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HOUSE BILL 25-1148

BY REPRESENTATIVE(S) Bacon and Carter, Brown, English, Jackson, Lindsay, Mabrey, Story, Valdez, Willford, Zokaie;
also SENATOR(S) Gonzales J. and Weissman, Ball, Cutter, Exum, Jodeh, Wallace, Coleman.

CONCERNING PROTECTION ORDERS.

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

SECTION 1. In Colorado Revised Statutes, 18-1-1001, **amend** (1), (2), and (3); **repeal** (4); and **add** (6.5) as follows:

18-1-1001. Protection order against defendant - definitions.

(1) (a) There is created a mandatory protection order against ~~any~~ A person charged with a criminal violation of ~~any of~~ the provisions of this title 18, which order remains in effect from the time that the person is advised of the person's rights at arraignment or the person's first appearance before the court and is informed of ~~such~~ THE order until final disposition of the action, ~~Such~~ UNLESS OTHERWISE ORDERED BY THE COURT PURSUANT TO SUBSECTION (3)(a) OR (6.5) OF THIS SECTION. THE order ~~restrains~~ MUST RESTRAIN the person charged from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of the acts

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

charged.

(b) The protection order issued pursuant to this section must be on a standardized form prescribed by the judicial department, and a copy provided to the protected parties. THE STANDARDIZED FORM MUST:

(I) INCLUDE THE INFORMATION NECESSARY TO PROPERLY IDENTIFY THE NAMES OF PERSONS AND LOCATIONS FROM WHICH THE PERSON IS RESTRAINED BY THE ORDER;

(II) INCLUDE ANY OTHER ORDERS OF THE PROTECTION ORDER THAT RESTRAIN THE PERSON FROM HARASSING, MOLESTING, INTIMIDATING, RETALIATING AGAINST, OR TAMPERING WITH ANY WITNESS TO OR VICTIM OF THE ACTS CHARGED; AND

(III) IDENTIFY IF THE PROTECTION ORDER IS ISSUED IN A CASE INVOLVING DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 OR A CASE INVOLVING CRIMES LISTED IN SECTION 24-4.1-302.

(c) A PROTECTION ORDER ISSUED PURSUANT TO THIS SECTION IS LIMITED TO ORDERS FOR THE PROTECTION OF A WITNESS TO, OR VICTIM OF, THE ACTS CHARGED AND MUST NOT INCLUDE ORDERS THAT RELATE TO THE CONDITIONS OF PRETRIAL RELEASE AS PROVIDED IN SECTION 16-4-105. AN ORDER PROHIBITING THE RESTRAINED PERSON FROM POSSESSION OR CONSUMPTION OF ALCOHOL OR CONTROLLED SUBSTANCES AS A CONDITION OF A PROTECTION ORDER MUST COMPLY WITH THE REQUIREMENTS IN SUBSECTION (3)(a)(II)(D) OF THIS SECTION.

(2) At the time of arraignment or the person's first appearance before the court, the court shall inform the defendant of the protection order effective pursuant to this section and shall inform the defendant that a violation of such order is punishable by contempt AND MAY CONSTITUTE A MISDEMEANOR OFFENSE OF VIOLATION OF A PROTECTION ORDER AS PROVIDED IN SECTION 18-6-803.5. AS APPLICABLE, THE COURT SHALL ALSO INFORM THE DEFENDANT THAT CONDUCT THAT VIOLATES THE PROTECTION ORDER MAY CONSTITUTE A FELONY OFFENSE OF INTIMIDATING A WITNESS OR VICTIM AS PROVIDED IN SECTION 18-8-704 OR RETALIATION AGAINST A WITNESS OR VICTIM AS PROVIDED IN SECTION 18-8-706.

(3) (a) (I) Nothing in this section precludes the defendant from

applying to the court at any time for modification or dismissal of the protection order issued pursuant to this section or the district attorney from applying to the court at any time for further orders, additional provisions under the protection order, or modification or dismissal of the same. The trial court retains jurisdiction to enforce, modify, or dismiss the protection order until final disposition of the action.

(II) Upon motion of the district attorney or on the court's own motion, for the protection of the alleged victim or witness, the court may ~~in cases involving domestic violence as defined in section 18-6-800.3 (1) and cases involving crimes listed in section 24-4.1-302, except those listed in subsections (1)(cc.5) and (1)(cc.6) of that section;~~ enter any of the following further orders against the defendant FOR THE PROTECTION OF THE ALLEGED VICTIM OR WITNESS:

~~(I)~~ (A) An order to vacate or stay away from the home of the alleged victim or witness and to stay away from any other location where ~~the~~ AN ALLEGED victim or witness is likely to be found;

~~(II)~~ (B) An order to refrain from contact or direct or indirect communication with the alleged victim or witness;

~~(III)~~ (C) An order prohibiting possession or control of firearms or other weapons;

~~(IV)~~ (D) WHEN AVAILABLE INFORMATION SUPPORTS A SUFFICIENT NEXUS BETWEEN THE POSSESSION OR CONSUMPTION OF ALCOHOL OR CONTROLLED SUBSTANCES AND THE SAFETY OF THE ALLEGED VICTIM OR WITNESS, an order prohibiting possession or consumption of alcohol or controlled substances WITHOUT A VALID PRESCRIPTION; EXCEPT THAT, IN A CASE INVOLVING DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 OR A CASE INVOLVING CRIMES LISTED IN SECTION 24-4.1-302, THE COURT MAY ENTER AN ORDER PROHIBITING POSSESSION OR CONSUMPTION OF ALCOHOL OR CONTROLLED SUBSTANCES WITHOUT A VALID PRESCRIPTION IF THE COURT DEEMS IT APPROPRIATE FOR THE SAFETY OF AN ALLEGED VICTIM OR WITNESS;

~~(V)~~ (E) An order prohibiting the taking, transferring, concealing, harming, disposing of, or threatening to harm an animal owned, possessed, leased, kept, or held by an alleged victim or witness; and

~~(VI)~~ (F) Any other order the court deems ~~appropriate~~ NECESSARY to protect the ~~safety of the alleged victim or witness~~ PROTECTED PERSON FROM IMMINENT DANGER TO THE PROTECTED PERSON'S LIFE OR HEALTH.

(b) Any further orders issued pursuant to subsection (3)(a) of this section are ONLY for the protection of a victim OF or witness ~~and not~~ TO THE OFFENSE CHARGED. A COURT SHALL NOT INCLUDE AN ORDER IN A PROTECTION ORDER for the protection of the defendant, including for the protection of the defendant from the use of alcohol or other substances, OR TO ENFORCE A CONDITION OF BOND MANDATED PURSUANT TO SECTION 16-4-105 (3), (5), OR (6) OR A CONDITION OF BOND THAT ASSISTS IN OBTAINING THE APPEARANCE OF THE DEFENDANT IN COURT OR ENSURING COMMUNITY SAFETY AS DESCRIBED IN SECTION 16-4-105 (8).

~~(4) Any person failing to comply with a protection order issued pursuant to this section commits the crime of violation of a protection order and may be punished as provided in section 18-6-803.5.~~

(6.5) AT THE TIME OF SENTENCING OR OTHER RESOLUTION OF THE CRIMINAL CASE THAT DOES NOT INVOLVE SENTENCING THE DEFENDANT, THE COURT SHALL REVIEW EACH PROVISION OF THE PROTECTION ORDER TO ENSURE THAT ALL INFORMATION IN THE PROTECTION ORDER IS ACCURATE AND DETERMINE WHETHER TO, GIVEN THE CIRCUMSTANCES OF THE CRIMINAL CASE, MODIFY ANY PROVISIONS OF THE PROTECTION ORDER. THE COURT MAY DISMISS A PROTECTION ORDER IF THE COURT DETERMINES THE PROVISIONS OF THE PROTECTION ORDER ARE NO LONGER NECESSARY AND THE PROTECTION ORDER WAS NOT ISSUED IN A CASE INVOLVING DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 OR A CASE INVOLVING CRIMES LISTED IN SECTION 24-4.1-302.

SECTION 2. In Colorado Revised Statutes, 18-6-803.5, **amend** (1)(a), (1)(c), (2)(c), and (7); and **add** (3)(b.5) as follows:

18-6-803.5. Crime of violation of a protection order - penalty - peace officers' duties - definitions. (1) A person commits the crime of violation of a protection order if, after the person has been personally served with a protection order that identifies the person as a restrained person or otherwise has acquired from the court or law enforcement personnel actual knowledge of the contents of a protection order that identifies the person as a restrained person, the person:

(a) (I) Contacts, harasses, injures, intimidates, molests, threatens, or touches the protected person or protected property, including an animal, identified in the protection order; ~~or~~

(II) Enters or remains on premises or comes within a specified distance of the protected person, protected property, including an animal, or premises; ~~or~~

(III) POSSESSES OR CONSUMES ALCOHOL OR CONTROLLED SUBSTANCES IF PROHIBITED BY THE PROTECTION ORDER;

(IV) Violates any other provision of the protection order to protect the protected person from imminent danger to life or health, and ~~such~~ THE conduct is prohibited by the protection order;

(c) (I) Violates a civil protection order issued pursuant to section 13-14-105.5 ~~or a mandatory protection order issued pursuant to section 18-1-1001 (9)~~ by:

(~~H~~) (A) Possessing or attempting to purchase or receive a firearm or ammunition while the protection order is in effect; or

(~~H~~) (B) Failing to timely file a signed affidavit or written statement with the court as described in section 13-14-105.5; ~~(9), 18-1-1001 (9)(i), or 18-6-801 (8)(i)~~. OR

(II) VIOLATES A MANDATORY PROTECTION ORDER ISSUED PURSUANT TO SECTION 18-1-1001 THAT INCLUDES TERMS REQUIRED BY SECTION 18-1-1001 (9) BY:

(A) POSSESSING OR ATTEMPTING TO PURCHASE OR RECEIVE A FIREARM OR AMMUNITION WHILE THE PROTECTION ORDER IS IN EFFECT; OR

(B) FAILING TO TIMELY FILE A SIGNED AFFIDAVIT OR WRITTEN STATEMENT WITH THE COURT AS DESCRIBED IN SECTION 18-1-1001 (9)(i) OR 18-6-801 (8)(i).

(2) (c) Nothing in this section ~~shall preclude~~ PRECLUDES the ability of a municipality to enact concurrent ordinances. Any sentence imposed for a violation of this section ~~shall~~ MUST run consecutively and not concurrently

with any sentence imposed for ~~any~~ A crime ~~which gave rise to the issuing of the protection order~~ INVOLVING DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 OR A CRIME LISTED IN SECTION 24-4.1-302, EXCEPT FOR THE CRIMES LISTED IN SECTION 24-4.1-302 (1)(cc.5) AND (1)(cc.6).

(3) (b.5) NOTWITHSTANDING THE REQUIREMENT IN SUBSECTION (3)(b) OF THIS SECTION TO ARREST, OR SEEK A WARRANT FOR THE ARREST OF, A RESTRAINED PERSON, A PEACE OFFICER MAY EXERCISE DISCRETION IN DETERMINING WHETHER TO ARREST OR SEEK AN ARREST WARRANT FOR A RESTRAINED PERSON OR ISSUE A RESTRAINED PERSON A SUMMONS TO APPEAR WHEN A PEACE OFFICER HAS PROBABLE CAUSE THAT THE RESTRAINED PERSON HAS VIOLATED OR ATTEMPTED TO VIOLATE A PROTECTION ORDER BY:

(I) POSSESSING OR CONSUMING ALCOHOL OR CONTROLLED SUBSTANCES PURSUANT TO SUBSECTION (1)(a)(III) OF THIS SECTION;

(II) VIOLATING A TERM INCLUDED IN THE PROTECTION ORDER TO PROTECT THE PROTECTED PERSON FROM IMMINENT DANGER TO LIFE OR HEALTH PURSUANT TO SUBSECTION (1)(a)(IV) OF THIS SECTION WHEN THE PROTECTION ORDER WAS NOT ISSUED IN A CASE INVOLVING DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 OR A CASE INVOLVING CRIMES LISTED IN SECTION 24-4.1-302, EXCEPT FOR THE CRIMES LISTED IN SECTION 24-4.1-302 (1)(cc.5) AND (1)(cc.6); OR

(III) FAILING TO TIMELY FILE A SIGNED AFFIDAVIT OR WRITTEN STATEMENT WITH THE COURT PURSUANT TO SUBSECTION (1)(c)(II) OF THIS SECTION.

(7) The protection order ~~shall~~ MUST contain in capital letters and bold print a notice informing the protected person that ~~such~~ THE protected person may either initiate contempt proceedings against the restrained person if the order is issued in a civil action or, IF THE ORDER IS ISSUED IN A CRIMINAL ACTION, request the prosecuting attorney to initiate contempt proceedings ~~if the order is issued in a criminal action~~ OR THE PROSECUTION OF CRIMINAL CONDUCT.

SECTION 3. In Colorado Revised Statutes, 18-19-102, **amend** the introductory portion and (1)(a) as follows:

18-19-102. Definitions. As used in this ~~article~~ ARTICLE 19, unless the context otherwise requires:

(1) "Alcohol- or drug-related offender" means a person convicted of any of the following offenses or of attempt to commit any of the following offenses:

(a) Violation of a protection order as described in ~~section 18-1-1001 (4)~~; SECTION 18-6-803.5 if the VIOLATION INVOLVED A MANDATORY CRIMINAL protection order EFFECTIVE PURSUANT TO SECTION 18-1-1001, THE ORDER prohibited the possession or consumption of alcohol or controlled substances, and the violation related to such provisions;

SECTION 4. Effective date - applicability. This act takes effect July 1, 2025, and applies to protection orders issued in relation to offenses committed on or after said date.

SECTION 5. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate

preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
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Vanessa Reilly
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SECRETARY OF
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APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO