11 VIOLATIONS UNDER ANY OTHER PROVISION OF LAW.

12 **SECTION 3.** In Colorado Revised Statutes, **add** 13-21-129 as  
13 follows:

14 **13-21-129. Civil liability for false statement to recover**  
15 **possession of real property.** IN ADDITION TO ANY OTHER REMEDIES, A  
16 PERSON REMOVED FROM A RESIDENTIAL PREMISES PURSUANT TO SECTION  
17 18-4-504.2 ON THE BASIS OF FALSE STATEMENTS MADE BY A DECLARANT  
18 HAS A PRIVATE CAUSE OF ACTION AGAINST THE DECLARANT. IN THE  
19 ACTION, THE PLAINTIFF IS ENTITLED TO ACTUAL DAMAGES, ATTORNEY  
20 FEES, AND COSTS.

21 **SECTION 4. Effective date - applicability.** This act takes effect  
22 July 1, 2018, and applies to requests for removal and offenses committed  
23 on or after said date.

24 **SECTION 5. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, and safety.