

An Act

SENATE BILL 20-083

BY SENATOR(S) Gonzales, Bridges, Donovan, Fenberg, Fields, Foote, Hansen, Lee, Moreno, Rodriguez, Winter;
also REPRESENTATIVE(S) Herod, Arndt, Benavidez, Bird, Caraveo, Duran, Exum, Gonzales-Gutierrez, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, Mullica, Singer, Sirota, Tipper, Valdez A., Weissman, Woodrow.

CONCERNING PROHIBITING CIVIL ARREST WHILE ON COURTHOUSE GROUNDS.

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

SECTION 1. In Colorado Revised Statutes, **add** part 4 to article 1 of title 13 as follows:

PART 4 PROTECT COURT ACCESS

13-1-401. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) ACCESS TO COURTS IS A CORNERSTONE OF COLORADO'S REPUBLICAN FORM OF GOVERNMENT AND IS THEREFORE A MATTER OF

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

STATEWIDE CONCERN. CIVIL ARREST OF A PERSON AT A COURTHOUSE OR ON ITS ENVIRONS, OR WHILE GOING TO, ATTENDING, OR COMING FROM A COURT PROCEEDING, THREATENS THE VALUES OF PUBLIC ACCESS AND THE CORE FUNCTIONS OF COURTS AND IS CONSIDERED AN UNREASONABLE AND UNLAWFUL SEIZURE WHETHER UNDERTAKEN BY A LOCAL, STATE, OR FEDERAL OFFICER.

(b) COURTS HAVE THE AFFIRMATIVE OBLIGATION TO ASSERT THEIR POWERS TO ENSURE ORDER AND EFFICIENT FUNCTIONING IN THEIR PROCEEDINGS THROUGH EXERCISING THEIR CONTEMPT POWER AND ISSUING WRITS IN ORDER TO PROTECT THE DIGNITY, INDEPENDENCE, AND INTEGRITY OF PROCEEDINGS;

(c) THERE EXISTS FROM ENGLISH COMMON LAW A PRIVILEGE FROM CIVIL ARREST AT A COURTHOUSE AND ON ITS ENVIRONS, OR WHILE GOING TO, ATTENDING, OR COMING FROM A COURT PROCEEDING. THE COMMON LAW OF ENGLAND IS "THE RULE OF DECISION, AND SHALL BE CONSIDERED AS OF FULL FORCE UNTIL REPEALED BY LEGISLATIVE AUTHORITY" PURSUANT TO SECTION 2-4-211, AND THE COMMON LAW PRIVILEGE FROM CIVIL ARREST HAS NOT BEEN LEGISLATIVELY REPEALED.

(d) THE GENERAL ASSEMBLY HAS THE POWER TO PROTECT COLORADO'S COURT PROCEEDINGS IN ORDER TO PRESERVE COLORADO'S REPUBLICAN FORM OF GOVERNMENT AND HAS PREVIOUSLY CODIFIED THE PRIVILEGE FROM ARREST IN SPECIFIC CIRCUMSTANCES TO PROTECT THE PROPER FUNCTIONING OF COURTS; AND

(e) THIS ACT CLARIFIES COLORADO LAW WITH RESPECT TO COURT ACCESS AND JUDICIAL POWER TO ENFORCE THE PROTECTION IN ORDER TO ENSURE COURT ACCESS AND TO PREVENT INTERRUPTION OF THE ADMINISTRATION OF JUSTICE, AND CLARIFIES THAT THE PROTECTION EXTENDS TO PROCEEDINGS CONDUCTED UNDER THE AUTHORITY OF A COURT, INCLUDING, BUT NOT LIMITED TO, PROBATION AND PRETRIAL SERVICES.

(2) NOTHING IN THIS PART 4 NARROWS, OR IN ANY WAY LESSENS, ANY RIGHTS OR PROTECTIONS FROM CIVIL ARREST AT A COURTHOUSE OR ON ITS ENVIRONS, OR WHILE GOING TO, ATTENDING, OR COMING FROM A COURT PROCEEDING, UNDER COMMON LAW, STATUTE, THE UNITED STATES CONSTITUTION, THE STATE CONSTITUTION, OR THE REMEDIES AVAILABLE FOR VIOLATIONS OF THOSE RIGHTS OR PRIVILEGES.

13-1-402. Definitions. AS USED IN THIS PART 4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CIVIL ARREST" MEANS AN ARREST THAT IS SOLELY OR PRIMARILY IN CONNECTION WITH A CIVIL PROCEEDING, BUT DOES NOT INCLUDE AN ARREST MADE IN CONNECTION WITH A JUDGE'S CONTEMPT AUTHORITY OR OTHER JUDICIALLY ISSUED PROCESS.

(2) "COURT" MEANS A COURT OF THE STATE OF COLORADO OR ITS COUNTIES OR MUNICIPALITIES.

(3) "COURTHOUSE" MEANS THE ENTIRETY OF A BUILDING IN WHICH A COURT IS LOCATED INCLUDING, BUT NOT LIMITED TO, A COURTROOM, HALLWAY, RESTROOM, OR LOBBY.

(4) "COURT PROCEEDING" MEANS A PROCEEDING CONDUCTED BY A COURT OR UNDER THE AUTHORITY OF A COURT, INCLUDING, BUT NOT LIMITED TO:

- (a) ACCESSING A SERVICE OR CONDUCTING BUSINESS WITH A COURT;
- (b) A CRIMINAL PROCEEDING;
- (c) A CIVIL PROCEEDING;
- (d) A GRAND JURY PROCEEDING;
- (e) A CIVIL PROTECTION ORDER PROCEEDING;
- (f) AN ARBITRATION;
- (g) A DEPOSITION;
- (h) A PRETRIAL SERVICES APPOINTMENT; OR
- (i) A PROBATION SERVICES APPOINTMENT.

(5) "ENVIRONS" MEANS THE VICINITY SURROUNDING A COURTHOUSE, INCLUDING, BUT NOT LIMITED TO, A SIDEWALK, DRIVEWAY, ENTRYWAY, GREEN SPACE, OR PARKING AREA SERVING THE COURTHOUSE.

13-1-403. Prohibition of civil arrest - writ of protection - procedure. (1) A PERSON SHALL NOT BE SUBJECT TO CIVIL ARREST WHILE THE PERSON IS PRESENT AT A COURTHOUSE OR ON ITS ENVIRONS, OR WHILE GOING TO, ATTENDING, OR COMING FROM A COURT PROCEEDING.

(2) (a) A JUDGE OR MAGISTRATE MAY ISSUE A WRIT OF PROTECTION TO PROHIBIT A CIVIL ARREST PURSUANT TO SUBSECTION (1) OF THIS SECTION. A JUDGE OR MAGISTRATE MAY INCORPORATE THE WRIT OF PROTECTION IN OTHER REGULARLY ISSUED DOCUMENTS.

(b) THE PROTECTION DESCRIBED IN SUBSECTION (1) OF THIS SECTION APPLIES REGARDLESS OF WHETHER A WRIT OF PROTECTION HAS BEEN ISSUED.

(3) NOTHING IN THIS SECTION PRECLUDES A CRIMINAL ARREST OR EXECUTION OF A CRIMINAL ARREST WARRANT ISSUED BY A JUDGE OR MAGISTRATE BASED ON PROBABLE CAUSE OF A VIOLATION OF CRIMINAL LAW.

(4) AN ON-DUTY LAW ENFORCEMENT OFFICER WHO IS NOT EMPLOYED BY OR CONTRACTED WITH COURTHOUSE SECURITY, OR PARTICIPATING IN A COURT PROCEEDING, SHALL PRESENT CREDENTIALS AND STATE THE PURPOSE OF THE OFFICER'S PRESENCE TO ANY EXISTING COURTHOUSE SECURITY, WHO SHALL MAINTAIN A RECORD OF THE INFORMATION.

(5) THE CHIEF JUDGE OF ANY COURT MAY ENTER AN ORDER TO ENSURE THAT ARRESTS MADE WHILE PERSONS ARE PRESENT AT A COURTHOUSE OR ON ITS ENVIRONS, OR WHILE GOING TO, ATTENDING, OR COMING FROM A COURT PROCEEDING, COMPLY WITH THIS SECTION.

13-1-404. Remedies. (1) A PERSON WHO KNOWINGLY VIOLATES SECTION 13-1-403 (1) OR A WRIT OF PROTECTION ISSUED PURSUANT TO SECTION 13-1-403 (2) IS LIABLE FOR DAMAGES IN A CIVIL ACTION FOR FALSE IMPRISONMENT.

(2) A PERSON WHO KNOWINGLY VIOLATES SECTION 13-1-403 (1) OR A WRIT OF PROTECTION ISSUED PURSUANT TO SECTION 13-1-403 (2) IS SUBJECT TO CONTEMPT OF COURT.

(3) THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION ON BEHALF OF THE PEOPLE OF THE STATE FOR A VIOLATION OF SECTION 13-1-403 TO OBTAIN APPROPRIATE EQUITABLE OR DECLARATORY RELIEF.

(4) A PERSON ARRESTED OR DETAINED IN VIOLATION OF SECTION 13-1-403 MAY SEEK A WRIT OF HABEAS CORPUS.

13-1-405. Severability. IF ANY PROVISION OF THIS PART 4 OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATION OF THIS PART 4 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS PART 4 ARE SEVERABLE.

SECTION 2. In Colorado Revised Statutes, 13-1-114, **amend** (1)(d); and **add** (1)(e) as follows:

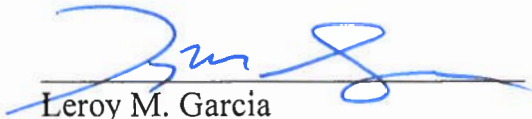
13-1-114. Powers of court. (1) Every court has power:

(d) To control, in furtherance of justice, the conduct of its ministerial officers; AND

(e) TO PRESERVE ACCESS TO COURTHOUSES AND COURT PROCEEDINGS, PREVENT INTERRUPTION OF COURT PROCEEDINGS, AND ENFORCE PROTECTION FROM CIVIL ARREST AT A COURTHOUSE OR ON ITS ENVIRONS PURSUANT TO SECTION 13-1-403.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.



Leroy M. Garcia
PRESIDENT OF
THE SENATE



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

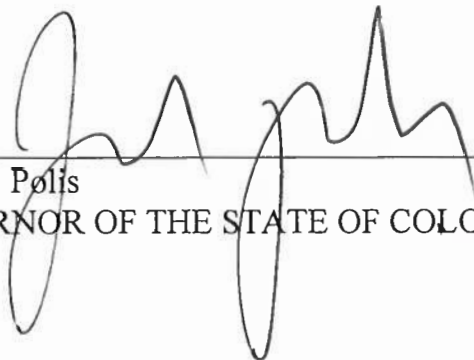


Cindi L. Markwell
SECRETARY OF
THE SENATE



Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED March 23, 2020 at 1:19 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO