

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 12-0226.02 Michael Dohr x4347

HOUSE BILL 12-1114

HOUSE SPONSORSHIP

Hamner,

SENATE SPONSORSHIP

Schwartz,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CRIME OF STALKING.**

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>.)

Under the bill, a summons shall not be issued in lieu of an arrest for a charge of stalking. Before the defendant is released on bail for a stalking charge, the court must state the terms of the protection order, and the defendant must acknowledge the order. In a stalking case, the prosecutor can request a hearing to modify the protection order. The bill makes technical corrections to the crime of stalking.

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, 18-3-602, **add** (8) and
3 (9) as follows:

4 **18-3-602. Stalking - penalty - definitions.** (8) **WHEN A PERSON**
5 **IS ARRESTED FOR AN ALLEGED VIOLATION OF THIS SECTION, THE**
6 **FIXING OF BAIL FOR THE CRIME OF STALKING SHALL BE DONE IN**
7 **ACCORDANCE WITH SECTION 16-4-103(2) (d), C.R.S., AND A PROTECTION**
8 **ORDER SHALL ISSUE IN ACCORDANCE WITH SECTION 18-1-1001(5).**

9 (9) **WHEN A VIOLATION UNDER THIS SECTION IS COMMITTED IN**
10 **CONNECTION WITH A VIOLATION OF A COURT ORDER, INCLUDING BUT NOT**
11 **LIMITED TO ANY PROTECTION ORDER OR ANY ORDER THAT SETS FORTH THE**
12 **CONDITIONS OF A BOND, ANY SENTENCES IMPOSED PURSUANT TO THIS**
13 **SECTION, AND PURSUANT TO SECTION 18-6-803.5 OR ANY SENTENCE**
14 **IMPOSED IN A CONTEMPT PROCEEDING FOR VIOLATION OF THE COURT**
15 **ORDER SHALL BE SERVED CONSECUTIVELY AND NOT CONCURRENTLY.**

16 **SECTION 2.** In Colorado Revised Statutes, 16-4-103, **amend** (2)
17 (d) as follows:

18 **16-4-103. Fixing of bail and conditions of bail bond.** (2) (d) A
19 further condition of every bail bond in cases of domestic violence as
20 defined in section 18-6-800.3 (1), C.R.S., OR IN CASES OF STALKING
21 PURSUANT TO SECTION 18-3-602, C.R.S., shall be that the released person
22 acknowledge the protection order as provided in section 18-1-1001 (5),
23 C.R.S.

24 **SECTION 3.** In Colorado Revised Statutes, 18-1-1001, **amend**
25 (5) and (6) as follows:

26 **18-1-1001. Protection order against defendant.** (5) Before a

1 defendant is released on bail pursuant to article 4 of title 16, C.R.S., the
2 court shall, in cases involving domestic violence as defined in section
3 18-6-800.3 (1), OR IN CASES OF STALKING PURSUANT TO SECTION
4 18-3-602, state the terms of the protection order issued pursuant to this
5 section, including any additional provisions added pursuant to subsection
6 (3) of this section, to the defendant on the record and the court shall
7 further require the defendant to acknowledge the protection order as a
8 condition of any bond for the release of the defendant. The prosecuting
9 attorney shall, in such domestic violence cases OR STALKING CASES, notify
10 the alleged victim, the complainant, and the protected person of the order
11 if such persons are not present at the time the protection order is issued.

12 (6) The defendant or, in cases involving domestic violence as
13 defined in section 18-6-800.3 (1), OR IN CASES OF STALKING PURSUANT TO
14 SECTION 18-3-602, the prosecuting attorney may request a hearing before
15 the court to modify the terms of a protection order issued pursuant to ~~the~~
16 THIS section. Upon such a request, the court shall set a hearing and the
17 prosecuting attorney shall send notice of the hearing to the defendant and
18 the alleged victim. At the hearing the court shall review the terms of the
19 protection order and any further orders entered and shall consider the
20 modifications, if any, requested by the defendant or the prosecuting
21 attorney.

22 **SECTION 4.** In Colorado Revised Statutes, 18-3-602, **amend** (5)
23 as follows:

24 **18-3-602. Stalking - penalty - definitions.** (5) If, at the time of
25 the offense, there was a temporary or permanent protection order,
26 injunction, or condition of bond, probation, or parole or any other court
27 order in effect against the person, prohibiting the behavior described in

1 this section, the person commits a class 4 felony. ~~In addition, when a~~
2 ~~violation under this section is committed in connection with a violation~~
3 ~~of a court order, including but not limited to any protection order or any~~
4 ~~order that sets forth the conditions of a bond, any sentence imposed for~~
5 ~~the violation pursuant to this subsection (5) shall run consecutively and~~
6 ~~not concurrently with any sentence imposed pursuant to section~~
7 ~~18-6-803.5 and with any sentence imposed in a contempt proceeding for~~
8 ~~violation of the court order.~~

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