

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 25-0240.01 Chelsea Princell x4335

HOUSE BILL 25-1187

HOUSE SPONSORSHIP

English,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE RELEASE OF CERTAIN DOCUMENTATION SUBMITTED**
102 **TO THE COURT IN A PROCEEDING RELATED TO A CIVIL**
103 **PROTECTION 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://leg.colorado.gov>.)

Current law requires the restrained party to submit the results of a criminal background check with a petition to modify or terminate a civil protection order. The bill clarifies that only the court may receive the background check submitted by a restrained party and allows the court to release the documentation to the protected party only upon consent of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

restrained party.

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

SECTION 1. In Colorado Revised Statutes, 13-14-108, **amend**
(3)(b) as follows:

13-14-108. Modification and termination of civil protection orders. (3) (b) A court shall not consider a motion to modify a protection order filed by a restrained party pursuant to ~~paragraph (a) of this subsection~~ (3) SUBSECTION (3)(a) OF THIS SECTION unless the court receives the results of a fingerprint-based criminal history record check of the restrained party that is conducted within ninety days prior to the filing of the motion. The fingerprint-based criminal history record check must include a review of the state and federal criminal history records maintained by the Colorado bureau of investigation and federal bureau of investigation. The restrained party ~~shall be~~ IS responsible for supplying fingerprints to the Colorado bureau of investigation and to the federal bureau of investigation and paying the costs of the record checks. ~~The restrained party may be required by the court~~ THE COURT MAY REQUIRE THE RESTRAINED PARTY to provide certified copies of any criminal dispositions that are not reflected in the state or federal records and any other dispositions that are unknown. A RESTRAINED PARTY MAY FILE A MOTION FOR A PROTECTIVE ORDER CONCERNING THE DOCUMENTATION SUBMITTED TO THE COURT PURSUANT TO THIS SECTION AND IN COMPLIANCE WITH RULE 121 (1-5)(3) OF THE COLORADO RULES OF CIVIL PROCEDURE IN CONJUNCTION WITH A MOTION FOR MODIFICATION OF THE PROTECTION ORDER. THE PROTECTED PARTY MUST BE GIVEN TWENTY-ONE DAYS TO RESPOND TO THE MOTION FOR THE PROTECTIVE ORDER AND THE

1 RESTRAINED PARTY MUST BE GIVEN SEVEN DAYS TO RESPOND TO THE
2 PROTECTED PARTY'S RESPONSE. IF THE COURT FINDS THE HARM TO THE
3 PRIVACY OF THE PERSON WHO THE DOCUMENTS CONCERN OUTWEIGHS THE
4 PUBLIC INTEREST TO ACCESS, THE COURT MAY LIMIT ACCESS TO ANYONE
5 WHO IS NOT A PARTY TO THE CASE OR MAY PROHIBIT THE USE OF THE
6 DOCUMENTATION IN ANY OTHER MATTER. THE DOCUMENTATION MUST BE
7 SUPPRESSED IN THE COURT RECORD UNTIL THE COURT DETERMINES WHO
8 MAY ACCESS THE DOCUMENTATION.

9 **SECTION 2. Safety clause.** The general assembly finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety or for appropriations for
12 the support and maintenance of the departments of the state and state
13 institutions.