

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 21-0772.01 Michael Dohr x4347

**SENATE BILL 21-064**

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**SENATE SPONSORSHIP**

**Garcia and Cooke,**

**HOUSE SPONSORSHIP**

**Mullica,**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**  
101     **CONCERNING CRIMINALIZING RETALIATION AGAINST AN ELECTED**  
102     **OFFICIAL.**

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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 current law, there is a crime of retaliation against a judge if an individual makes a credible threat or commits an act of harassment or an act of harm or injury upon a person or property as retaliation or retribution against a judge. The crime is a class 4 felony. The bill adds elected officials and their families to the crime.

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

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

2           **SECTION 1. In Colorado Revised Statutes, 18-8-615, amend (2);**

3     and add (1.5) as follows:

4           **18-8-615. Retaliation against a judge or an elected official -**

5           **definitions.** (1.5)(a) AN INDIVIDUAL COMMITS RETALIATION AGAINST AN

6           ELECTED OFFICIAL IF THE INDIVIDUAL MAKES A CREDIBLE THREAT, AS

7           DEFINED IN SECTION 18-3-602 (2)(b), OR COMMITS AN ACT OF

8           HARASSMENT, AS DEFINED IN SECTION 18-9-111 (1), AS RETALIATION OR

9           RETRIBUTION AGAINST THE ELECTED OFFICIAL OR TO THE STATUS OF THE

10           PERSON AS AN ELECTED OFFICIAL, AND IS DIRECTED AGAINST OR

11           COMMITTED UPON:

12           (I) AN ELECTED OFFICIAL;

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

14           (III) A PERSON IN CLOSE RELATIONSHIP TO THE ELECTED OFFICIAL;

15           OR

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

17           ELECTED OFFICIAL.

18           (b) AN INDIVIDUAL COMMITS RETALIATION AGAINST AN ELECTED

19           OFFICIAL BY MEANS OF A CREDIBLE THREAT AS DESCRIBED IN SUBSECTION

20           (1.5)(a) OF THIS SECTION IF THE INDIVIDUAL KNOWINGLY MAKES THE

21           CREDIBLE THREAT:

22           (I) DIRECTLY TO THE ELECTED OFFICIAL; OR

23           (II) TO ANOTHER PERSON:

24           (A) IF THE INDIVIDUAL INTENDED THAT THE COMMUNICATION

25           WOULD BE RELAYED TO THE ELECTED OFFICIAL; OR

26           (B) IF THE OTHER PERSON IS REQUIRED BY STATUTE OR ETHICAL

1       RULE TO REPORT THE COMMUNICATION TO THE ELECTED OFFICIAL.

2       (c) FOR PURPOSES OF THIS SUBSECTION (1.5), "ELECTED OFFICIAL"  
3       MEANS ANY PERSON WHO IS SERVING IN AN ELECTED POSITION IN THE  
4       STATE OF COLORADO AT ANY LEVEL OF GOVERNMENT.

5       (2) (a) Retaliation against a judge is a class 4 felony.

6       (b) RETALIATION AGAINST AN ELECTED OFFICIAL IS A CLASS 1  
7       MISDEMEANOR, UNLESS COMMITTED BY MEANS OF A CREDIBLE THREAT, AS  
8       DEFINED IN SECTION 18-3-602 (2)(b), THEN IT IS A CLASS 6 FELONY.

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10       **SECTION 2.** In Colorado Revised Statutes, 24-4.1-302, **amend**  
11       (1)(kk) as follows:

12       **24-4.1-302. Definitions.** As used in this part 3, and for no other  
13       purpose, including the expansion of the rights of any defendant:

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

17       (kk) Retaliation against a judge OR ELECTED OFFICIAL, in violation  
18       of section 18-8-615; C.R.S.; retaliation against a prosecutor, in violation  
19       of section 18-8-616; C.R.S.; or retaliation against a juror, in violation of  
20       section 18-8-706.5; C.R.S.;

21       **SECTION 3. Potential appropriation.** Pursuant to section  
22       2-2-703, C.R.S., any bill that results in a net increase in periods of  
23       imprisonment in state correctional facilities must include an appropriation  
24       of money that is sufficient to cover any increased capital construction, any  
25       operational costs, and increased parole costs that are the result of the bill  
26       for the department of corrections in each of the first five years following  
27       the effective date of the bill. Because this act may increase periods of

1       imprisonment, this act may require a five-year appropriation.

2           **SECTION 4. Effective date - applicability.** This act takes effect  
3       July 1, 2021, and applies to offenses committed on or after said date.

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