

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0349.01 Michael Dohr x4347

HOUSE BILL 15-1060

HOUSE SPONSORSHIP

Hamner,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROTECTION ORDERS IN SEX OFFENSE CASES.

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://www.leg.state.co.us/billsummaries>.)

Current law requires that the court state the terms of the protection order and that the defendant must acknowledge the order when a defendant is charged with domestic violence or stalking. As well, the prosecutor can request a hearing to modify the protection order in those cases. The bill extends those provisions to all sex-offense cases and clarifies how the acknowledgment is made.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters 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, 16-4-105, **amend** (4)
3 as follows:

4 **16-4-105. Conditions of release on bond.** (4) An additional
5 condition of every bond in cases of INVOLVING domestic violence as
6 defined in section 18-6-800.3 (1), C.R.S., or in cases of stalking under
7 section 18-3-602, C.R.S., OR IN CASES INVOLVING UNLAWFUL SEXUAL
8 BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), is that the released
9 person acknowledge the protection order as provided in section
10 18-1-1001 (5), C.R.S.

11 **SECTION 2.** In Colorado Revised Statutes, 18-1-1001, **amend**
12 (5) and (6) as follows:

13 **18-1-1001. Protection order against defendant - definitions.**
14 (5) Before a defendant is released on bail pursuant to article 4 of title 16,
15 C.R.S., the court shall, in cases involving domestic violence as defined in
16 section 18-6-800.3 (1), or in cases of stalking pursuant to section
17 18-3-602, OR IN CASES INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS
18 DEFINED IN SECTION 16-22-102 (9), C.R.S., state the terms of the
19 protection order issued pursuant to this section, including any additional
20 provisions added pursuant to subsection (3) of this section, to the
21 defendant on the record, and the court shall further require the defendant
22 to acknowledge the protection order IN COURT AND IN WRITING PRIOR TO
23 RELEASE as a condition of any bond for the release of the defendant. The
24 prosecuting attorney shall, in such domestic violence cases, or stalking
25 cases, OR IN CASES INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED
26 IN SECTION 16-22-102 (9), C.R.S., notify the alleged victim, the
27 complainant, and the protected person of the order if such persons are not

1 present at the time the protection order is issued.

2 (6) The defendant or, in cases involving domestic violence as
3 defined in section 18-6-800.3 (1), ~~or~~ in cases of stalking pursuant to
4 section 18-3-602, OR IN CASES INVOLVING UNLAWFUL SEXUAL BEHAVIOR
5 AS DEFINED IN SECTION 16-22-102 (9), C.R.S., the prosecuting attorney
6 may request a hearing before the court to modify the terms of a protection
7 order issued pursuant to this section. Upon such a request, the court shall
8 set a hearing and the prosecuting attorney shall send notice of the hearing
9 to the defendant and the alleged victim. At the hearing the court shall
10 review the terms of the protection order and any further orders entered
11 and shall consider the modifications, if any, requested by the defendant
12 or the prosecuting attorney.

13 **SECTION 3. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.