

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

REENGROSSED

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

LLS NO. 21-1027.01 Jacob Baus x2173

SENATE BILL 21-280

SENATE SPONSORSHIP

Fields and Cooke, Bridges, Buckner, Danielson, Fenberg, Garcia, Ginal, Gonzales, Hansen, Holbert, Jaquez Lewis, Kolker, Lee, Lundeen, Moreno, Pettersen, Priola, Rankin, Rodriguez, Scott, Story, Winter

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House Committees

A BILL FOR AN ACT

101 **CONCERNING CRIMES THAT ARE BIAS-MOTIVATED.**

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 specifies that for harassment that is bias-motivated or a bias-motivated crime, the bias motivation only needs to be part of the defendant's motivation in committing the crime.

The bill makes the crime of harassment when the harassment is bias-motivated a victim rights act crime, which provides a victim certain statutory rights.

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
May 27, 2021

SENATE
2nd Reading Unamended
May 26, 2021

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-9-111, **amend** (2)
3 as follows:

4 **18-9-111. Harassment - Kiana Arellano's law.** (2) Harassment
5 pursuant to subsection (1) of this section is a class 3 misdemeanor; except
6 that harassment is a class 1 misdemeanor if the offender commits
7 harassment pursuant to subsection (1) of this section with the intent to
8 intimidate or harass another person, IN WHOLE OR IN PART, because of that
9 person's actual or perceived race; color; religion; ancestry; national
10 origin; physical or mental disability, as defined in section 18-9-121 (5)(a);
11 or sexual orientation, as defined in section 18-9-121 (5)(b).

12 **SECTION 2.** In Colorado Revised Statutes, 18-9-121, **amend** (2)
13 introductory portion as follows:

14 **18-9-121. Bias-motivated crimes.** (2) A person commits a
15 bias-motivated crime if, with the intent to intimidate or harass another
16 person, IN WHOLE OR IN PART, because of that person's actual or perceived
17 race, color, religion, ancestry, national origin, physical or mental
18 disability, or sexual orientation, he or she:

19 **SECTION 3.** In Colorado Revised Statutes, 24-4.1-302, **add**
20 (1)(cc.4) as follows:

21 **24-4.1-302. Definitions.** As used in this part 3, and for no other
22 purpose, including the expansion of the rights of any defendant:

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

26 (cc.4) HARASSMENT THAT IS BIAS-MOTIVATED, IN VIOLATION OF
27 SECTION 18-9-111 (2);

1 **SECTION 4. Potential appropriation.** Pursuant to section
2 2-2-703, C.R.S., any bill that results in a net increase in periods of
3 imprisonment in state correctional facilities must include an appropriation
4 of money that is sufficient to cover any increased capital construction, any
5 operational costs, and increased parole costs that are the result of the bill
6 for the department of corrections in each of the first five years following
7 the effective date of the bill. Because this act may increase periods of
8 imprisonment, this act may require a five-year appropriation.

9 **SECTION 5. Applicability.** This act applies to offenses
10 committed on or after the effective date of this act.

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