

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

INTRODUCED

LLS NO. 26-0231.01 Shelby Ross x4510

HOUSE BILL 26-1009

HOUSE SPONSORSHIP

Duran and Gonzalez R.,

SENATE SPONSORSHIP

Michaelson Jenet and Pelton B.,

House Committees

Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING USING A MANDATORY LETHALITY ASSESSMENT WHEN**
102 **RESPONDING TO A DOMESTIC VIOLENCE INCIDENT.**

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>.)

The bill creates the "Colorado Mandatory Lethality Assessment Act", which requires peace officers to conduct a lethality assessment when responding to a domestic violence incident and include the results of the lethality assessment in the incident report. If the lethality assessment indicates that an individual is a high-risk victim, or if a peace officer determines an individual is a high-risk victim based on the totality

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.

of the circumstances, the peace officer is required to immediately connect the victim to a victim's advocate either by phone or in person.

The bill requires the attorney general's office, in coordination with a Colorado-based coalition that advocates for survivors of domestic violence, to develop a mandatory training for peace officers to learn how to administer the lethality assessment and provide victim referrals. The bill requires each law enforcement agency to ensure that each peace officer employed by the agency has completed the mandatory training.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-6-806 as
3 follows:

4 **18-6-806. Mandatory lethality assessments - short title -**
5 **legislative declaration - definitions.**

6 (1) **Short title.** THE SHORT TITLE OF THIS SECTION IS THE
7 "COLORADO MANDATORY LETHALITY ASSESSMENT ACT".

8 (2) **Legislative declaration.** THE GENERAL ASSEMBLY FINDS AND
9 DECLARES THAT REQUIRING LAW ENFORCEMENT AGENCIES TO ADMINISTER
10 A STANDARDIZED, EVIDENCE-BASED LETHALITY ASSESSMENT WHEN
11 RESPONDING TO A DOMESTIC VIOLENCE INCIDENT WILL ENSURE HIGH-RISK
12 VICTIMS PROMPTLY RECEIVE SAFETY RESOURCES AND REFERRALS.

13 (3) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
14 OTHERWISE REQUIRES:

15 (a) "DOMESTIC VIOLENCE INCIDENT" MEANS AN INCIDENT OF
16 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3.

17 (b) "HIGH-RISK VICTIM" MEANS A VICTIM WHO SCREENS POSITIVE
18 UNDER THE LETHALITY ASSESSMENT TOOL.

19 (c) "LETHALITY ASSESSMENT" MEANS A VALIDATED,
20 EVIDENCE-BASED SCREENING TOOL THAT INCLUDES STANDARDIZED
21 QUESTIONS AND THAT IS ADMINISTERED BY A PEACE OFFICER AT THE

1 SCENE OF A DOMESTIC VIOLENCE INCIDENT.

2 (4) **Mandatory lethality assessment.**

3 (a) BEGINNING JULY 1, 2027, A PEACE OFFICER IS REQUIRED TO
4 CONDUCT A LETHALITY ASSESSMENT WHEN RESPONDING TO A DOMESTIC
5 VIOLENCE INCIDENT AND INCLUDE THE RESULTS OF THE LETHALITY
6 ASSESSMENT IN THE INCIDENT REPORT.

7 (b) IF THE LETHALITY ASSESSMENT INDICATES THAT AN
8 INDIVIDUAL IS A HIGH-RISK VICTIM, OR IF A PEACE OFFICER DETERMINES
9 THAT THE INDIVIDUAL IS A HIGH-RISK VICTIM BASED ON THE TOTALITY OF
10 THE CIRCUMSTANCES, THE PEACE OFFICER SHALL IMMEDIATELY CONNECT
11 THE VICTIM TO A VICTIM'S ADVOCATE, AS DEFINED IN SECTION 13-90-107
12 (1)(k)(II), EITHER BY PHONE OR IN PERSON.

13 (5) **Training and implementation.**

14 (a) THE ATTORNEY GENERAL'S OFFICE, IN COORDINATION WITH A
15 COLORADO-BASED COALITION THAT ADVOCATES FOR SURVIVORS OF
16 DOMESTIC VIOLENCE, SHALL DEVELOP A MANDATORY TRAINING FOR PEACE
17 OFFICERS TO LEARN HOW TO ADMINISTER THE LETHALITY ASSESSMENT
18 AND PROVIDE VICTIM REFERRALS PURSUANT TO SUBSECTION (4) OF THIS
19 SECTION.

20 (b) NO LATER THAN JANUARY 1, 2027, THE ATTORNEY GENERAL
21 SHALL MAKE THE MANDATORY TRAINING AVAILABLE AND OFFER
22 ASSISTANCE TO LAW ENFORCEMENT AGENCIES IN PROVIDING THE
23 MANDATORY TRAINING.

24 (c) BEGINNING JULY 1, 2027, EACH LAW ENFORCEMENT AGENCY
25 SHALL ENSURE THAT EACH PEACE OFFICER EMPLOYED BY THE AGENCY HAS
26 COMPLETED THE MANDATORY TRAINING DEVELOPED PURSUANT TO THIS
27 SUBSECTION (5).

1 **(6) Reporting and oversight.**

2 (a) BEGINNING JANUARY 2028, AND EACH JANUARY THEREAFTER,
3 THE ATTORNEY GENERAL'S OFFICE SHALL REPORT THE TOTAL NUMBER OF
4 DOMESTIC VIOLENCE INCIDENTS IN THE PREVIOUS CALENDAR YEAR, THE
5 TOTAL NUMBER OF LETHALITY ASSESSMENTS CONDUCTED, THE TOTAL
6 NUMBER OF HIGH-RISK VICTIMS IDENTIFIED, AND THE TOTAL NUMBER OF
7 REFERRALS MADE, AS PART OF THE OFFICE'S "SMART ACT"
8 PRESENTATION REQUIRED PURSUANT TO PART 2 OF ARTICLE 7 OF TITLE 2.

9 (b) NO LATER THAN JANUARY 31, 2030, THE DOMESTIC VIOLENCE
10 FATALITY REVIEW BOARD CREATED IN SECTION 24-31-702 SHALL
11 EVALUATE THE EFFECTIVENESS OF MANDATORY LETHALITY ASSESSMENTS
12 AND REFERRAL TO APPROPRIATE RESOURCES PURSUANT TO THIS SECTION
13 AND SUBMIT THE EVALUATION TO THE HOUSE OF REPRESENTATIVES
14 JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
15 SUCCESSOR COMMITTEES.

16 **SECTION 2. Safety clause.** The general assembly finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety or for appropriations for
19 the support and maintenance of the departments of the state and state
20 institutions.