

**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.**

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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 committed upon:

! The prosecutor;

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.*

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

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

4 **18-8-616. Retaliation against a prosecutor.** (1) (a) AN  
5 INDIVIDUAL COMMITS RETALIATION AGAINST A PROSECUTOR IF THE  
6 INDIVIDUAL MAKES A CREDIBLE THREAT, AS DEFINED IN SECTION 18-3-602  
7 (2) (b), OR COMMITS AN ACT OF HARM OR INJURY UPON A PERSON OR  
8 PROPERTY AS RETALIATION OR RETRIBUTION AGAINST A PROSECUTOR,  
9 WHICH ACTION IS DIRECTED AGAINST OR COMMITTED UPON:

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

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

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

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

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

21 (I) DIRECTLY TO THE PROSECUTOR; OR

22 (II) TO ANOTHER PERSON:

23 (A) IF THE INDIVIDUAL INTENDED THAT THE COMMUNICATION

1 WOULD BE RELAYED TO THE PROSECUTOR; OR  
2 (B) IF THE OTHER PERSON IS REQUIRED BY STATUTE OR ETHICAL  
3 RULE TO REPORT THE COMMUNICATION TO THE PROSECUTOR.  
4 (2) RETALIATION AGAINST A PROSECUTOR IS A CLASS 4 FELONY.  
5 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
6 REQUIRES, "PROSECUTOR" MEANS THE ATTORNEY GENERAL, DEPUTY  
7 ATTORNEY GENERAL, ASSISTANT ATTORNEY GENERAL, DISTRICT  
8 ATTORNEY, DEPUTY DISTRICT ATTORNEY, ASSISTANT DISTRICT ATTORNEY,  
9 APPOINTED SPECIAL PROSECUTOR, CITY ATTORNEY, UNITED STATES  
10 ATTORNEY, DEPUTY UNITED STATES ATTORNEY, ASSISTANT UNITED  
11 STATES ATTORNEY, OR SPECIAL ASSISTANT UNITED STATES ATTORNEY.

12  
13 **SECTION 2.** In Colorado Revised Statutes, 18-9-313, **amend** (1)  
14 (a.5) as follows:

15 **18-9-313. Personal information on the internet - law**  
16 **enforcement official - definitions.** (1) As used in this section:

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

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

22 **24-4.1-302. Definitions.** As used in this part 3, and for no other  
23 purpose, including the expansion of the rights of any defendant:

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

27 (kk) Retaliation against a judge, in violation of section 18-8-615,

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

4 **SECTION 4. Potential appropriation.** Pursuant to section  
5 2-2-703, C.R.S., any bill that results in a net increase in periods of  
6 imprisonment in the state correctional facilities must include an  
7 appropriation of moneys that is sufficient to cover any increased capital  
8 construction and operational costs for the first five fiscal years in which  
9 there is a fiscal impact. Because this act may increase periods of  
10 imprisonment, this act may require a five-year appropriation.

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