

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

PREAMENDED

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

LLS NO. 23-0431.01 Shelby Ross x4510

HOUSE BILL 23-1222

HOUSE SPONSORSHIP

Duran and Weissman,

SENATE SPONSORSHIP

Roberts,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE JURISDICTION OF MUNICIPAL COURTS TO HEAR**
102 **DOMESTIC VIOLENCE OFFENSES.**

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>.)

Beginning January 1, 2024, the bill prohibits the prosecution of an alleged act of domestic violence in municipal courts. The county and district courts retain jurisdiction over such cases.

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

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

1 **SECTION 1.** In Colorado Revised Statutes, **amend** 13-10-103 as
2 follows:

3 **13-10-103. Applicability.** This article 10 applies to and governs
4 the operation of municipal courts in the cities and towns of this state.
5 Except for the provisions relating to the method of salary payment for
6 municipal judges, the incarceration of children pursuant to sections
7 19-2.5-305 and 19-2.5-1511, the appearance of the parent, guardian, or
8 lawful custodian of any child under eighteen years of age who is charged
9 with a municipal offense as required by section 13-10-111, the right to a
10 trial by jury for petty offenses pursuant to section 16-10-109, relief from
11 improperly entered guilty pleas pursuant to section 18-1-410.6, THE
12 PROSECUTION OF AN ALLEGED ACT OF DOMESTIC VIOLENCE, AS DEFINED
13 IN SECTION 18-6-800.3, rules of procedure promulgated by the supreme
14 court, and appellate procedure, this article 10 may be superseded by
15 charter or ordinance enacted by a home rule city.

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

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

23 (a) THAT VICTIMS, VICTIMS' FAMILIES, AND WITNESSES OF A
24 VIOLATION OF AN ACT OF DOMESTIC VIOLENCE RECEIVE PROTECTIONS AND
25 RIGHTS EQUIVALENT TO THOSE AFFORDED TO VICTIMS, VICTIMS' FAMILIES,
26 AND WITNESSES PURSUANT TO THE "VICTIM RIGHTS ACT", PART 3 OF
27 ARTICLE 4.1 OF TITLE 24, AS IT RELATES TO AN ACT OF DOMESTIC

1 VIOLENCE, BY ESTABLISHING THAT:

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

5 (II) THE CITY ATTORNEY WITHIN THE MUNICIPALITY IS
6 RESPONSIBLE FOR PROVIDING THE EQUIVALENT RIGHTS AFFORDED TO
7 VICTIMS PURSUANT TO SECTION 24-4.1-303 (3), (3.5), (4), (5), (6), (7), (9),
8 (11),(12), AND (13);

9 (III) THE MUNICIPAL COURT IS RESPONSIBLE FOR PROVIDING THE
10 EQUIVALENT RIGHTS AFFORDED TO VICTIMS PURSUANT TO SECTION
11 24-4.1-303 (3.5), (6), (14.4), (14.5), AND (14.7);

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

15 (V) THE LAW ENFORCEMENT AGENCY WITHIN THE MUNICIPALITY,
16 THE CITY ATTORNEY WITHIN THE MUNICIPALITY, THE MUNICIPAL COURT,
17 AND THE MUNICIPAL COURT PROBATION OFFICE ARE RESPONSIBLE FOR
18 ENSURING VICTIMS ARE AFFORDED EQUIVALENT RIGHTS TO THOSE
19 DESCRIBED IN SECTION 24-4.1-302.5.

20 (b) SENTENCING FOR VIOLATIONS THAT ARE EQUIVALENT TO THE
21 DOMESTIC VIOLENCE SENTENCES DESCRIBED IN SECTION 18-6-801 (1), (3),
22 (4), (5), (6), AND (8), TO THE EXTENT CONSISTENT WITH THE JURISDICTION
23 OF THE MUNICIPAL COURT;

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

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

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

5 (f) A REQUIREMENT THAT THE PROSECUTING ATTORNEY WHO
6 INITIALLY MEETS WITH THE VICTIM AFTER THE CHARGES ARE FILED MAKE
7 A REASONABLE EFFORT TO REMAIN AS THE PROSECUTING ATTORNEY
8 THROUGHOUT THE PROCEEDING.

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

12 (a) ISSUE A PROTECTION ORDER THAT MEETS THE MINIMUM
13 STANDARDS REQUIRED PURSUANT TO SECTION 18-1-1001 (3) AND
14 18-1-1001 (5), TO THE EXTENT CONSISTENT WITH THE JURISDICTION OF
15 THE MUNICIPAL COURT;

16 (b) REPORT OR CAUSE TO BE REPORTED THE ALLEGED VIOLATION
17 TO THE COLORADO BUREAU OF INVESTIGATION CREATED IN SECTION
18 24-33.5-401, AND ENTER THE INFORMATION INTO THE COLORADO CRIME
19 INFORMATION CENTER DATABASE AND THE NATIONAL CRIME
20 INFORMATION CENTER DATABASE; AND

21 (c) SEARCH THE COLORADO BUREAU OF INVESTIGATION CREATED
22 IN SECTION 24-33.5-401, THE COLORADO CRIME INFORMATION CENTER
23 DATABASE, AND THE NATIONAL CRIME INFORMATION CENTER SYSTEM
24 DATABASE TO DETERMINE IF THE RESPONDENT HAS A HISTORY OF
25 DOMESTIC VIOLENCE.

26 (3) ANY CASE INVOLVING AN ALLEGED VIOLATION OF A MUNICIPAL
27 ORDINANCE THAT CRIMINALIZES AN ACT OF DOMESTIC VIOLENCE, AS

1 DEFINED IN SECTION 18-6-800.3, IS A MISDEMEANOR FOR PURPOSES OF
2 COMPLYING WITH 18 U.S.C. SEC. 921.

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

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

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

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

1 **24-4.1-117.3. Crime victim services advisory board - creation**
2 **- duties.** (3) The advisory board's powers and duties ~~shall~~ include, but
3 ~~need not be~~ IS NOT limited to, the following:

4 (f) TO REVIEW ANY REPORTS OF NONCOMPLIANCE WITH SECTION
5 13-10-104.5;

6 **SECTION 4. Act subject to petition - effective date -**
7 **applicability.** (1) This act takes effect January 1, 2024; except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within the ninety-day period after final adjournment of the general
11 assembly, then the act, item, section, or part will not take effect unless
12 approved by the people at the general election to be held in November
13 2024 and, in such case, will take effect on the date of the official
14 declaration of the vote thereon by the governor.

15 (2) This act applies to domestic violence offenses committed on
16 or after the applicable effective date of this act.