

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 19, 2015
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB15-1229 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, strike lines 2 through 23 and substitute:
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
24 WOULD BE RELAYED TO THE PROSECUTOR; OR

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

11 Page 3, strike lines 1 through 14.

** ** ** ** **