

**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. 25-0453.01 Conrad Imel x2313

**HOUSE BILL 25-1148**

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**HOUSE SPONSORSHIP**

**Bacon and Carter,**

**SENATE SPONSORSHIP**

**Gonzales J.,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING PROTECTION ORDERS.**

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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://leg.colorado.gov>.)*

Under existing law, a person charged with a criminal offense is subject to a criminal protection order, which remains in effect until final disposition of the criminal action. The bill:

- Prescribes what must be included in the standardized form for a criminal protection order;
- Limits a criminal protection order to orders for the protection of a witness to, or victim of, the acts charged and prohibits a court from including in a criminal

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.

protection order an order to enforce a mandated condition of bond or a condition of bond that assists in obtaining the appearance of the defendant in court or ensuring community safety;

- Requires a court to inform a defendant that a violation of a criminal protection order may constitute a misdemeanor offense of violation of a protection order and that conduct that violates the criminal protection order may constitute a felony offense of intimidating a witness or victim or retaliation against a witness or victim;
- Only allows a criminal protection order to prohibit possession or consumption of alcohol or controlled substances without a valid prescription when available information supports a sufficient nexus between that restriction and the safety of the alleged victim or witness; and
- Requires a court to review a criminal protection order at the time of sentencing or other resolution of the criminal case.

Under existing law, a sentence for violating a protection order runs consecutively with any sentence imposed for the crime that gave rise to the protection order. The bill limits this consecutive sentence provision to crimes involving domestic violence or crimes listed in the "Victim Rights Act".

The bill grants a peace officer discretion to arrest, seek a warrant to arrest, or issue a summons to a restrained person for violating, or attempting to violate, a protection order by possessing or consuming alcohol or controlled substances; violating a term included in the protection order to protect the protected person from imminent danger to life or health in cases that do not involve domestic violence or crimes listed in the "Victim Rights Act"; or failing to timely file a signed affidavit or written statement with the court as required by law.

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

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

4 **18-1-1001. Protection order against defendant - definitions.**

5 (1) (a) There is created a mandatory protection order against ~~any~~ A  
6 person charged with a criminal violation of ~~any of~~ the provisions of this  
7 title 18, which order remains in effect from the time that the person is

1     advised of the person's rights at arraignment or the person's first  
2     appearance before the court and IS informed of ~~such~~ THE order until final  
3     disposition of the action, ~~Such~~ UNLESS OTHERWISE ORDERED BY THE  
4     COURT PURSUANT TO SUBSECTION (3)(a) OR (6.5) OF THIS SECTION. THE  
5     order ~~restrains~~ MUST RESTRAIN the person charged from harassing,  
6     molesting, intimidating, retaliating against, or tampering with any witness  
7     to or victim of the acts charged.

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

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

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

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

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

1 SUBSECTION (3)(a)(II)(D) OF THIS SECTION.

2

3 (2) At the time of arraignment or the person's first appearance  
4 before the court, the court shall inform the defendant of the protection  
5 order effective pursuant to this section and shall inform the defendant that  
6 a violation of such order is punishable by contempt AND MAY CONSTITUTE  
7 A MISDEMEANOR OFFENSE OF VIOLATION OF A PROTECTION ORDER AS  
8 PROVIDED IN SECTION 18-6-803.5. AS APPLICABLE, THE COURT SHALL  
9 ALSO INFORM THE DEFENDANT THAT CONDUCT THAT VIOLATES THE  
10 PROTECTION ORDER MAY CONSTITUTE A FELONY OFFENSE OF  
11 INTIMIDATING A WITNESS OR VICTIM AS PROVIDED IN SECTION 18-8-704 OR  
12 RETALIATION AGAINST A WITNESS OR VICTIM AS PROVIDED IN SECTION  
13 18-8-706.

14 (3) (a) (I) Nothing in this section precludes the defendant from  
15 applying to the court at any time for modification or dismissal of the  
16 protection order issued pursuant to this section or the district attorney  
17 from applying to the court at any time for further orders, additional  
18 provisions under the protection order, or modification or dismissal of the  
19 same. The trial court retains jurisdiction to enforce, modify, or dismiss the  
20 protection order until final disposition of the action.

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

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

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

6           ~~(H)~~ (C) An order prohibiting possession or control of firearms or  
7 other weapons;

8           ~~(H)~~ (D) WHEN AVAILABLE INFORMATION SUPPORTS A SUFFICIENT  
9 NEXUS BETWEEN THE POSSESSION OR CONSUMPTION OF ALCOHOL OR  
10 CONTROLLED SUBSTANCES AND THE SAFETY OF THE ALLEGED VICTIM OR  
11 WITNESS, an order prohibiting possession or consumption of alcohol or  
12 controlled substances WITHOUT A VALID PRESCRIPTION; EXCEPT THAT, IN  
13 A CASE INVOLVING DOMESTIC VIOLENCE AS DEFINED IN SECTION  
14 18-6-800.3 OR A CASE INVOLVING CRIMES LISTED IN SECTION 24-4.1-302,  
15 THE COURT MAY ENTER AN ORDER PROHIBITING POSSESSION OR  
16 CONSUMPTION OF ALCOHOL OR CONTROLLED SUBSTANCES WITHOUT A  
17 VALID PRESCRIPTION IF THE COURT DEEMS IT APPROPRIATE FOR THE  
18 SAFETY OF AN ALLEGED VICTIM OR WITNESS;

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

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

25           (b) Any further orders issued pursuant to subsection (3)(a) of this  
26 section are ONLY for the protection of a victim OF or witness ~~and not~~ TO  
27 THE OFFENSE CHARGED. A COURT SHALL NOT INCLUDE AN ORDER IN A

1 PROTECTION ORDER for the protection of the defendant, including for the  
2 protection of the defendant from the use of alcohol or other substances,  
3 OR TO ENFORCE A CONDITION OF BOND MANDATED PURSUANT TO SECTION  
4 16-4-105 (3), (5), OR (6) OR A CONDITION OF BOND THAT ASSISTS IN  
5 OBTAINING THE APPEARANCE OF THE DEFENDANT IN COURT OR ENSURING  
6 COMMUNITY SAFETY AS DESCRIBED IN SECTION 16-4-105 (8).

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

10 (6.5) AT THE TIME OF SENTENCING OR OTHER RESOLUTION OF THE  
11 CRIMINAL CASE THAT DOES NOT INVOLVE SENTENCING THE DEFENDANT,  
12 THE COURT SHALL REVIEW EACH PROVISION OF THE PROTECTION ORDER  
13 TO ENSURE THAT ALL INFORMATION IN THE PROTECTION ORDER IS  
14 ACCURATE AND DETERMINE WHETHER TO, GIVEN THE CIRCUMSTANCES OF  
15 THE CRIMINAL CASE, MODIFY ANY PROVISIONS OF THE PROTECTION ORDER.  
16 THE COURT MAY DISMISS A PROTECTION ORDER IF THE COURT DETERMINES  
17 THE PROVISIONS OF THE PROTECTION ORDER ARE NO LONGER NECESSARY  
18 AND THE PROTECTION ORDER WAS NOT ISSUED IN A CASE INVOLVING  
19 DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 OR A CASE  
20 INVOLVING CRIMES LISTED IN SECTION 24-4.1-302.

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

23 **18-6-803.5. Crime of violation of a protection order - penalty**  
24 **- peace officers' duties - definitions.** (1) A person commits the crime of  
25 violation of a protection order if, after the person has been personally  
26 served with a protection order that identifies the person as a restrained  
27 person or otherwise has acquired from the court or law enforcement

1 personnel actual knowledge of the contents of a protection order that  
2 identifies the person as a restrained person, the person:

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

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

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

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

14 (c) (I) Violates a civil protection order issued pursuant to section  
15 13-14-105.5 ~~or a mandatory protection order issued pursuant to section~~  
16 ~~18-1-1001 (9)~~ by:

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

19 ~~(H)~~ (B) Failing to timely file a signed affidavit or written  
20 statement with the court as described in section 13-14-105.5; ~~(9)~~,  
21 ~~18-1-1001 (9)(i), or 18-6-801 (8)(i).~~ OR

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

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

27 (B) FAILING TO TIMELY FILE A SIGNED AFFIDAVIT OR WRITTEN

1 STATEMENT WITH THE COURT AS DESCRIBED IN SECTION 18-1-1001 (9)(i)  
2 OR 18-6-801 (8)(i).

3 (2) (c) Nothing in this section ~~shall preclude~~ PRECLUDES the  
4 ability of a municipality to enact concurrent ordinances. Any sentence  
5 imposed for a violation of this section ~~shall~~ MUST run consecutively and  
6 not concurrently with any sentence imposed for ~~any~~ A crime ~~which gave~~  
7 ~~rise to the issuing of the protection order~~ INVOLVING DOMESTIC VIOLENCE  
8 AS DEFINED IN SECTION 18-6-800.3 OR A CRIME LISTED IN SECTION  
9 24-4.1-302, EXCEPT FOR THE CRIMES LISTED IN SECTION 24-4.1-302  
10 (1)(cc.5) AND (1)(cc.6).

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

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

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

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

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

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

13 **18-19-102. Definitions.** As used in this ~~article~~ ARTICLE 19, unless  
14 the context otherwise requires:

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

18 (a) Violation of a protection order as described in ~~section~~  
19 ~~18-1-1001 (4)~~, SECTION 18-6-803.5 if the VIOLATION INVOLVED A  
20 MANDATORY CRIMINAL protection order EFFECTIVE PURSUANT TO SECTION  
21 18-1-1001, THE ORDER prohibited the possession or consumption of  
22 alcohol or controlled substances, and the violation related to such  
23 provisions;

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

27 **SECTION 5. Safety clause.** The general assembly finds,

1 determines, and declares that this act is necessary for the immediate  
2 preservation of the public peace, health, or safety or for appropriations for  
3 the support and maintenance of the departments of the state and state  
4 institutions.