

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0772.01 Michael Dohr x4347

SENATE BILL 21-064

SENATE SPONSORSHIP

Garcia and Cooke,

HOUSE SPONSORSHIP

Mullica,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING CRIMINALIZING RETALIATION AGAINST AN ELECTED**
102 **OFFICIAL.**

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>.)

Under current law, there is a crime of retaliation against a judge if an individual makes a credible threat or commits an act of harassment or an act of harm or injury upon a person or property as retaliation or retribution against a judge. The crime is a class 4 felony. The bill adds elected officials and their families to the crime.

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.

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

2 **SECTION 1. In Colorado Revised Statutes, 18-8-615, amend (2);**
3 **and add (1.5) as follows:**

4 **18-8-615. Retaliation against a judge or an elected official -**
5 **definitions. (1.5)(a) AN INDIVIDUAL COMMITS RETALIATION AGAINST AN**
6 **ELECTED OFFICIAL IF THE INDIVIDUAL MAKES A CREDIBLE THREAT, AS**
7 **DEFINED IN SECTION 18-3-602 (2)(b), OR COMMITS AN ACT OF**
8 **HARASSMENT, AS DEFINED IN SECTION 18-9-111 (1), AS RETALIATION OR**
9 **RETRIBUTION AGAINST THE ELECTED OFFICIAL OR TO THE STATUS OF THE**
10 **PERSON AS AN ELECTED OFFICIAL, AND IS DIRECTED AGAINST OR**
11 **COMMITTED UPON:**

- 12 **(I) AN ELECTED OFFICIAL;**
- 13 **(II) A MEMBER OF THE ELECTED OFFICIAL'S FAMILY;**
- 14 **(III) A PERSON IN CLOSE RELATIONSHIP TO THE ELECTED OFFICIAL;**
- 15 **OR**
- 16 **(IV) A PERSON RESIDING IN THE SAME HOUSEHOLD WITH THE**
17 **ELECTED OFFICIAL.**

18 **(b) AN INDIVIDUAL COMMITS RETALIATION AGAINST AN ELECTED**
19 **OFFICIAL BY MEANS OF A CREDIBLE THREAT AS DESCRIBED IN SUBSECTION**
20 **(1.5)(a) OF THIS SECTION IF THE INDIVIDUAL KNOWINGLY MAKES THE**
21 **CREDIBLE THREAT:**

- 22 **(I) DIRECTLY TO THE ELECTED OFFICIAL; OR**
- 23 **(II) TO ANOTHER PERSON:**
 - 24 **(A) IF THE INDIVIDUAL INTENDED THAT THE COMMUNICATION**
25 **WOULD BE RELAYED TO THE ELECTED OFFICIAL; OR**
 - 26 **(B) IF THE OTHER PERSON IS REQUIRED BY STATUTE OR ETHICAL**

1 RULE TO REPORT THE COMMUNICATION TO THE ELECTED OFFICIAL.

2 (c) FOR PURPOSES OF THIS SUBSECTION (1.5), "ELECTED OFFICIAL"
3 MEANS ANY PERSON WHO IS SERVING IN AN ELECTED POSITION IN THE
4 STATE OF COLORADO AT ANY LEVEL OF GOVERNMENT.

5 (2) (a) Retaliation against a judge is a class 4 felony.

6 (b) RETALIATION AGAINST AN ELECTED OFFICIAL IS A CLASS 1
7 MISDEMEANOR, UNLESS COMMITTED BY MEANS OF A CREDIBLE THREAT, AS
8 DEFINED IN SECTION 18-3-602 (2)(b), THEN IT IS A CLASS 6 FELONY.

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10 **SECTION 2.** In Colorado Revised Statutes, 24-4.1-302, **amend**
11 (1)(kk) as follows:

12 **24-4.1-302. Definitions.** As used in this part 3, and for no other
13 purpose, including the expansion of the rights of any defendant:

14 (1) "Crime" means any of the following offenses, acts, and
15 violations as defined by the statutes of the state of Colorado, whether
16 committed by an adult or a juvenile:

17 (kk) Retaliation against a judge OR ELECTED OFFICIAL, in violation
18 of section 18-8-615; ~~C.R.S.~~; retaliation against a prosecutor, in violation
19 of section 18-8-616; ~~C.R.S.~~; or retaliation against a juror, in violation of
20 section 18-8-706.5; ~~C.R.S.~~;

21 **SECTION 3. Potential appropriation.** Pursuant to section
22 2-2-703, C.R.S., any bill that results in a net increase in periods of
23 imprisonment in state correctional facilities must include an appropriation
24 of money that is sufficient to cover any increased capital construction, any
25 operational costs, and increased parole costs that are the result of the bill
26 for the department of corrections in each of the first five years following
27 the effective date of the bill. Because this act may increase periods of

1 imprisonment, this act may require a five-year appropriation.

2 **SECTION 4. Effective date - applicability.** This act takes effect
3 July 1, 2021, and applies to offenses committed on or after said date.

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