

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0798.01 Michael Dohr x4347

HOUSE BILL 15-1289

HOUSE SPONSORSHIP

Salazar and Everett, Saine, Humphrey, Neville P., Joshi, Priola, Lundeen, Dore, Buckner, Klingenschmitt, Melton, Nordberg, Ransom, Van Winkle

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CRIMINAL CHARGES BASED ON A VIOLATION OF AN
102 UNLAWFUL ORDER.

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>.)

The bill requires a court to dismiss all charges against a defendant that were based on a violation of an unlawful order. The court may order the law enforcement agency that filed the charges to reimburse the defendant for attorneys' fees and costs incurred in defense of the charges.

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, **add** 16-5-104 as
3 follows:

4 **16-5-104. Person charged with a criminal act based on**
5 **violating an unlawful order - definitions.** (1) IF A PERSON IS CHARGED
6 WITH A CRIME IN WHICH THE UNDERLYING FACTUAL BASIS INVOLVED
7 VIOLATING AN UNLAWFUL ORDER, THE COURT SHALL DISMISS THOSE
8 CHARGES AND SHALL ORDER THE LAW ENFORCEMENT AGENCY THAT FILED
9 THE CHARGES TO REIMBURSE THE DEFENDANT FOR ANY ATTORNEYS' FEES
10 AND COSTS INCURRED AS A RESULT OF HAVING TO DEFEND THE CHARGES.

11 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
12 REQUIRES, "UNLAWFUL ORDER" MEANS AN ORDER THAT VIOLATES A
13 PERSON'S CONSTITUTIONAL OR STATUTORY RIGHTS.

14 **SECTION 2. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.