

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 15-0353.01 Richard Sweetman x4333

**HOUSE BILL 15-1229**

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**HOUSE SPONSORSHIP**

**McCann,**

**SENATE SPONSORSHIP**

**Martinez Humenik,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING RETALIATION AGAINST A PROSECUTOR, AND IN**  
102      **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**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>.)*

An individual commits retaliation against a prosecutor if the individual makes a credible threat or commits an act of harassment or an act of harm or injury upon a person or property when the threat or act is retaliation or retribution for a prosecutor's role in the prosecution of any individual or a prosecutor's performance of any duty within the scope of the prosecutor's employment and the threat or act is directed against or

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.

committed upon:

- ! The prosecutor;
- ! A member of the prosecutor's family;
- ! A person in close relationship to the prosecutor; or
- ! A person residing in the same household with the prosecutor.

Retaliation against a prosecutor is a class 4 felony.

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

**SECTION 1.** In Colorado Revised Statutes, **add** 18-8-616 as follows:

**18-8-616. Retaliation against a prosecutor.** (1) (a) AN INDIVIDUAL COMMITS RETALIATION AGAINST A PROSECUTOR IF THE INDIVIDUAL MAKES A CREDIBLE THREAT, AS DEFINED IN SECTION 18-3-602 (2) (b), OR COMMITS AN ACT OF HARM OR INJURY UPON A PERSON OR PROPERTY AS RETALIATION OR RETRIBUTION AGAINST A PROSECUTOR, WHICH ACTION IS DIRECTED AGAINST OR COMMITTED UPON:

(I) A PROSECUTOR WHO HAS SERVED OR IS SERVING IN A LEGAL MATTER ASSIGNED TO THE PROSECUTOR INVOLVING THE INDIVIDUAL OR A PERSON ON WHOSE BEHALF THE INDIVIDUAL IS ACTING;

(II) A MEMBER OF THE PROSECUTOR'S FAMILY;

(III) A PERSON IN CLOSE RELATIONSHIP TO THE PROSECUTOR; OR

(IV) A PERSON RESIDING IN THE SAME HOUSEHOLD WITH THE PROSECUTOR.

(b) AN INDIVIDUAL COMMITS RETALIATION AGAINST A PROSECUTOR BY MEANS OF A CREDIBLE THREAT AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) IF THE INDIVIDUAL KNOWINGLY MAKES THE CREDIBLE THREAT:

(I) DIRECTLY TO THE PROSECUTOR; OR

(II) TO ANOTHER PERSON:

1 (A) IF THE INDIVIDUAL INTENDED THAT THE COMMUNICATION  
2 WOULD BE RELAYED TO THE PROSECUTOR; OR

3 (B) IF THE OTHER PERSON IS REQUIRED BY STATUTE OR ETHICAL  
4 RULE TO REPORT THE COMMUNICATION TO THE PROSECUTOR.

5 (2) RETALIATION AGAINST A PROSECUTOR IS A CLASS 4 FELONY.

6 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
7 REQUIRES, "PROSECUTOR" MEANS THE ATTORNEY GENERAL, DEPUTY  
8 ATTORNEY GENERAL, ASSISTANT ATTORNEY GENERAL, DISTRICT  
9 ATTORNEY, DEPUTY DISTRICT ATTORNEY, ASSISTANT DISTRICT ATTORNEY,  
10 APPOINTED SPECIAL PROSECUTOR, CITY ATTORNEY, UNITED STATES  
11 ATTORNEY, DEPUTY UNITED STATES ATTORNEY, ASSISTANT UNITED  
12 STATES ATTORNEY, OR SPECIAL ASSISTANT UNITED STATES ATTORNEY.

13  
14 **SECTION 2.** In Colorado Revised Statutes, 18-9-313, **amend** (1)  
15 (a.5) as follows:

16 **18-9-313. Personal information on the internet - law**  
17 **enforcement official - definitions.** (1) As used in this section:

18 (a.5) "Law enforcement official" means a peace officer as  
19 described in section 16-2.5-101, C.R.S., a judge as defined by section  
20 18-8-615 (3), or a prosecutor, AS DEFINED IN SECTION 18-8-616 (3).

21 **SECTION 3.** In Colorado Revised Statutes, 24-4.1-302, **amend**  
22 (1) (kk) as follows:

23 **24-4.1-302. Definitions.** As used in this part 3, and for no other  
24 purpose, including the expansion of the rights of any defendant:

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

1 (kk) Retaliation against a judge, in violation of section 18-8-615,  
2 C.R.S.; RETALIATION AGAINST A PROSECUTOR, IN VIOLATION OF SECTION  
3 18-8-616, C.R.S.; or retaliation against a juror, in violation of section  
4 18-8-706.5, C.R.S.;

5 **SECTION 4.** In Colorado Revised Statutes, **add** 17-18-117 as  
6 follows:

7 **17-18-117. Appropriation to comply with section 2-2-703 - HB**  
8 **15-1229 - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE  
9 FOLLOWING STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO  
10 IMPLEMENT HOUSE BILL 15-1229, ENACTED IN 2015:

11 (a) FOR THE 2016-17 STATE FISCAL YEAR, TWENTY-TWO  
12 THOUSAND SIXTY-EIGHT DOLLARS IS APPROPRIATED TO THE DEPARTMENT  
13 FROM THE GENERAL FUND.

14 (b) FOR THE 2017-18 STATE FISCAL YEAR, TWENTY-TWO  
15 THOUSAND SIXTY-EIGHT DOLLARS IS APPROPRIATED TO THE DEPARTMENT  
16 FROM THE GENERAL FUND.

17 (c) FOR THE 2018-19 STATE FISCAL YEAR, TWENTY-TWO  
18 THOUSAND SIXTY-EIGHT DOLLARS IS APPROPRIATED TO THE DEPARTMENT  
19 FROM THE GENERAL FUND.

20 (d) FOR THE 2019-20 STATE FISCAL YEAR, FIVE THOUSAND  
21 SEVENTY-SIX DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE  
22 GENERAL FUND.

23 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.

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