



Together we can end relationship abuse

# 2020 Legislative Session Final Report

Members and Friends,

The 2020 convening of the General Assembly was like no other, as the legislative session was interrupted and then greatly influenced by both the COVID pandemic and the murder of George Floyd, followed by weeks of demonstrations at the Colorado State Capitol. This unique combination of factors presented both hard losses and previously unimagined opportunities for policy gains.

After working for several years to expand upon the 2013 law to improve survivor safety through the dispossession of firearms by their abusers, we believed this would be the year to pass a needed update and HB20-1278 was introduced. Unfortunately, Senate leadership decided *none* of the bills impacting firearms would be allowed to move forward after the session reconvened post-COVID interruption. While we are disappointed our primary bill was postponed, we thankfully were able to champion several economic justice policies for survivors including paid safe leave, the elimination of arbitrary documentation barriers for survivors accessing unemployment benefits, and the elimination of landlord discrimination based on sources of income. We were also honored to actively amend and then support SB20-217, which creates transparency in policing and has banned the use of strangulation by law enforcement agencies.

This document introduces the 2020 legislation Violence Free Colorado actively worked on this session and includes insight for advocates to consider on the laws which passed in the Point of Advocacy sections. Each bill number is hyperlinked to the text of the full bill, and other information regarding fiscal notes or a bill's history of amendments or timelines can be found by navigating the tabs at the top of the bill's linking page.

As always, I welcome your feedback and comments and invite you to participate in shaping our future common goals. The members of the Violence Free Colorado Policy Team and I invite you to join us (virtually) this summer as we work to determine our future policy priorities and goals.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lydia Waligorski".

Lydia Waligorski, MPA

Public Policy Director

Violence Free Colorado

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# Violence Free Colorado

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## [HB20-1009](#)

### Suppressing Court Records Of Eviction Proceedings

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**Position:** **Actively Support**

**Sponsors:** D. Jackson (D) / F. Winter (D)

**Summary:** The bill ~~requires a court to suppress~~ *specifies that* court records related to an eviction proceeding or an action for termination of a mobile home park tenancy ~~so that the records are suppressed~~ *court records that are* not publicly available. If an order granting the plaintiff possession of the premises is entered in the action, the *court records are no longer suppressed and the court must lift the suppression order make the records available to the public*, unless the parties agree that the records should remain suppressed.

The names of the parties included in a court record that is suppressed may be used by a court for administrative purposes, but the court shall not, for any reason, publish the names of the parties online.

A summons in an eviction proceeding must include a notice concerning suppression of court records related to the action.

**Status:** 3/20/2020 Governor Signed

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## [HB20-1033](#)

### Live And Let Live Act

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**Position:** **Oppose**

**Sponsors:** S. Humphrey (R)

**Summary:** The bill establishes the "Live and Let Live Act" in Colorado.

**Status:** 2/13/2020 House Committee on State, Veterans, & Military Affairs Postpone Indefinitely

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## [HB20-1088](#)

### U Visa Certification Requirements

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**Position:** **Actively Support**

**Sponsors:** S. Gonzales-Gutierrez (D) / J. Danielson (D)

**Summary:** To be eligible for U nonimmigrant status (U visa) from the federal government, a requestor must receive a certification form from a certifying official attesting that the person has been the victim of certain criminal activity and has been, is being, or is likely to be helpful to the detection, investigation, or prosecution of the criminal activity. The bill sets a required time frame for completion or denial of the certification request and sets forth the factors that may ~~and may not~~ be considered in the certification process. *If a certifying official denies a certification request, the bill requires the certifying official to give the requestor a written*

*statement containing the reasons for the denial.* The bill also prohibits certain disclosures to immigration authorities and requires ~~law enforcement~~ *certifying agencies* to provide crime victims with information about the U visa.

**Status:** 5/26/2020 Senate Committee on Judiciary Postpone Indefinitely

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## [HB20-1104](#) **Court Procedures Relinquishment Parental Rights**

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**Position:** **Actively Monitor**

**Sponsors:** K. Ransom (R) | J. Buckner (D) / L. Crowder (R)

**Summary:** Current law allows for the reinstatement of parental rights that were terminated if certain conditions are met and the child has not been adopted. The bill expands that to allow for reinstatement of parental rights in cases where a parent voluntarily relinquished parental rights and the same conditions are met.

The bill clarifies the court procedures to be followed if a respondent parent with a pending dependency and neglect case seeks to voluntarily relinquish parental rights.

**Status:** 3/20/2020 Governor Signed

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## [HB20-1144](#) **Parent's Bill Of Rights**

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**Position:** **Oppose**

**Sponsors:** R. Pelton (R)

**Summary:** The bill establishes a parent's bill of rights that sets forth specific parental rights related to directing the upbringing, education, and health care of a minor child.

**Status:** 2/13/2020 House Committee on State, Veterans, & Military Affairs Postpone Indefinitely

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## [HB20-1149](#) **16-year-olds Voting In School District Elections**

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**Position:** **Amend**

**Sponsors:** S. Gonzales-Gutierrez (D) / D. Moreno (D)

**Summary:** The bill allows a person who is preregistered to vote in school district elections beginning at 16 years of age. A school district election is defined as an election to recall a school district officer or an election called under title 22, Colorado Revised Statutes, including elections for:

- The state board of education;
- School district officers;
- Referred measures to impose or increase mill levies or to raise and expend property taxes;
- Referred measures relating to the organization of or plan of representation for school districts; and
- Referred measures related to the financial obligations and indebtedness of school

districts.

When a person preregisters, they must receive information concerning their eligibility to vote in school district elections and how to update their preregistration information and obtain and cast a ballot. The bill repeals the requirement that the voter information of preregistrants be kept confidential.

A preregistrant is automatically registered to vote in all elections upon turning age 18. Individuals committed to juvenile detention facilities must be given information about their right to preregister and vote in school district elections.

A preregistrant can circulate and sign petitions to nominate or recall a school district officer or to initiate an election under title 22, Colorado Revised Statutes. A preregistrant cannot run for office or be appointed to fill a vacancy. If a juvenile is charged with an election offense and no other crime is charged, the juvenile court is prohibited from transferring the charge to a district court.

For any election in which preregistrants are eligible to vote and in which the county clerk and recorder has responsibilities for the election, the state is required to reimburse the county for the direct costs associated with ballots sent to preregistrants. The school district's share of the costs of the election in a cost-sharing agreement must be reduced by the amount of the state's reimbursement.

**Status:** 6/16/2020 House Committee on Appropriations Lay Over Unamended – Died on the Calendar

**Note:** Our amendment was to allow for the protection of Address Confidentiality Program participants information. It was met with resistance by some proponents which will necessitate future work.

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## [HB20-1168](#)

### **Deadly Force Against Intruder At A Business**

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**Position:** **Actively Oppose**

**Sponsors:** S. Sandridge (R)

**Summary:** The bill extends the right to use deadly physical force against an intruder under certain conditions to include owners, managers, and employees of a business.

**Status:** 2/18/2020 House Committee on State, Veterans, & Military Affairs Postpone Indefinitely

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## [HB20-1207](#)

### **Sunset Regulation Of Private Investigators**

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**Position:** **Actively Support**

**Sponsors:** J. Melton (D) | J. Wilson (R) / M. Foote (D) | J. Cooke (R)

**Status:** 6/10/2020 Senate Third Reading Passed - No Amendments – Will be sent to the Governor for Signature

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## [HB20-1228](#)

### **Protect Survivors' Rights To Rape Kit Evidence**

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**Position:** Support

**Sponsors:** M. Froelich (D) / J. Danielson (D)

**Summary:** The bill requires the division of criminal justice in the department of public safety (division) *and a statewide coalition for sexual assault victims to convene a statewide multidisciplinary committee to research the creation of a existing statewide system systems to track forensic medical evidence related to a sexual assault (medical evidence) whereby victims may access specified information concerning the medical evidence. The division shall report its findings to specified committees of the general assembly.*

The bill requires the medical professional collecting the medical evidence to inform victims of the contact information for the nearest sexual assault victim's advocate *or confidential victim's advocate* , the length of time that medical evidence must be preserved, and their right to be notified of the destruction of the medical evidence.

If a conviction or plea has not been entered in a case, the bill requires the entity holding the medical evidence to notify the victim:

- *When the evidence is submitted to a laboratory for testing;*
- *When the results of the testing are received; and*
- *Prior to the medical evidence being destroyed and to maintain the medical evidence for an additional 10 years if the victim objects to the destruction.*

~~The bill requires the executive director of the department of public safety to promulgate rules requiring the entity holding medical evidence to maintain the medical evidence until the statute of limitations on commencing a criminal action has passed law enforcement agency to maintain the medical evidence until the statute of limitation has run on the crime and for an additional 10 years if the victim objects to its destruction .~~

**Status:** 5/27/2020 Senate Committee on Health & Human Services Postpone Indefinitely

Note: We worked with bill Sponsor to include in the study best practice recommendations for forensic examinations for strangulation victims as well.

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## [HB20-1270](#)

## One Parent Consent For Behavioral Health Services

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**Position:** Support

**Sponsors:** D. Michaelson Jenet (D) / R. Fields (D)

**Summary:** The bill authorizes a physician or a mental health professional (professional) to evaluate or treat a minor patient (minor) for a behavioral health disorder with the consent of only one parent or legal guardian of the minor if both parents have legal decision-making authority over the minor, *but not when there is an existing court order providing that the parents or legal guardians have joint-decision making authority concerning the medical or behavioral health decisions of the minor* . The professional shall act in the best interest of the minor and provide

services for a behavioral health disorder only in accordance with the professional's own advice or recommendation. The bill defines a minor as a person who is under 15 years of age.

**Status:** 5/28/2020 Senate Second Reading Laid Over to 12/31/2020 – Died on the Calendar

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**[HB20-1271](#)**      **Repeal Red Flag And Amend 72-hour Hold**

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**Position:**                      **Actively Oppose**

**Sponsors:**                      L. Saine (R) / J. Cooke (R) | J. Smallwood (R)

**Summary:**                      The bill repeals the laws relating to extreme risk protection orders.

Under current law, a person can be held on an involuntary 72-hour mental health hold if the person appears to be an imminent danger to others or to himself or herself. The bill changes the standard from imminent danger to extreme risk and defines extreme risk as a credible and exigent threat of danger to themselves or others through actionable threats of violence or death as result of a current mental health state.

**Status:**                      3/12/2020 House Committee on Judiciary Postpone Indefinitely

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**[HB20-1278](#)**                      **Protection Orders Issued Against Domestic Abusers**

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**Position:**                      **Strongly Support – VFC Bill**

**Sponsors:**                      M. Duran (D) | J. Singer (D) / R. Fields (D)

**Summary:**                      Upon the issuance of a protection order, the court shall:

- Require the person to state in court or complete an affidavit in court stating the number of firearms in the person's immediate possession or control and the location of all firearms in the person's immediate possession or control;
- Require the person to complete a firearm information form that states the number of firearms in the person's immediate possession or control or subject to the person's immediate possession or control, the type of each firearm, and the location of each firearm; and
- Transmit a copy of the protection order and the firearm information form to the sheriff of the county of the person's residence.

The bill prohibits any full and truthful statements made to the court regarding the number of firearms in the person's immediate possession or control or subject to the person's immediate possession or control and the location of the firearms from being used against the person in any other civil or criminal proceedings.

The bill excludes legal holidays and weekends from the current time frame a person has to relinquish a firearm. The bill allows a court to grant a person an additional 24 hours to relinquish a firearm if the person is unable to comply with the required time frame of relinquishment.

Current law requires a person to either sell or transfer possession of the firearm, arrange for the storage of the firearm by a law enforcement agency, or sell or transfer the firearm to a private party who may legally possess the firearm. The bill requires a private party to complete a firearms acknowledgment form that informs the private party of the relevant state and federal laws, lists the consequences of noncompliance, and asks if the private party is able to legally possess a firearm. The bill prohibits the person from transferring the firearm to a private party living in the same residence as the person at the time of transfer.

The bill requires the court to conduct a hearing to ensure the person has complied with the relinquishment requirements. Failure to appear at the hearing constitutes a violation of the protection order, and the court may issue a warrant for the person's arrest or a search warrant of the person's residence.

The bill requires a person who does not possess a firearm at the time the order is issued to complete a declaration of non-possession form in court. If the person possessed a firearm at the time of the qualifying incident giving rise to the duty to relinquish the firearm but sold or transferred the firearm to a private party prior to the issuance of the protection order, the person shall disclose the sale or transfer in court.

The bill requires a federally licensed firearms dealer, law enforcement agency, or private party to issue a signed affidavit memorializing the sale or transfer of the firearm.

The bill allows a law enforcement agency to enter into an agreement with any other law enforcement agency to assume the duties of the sheriff. If a law enforcement agency elects to store a firearm, the bill allows the law enforcement agency to seek a matching incentive fee from the department of public safety on an annual basis in an amount equal to the total amount charged by the agency for providing storage of a firearm. The matching fee must be used to maintain or increase firearm storage capacity. The bill requires a sheriff who elects to store a firearm to obtain a search warrant prior to testing or examining the firearm to facilitate any criminal investigation or prosecution.

The bill prohibits a private party from returning a firearm to the person until the private party receives a written statement of the results of the background check conducted by the bureau authorizing the return of the firearm to the person.

Current law requires a copy of the written receipt and the written statement of the background check to be filed with the court as proof of relinquishment. The bill requires the signed affidavit to be filed with the court instead of the receipt. Both the signed affidavit and written statement are only available for inspection by the court and the parties to the proceeding.

A federally licensed firearms dealer, law enforcement agency, or private party that elects to store a firearm is not civilly liable for any resulting damages to the firearm, as long as such damage did not result from the willful and wrongful act or gross negligence of the person or agency storing the firearm.

**Status:**

5/26/2020 House Committee on Judiciary Postpone Indefinitely at Sponsors Request

**Position:** Support

**Sponsors:** D. Michaelson Jenet (D) | M. Soper (R) / J. Gonzales (D) | D. Coram (R)

**Summary:** Under existing law, the statute of limitations to bring a civil claim based on sexual assault or a sexual offense against a child is 6 years, but the statute is tolled when the victim is a person under disability or is in a special relationship with the perpetrator of the assault. The bill defines sexual misconduct and removes the limitation on bringing a civil claim based on sexual misconduct, including *derivative claims* and claims brought against a person or entity that is not the perpetrator of the sexual misconduct. The statutory period to commence a civil action described in the bill applies to a cause of action that accrues on or after January 1, 2021, or a cause of action accruing prior to January 1, 2021, so long as the applicable statute of limitations has not yet run as of January 1, 2021.

The bill removes the provision that a plaintiff who is a victim of a series of sexual assaults does not need to establish which act in the series caused the plaintiff's injuries.

Under existing law, a plaintiff who brings a civil action alleging sexual misconduct 15 years or more after the plaintiff turns 18 is limited to recovering only certain damages. The bill eliminates this restriction.

Under existing law, a victim who is a person under disability or is in a special relationship with the perpetrator of the assault may not bring an action against a defendant who is deceased or incapacitated. The bill eliminates this restriction.

*Under existing law, a claim for negligence in the practice of medicine that is based on a sexual assault is exempt from the statute of limitation for claims involving sexual assault and instead is subject to the same limitation as any other claim for negligence in the practice of medicine. The bill removes this exemption.*

**Status:** 6/12/2020 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

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## [HB20-1332](#)

## Prohibit Housing Discrimination Source Of Income

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**Position:** Support

**Sponsors:** L. Herod (D) | D. Jackson (D) / R. Fields (D)

**Summary:** The bill adds discrimination based on source of income as a type of unfair housing practice. "Source of income" is defined to include any source of money paid directly, indirectly, or on behalf of a person, including income from any lawful profession or from any government or private assistance, grant, or loan program.

A person is prohibited from refusing to rent, lease, show for rent or lease, or transmit an offer to rent or lease housing based on a person's source of income. In addition, a person cannot discriminate in the terms or conditions of a rental agreement against another person based on source of income, or based upon the person's participation in a 3rd-party contract required as a condition of receiving public housing assistance. A person cannot include in any advertisement for the rent or lease of housing any limitation or preference based on source of



income, or to use representations related to a person's source of income to induce another person to rent or lease property. The restrictions do not apply to a landlord with 3 or fewer rental units.

*A landlord is not prohibited from checking the credit of prospective tenant. Checking the credit of a prospective tenant is not an unfair housing practice if the landlord checks the credit of every prospective tenant.*

**Status:** 6/13/2020 House Considered Senate Amendments - Result was to Concur – Repass – Will be sent to Governor for Signature

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## [HB20-1355](#)

## Secure Storage Of Firearms

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**Position:** **Actively Support**

**Sponsors:** M. Duran (D) | K. Mullica (D) / J. Bridges (D) | C. Hansen (D)

**Summary:** The bill creates the offense of unlawful storage of a firearm if a person stores a firearm in a manner that the person knows, or should know:

- That a juvenile can gain access to the firearm without the permission of the juvenile's parent or guardian; or
- A resident of the premises is ineligible to possess a firearm under state or federal law.

Unlawful storage of a firearm is a class 2 misdemeanor.

The bill requires licensed firearms dealers to provide with each firearm, at the time of a firearm sale or transfer, a locking device capable of securing the firearm. Transferring a firearm without a locking device is an unclassified misdemeanor punishable by a maximum \$500 fine.

The bill requires the state court administrator to annually report to the general assembly about the number of charges related to safe firearms storage, and the disposition of those charges.

The bill requires the department of public health and environment to develop and implement a firearms storage education campaign to educate the public about the safe storage of firearms and state requirements related to firearms safety and storage. The bill creates the firearms safe storage education campaign fund (fund) in the state treasury. A voluntary contribution designation line for the fund will appear on the state individual income tax return form (form) for the 5 income tax years following the year that the executive director of the department of revenue certifies to the revisor of statutes that there is a space available on the form and the fund is next in the queue.

**Status:** 6/3/2020 House Committee on State, Veterans, & Military Affairs Postpone Indefinitely at Sponsors Request

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## [HB20-1404](#)

## Sunset Delay Sex Offender Management Board Review

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**Position:** **Support**

**Sponsors:** M. Weissman (D) | M. Soper (R) / P. Lee (D) | J. Cooke (R)

**Summary:** **Sunset Process - House Judiciary Committee.** Due to the COVID-19 virus, the judiciary committee of the house of representatives (judiciary committee) was unable to hold a full hearing on the sunset report on the sex offender management board (SOMB report) prepared by the department of regulatory agencies (DORA) during the 2020 regular session. The bill continues the sex offender management board for one year and directs the judiciary committee to hold a hearing on the SOMB report during the 2021 regular session. DORA is not required to prepare an additional report prior to the 2021 session.

**Status:** 6/10/2020 Senate Third Reading Passed - No Amendments

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## **HB20-1405**

### **Funding For Eviction Legal Defense Fund**

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**Position:** **Support**

**Sponsors:** S. Woodrow / F. Winter (D) | J. Danielson (D)

**Summary:** The bill assesses an additional \$30 fee on a person who commences a forcible entry and detainer action. The full amount of the fee is deposited into the eviction legal defense fund (fund). The bill makes the state court administrator's requirement to award grants from the fund subject to available appropriations.

**Status:** 6/6/2020 House Committee on Finance Postpone Indefinitely

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## **HB20-1410**

### **COVID-19-related Housing Assistance**

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**Position:** **Support**

**Sponsors:** S. Gonzales-Gutierrez (D) | T. Exum (D) / J. Gonzales (D) | R. Zenzinger (D)

**Summary:** From money given to the state in the federal "Coronavirus Aid, Relief, and Economic Security Act", the bill allocates:

- \$350,000 to the eviction legal defense fund administered by the state court administrator, for the purpose of providing legal assistance to individuals facing eviction related to the COVID-19 pandemic; and
- \$19,650,000 to the housing development grant fund administered by the division of housing in the department of local affairs, for the purpose of providing housing assistance, including rental assistance, mortgage assistance, and guidance on other housing assistance, to households facing financial hardship due to the COVID-19 pandemic.

**Status:** 6/15/2020 Senate Third Reading Passed - No Amendments – Will be Sent to Governor for Signature

**Point of Advocacy:** The language in this bill directed part of this fund be prioritized in helping

domestic violence survivors seeking housing. We be working with stakeholder to make sure this happens.

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## [SB20-083](#)

### Prohibit Courthouse Civil Arrest

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**Position:** **Actively Support**

**Sponsors:** J. Gonzales (D) / L. Herod (D)

**Summary:** The bill protects an individual from 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. A judge or magistrate may issue a writ of protection to prohibit a civil arrest, but a writ of protection is not required for the protection to apply.

The bill provides various remedies for violation of the protection provided by the bill.

**Status:** 3/23/2020 Governor Signed

**Point of Advocacy:** Undocumented survivors should now be safer to attend court for all proceedings. While it is still necessary to safety plan around travel to safe locations, under state law the courthouse is now a protected space against civil arrest from ICE. If your client is approached by ICE at the courthouse and detained the officers are required to present a signed criminal judicial warrant. Please read this bill and be familiar with its protections.

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## [SB20-088](#)

### Evidentiary Rules When Interference With Witness

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**Position:** **Actively Support**

**Sponsors:** R. Fields (D) / D. Roberts (D) | M. Soper (R)

**Summary:** Under an opinion of the Colorado supreme court, if a party to a criminal case wrongfully procures the unavailability of a witness, evidence that the witness may have been able to offer is still inadmissible if it constitutes hearsay evidence. The bill provides that such a party forfeits the right to object to the admissibility of evidence of the witness based on hearsay and that such evidence is admissible.

**Status:** 6/19/2020 – Sent to Governor for Signature

**Point of Advocacy:** This bill clarifies a process for forfeiture by wrongdoing claims. This is helpful when a witness may have been threatened or coerced regarding their participation or testimony. For more information: <https://www.bwjp.org/resource-center/resource-results/intimidation-and-forfeiture-by-wrongdoing.html>

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## [SB20-156](#)

### Protecting Preventive Health Care Coverage

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**Position:** **Actively Support**

**Sponsors:** B. Pettersen (D) | D. Moreno (D) / D. Esgar (D) | K. Mullica (D)

**Summary:** The bill codifies a number of preventive health care services currently required to be covered by health insurance carriers pursuant to the federal "Patient Protection and Affordable Care Act" and adds them to the current list of services required to be covered by Colorado health insurance carriers, which services are not subject to policy deductibles, copayments, or coinsurance. The bill expands certain preventive health care services to include osteoporosis screening, urinary incontinence screening, and screening and treatment of a sexually transmitted infection (STI).

Current law requires a health care provider or facility to perform a diagnostic exam for an STI and subsequently prescribe treatment for an STI at the request of a minor patient. The bill allows a health care provider to administer, dispense, or prescribe preventive measures or medications where applicable. The consent of a parent is not a prerequisite for a minor to receive preventive care, but a health care provider shall counsel the minor on the importance of bringing the minor's parent or legal guardian into the minor's confidence regarding the services.

Current law requires the executive director of the department of health care policy and financing to authorize reimbursement for medical or diagnostic services provided by a certified family planning clinic. The bill defines family planning services and authorizes reimbursement for family planning services. The bill allows staffing by medical professionals to be accomplished through telemedicine.

**Status:** 6/13/2020 Senate Committee on Appropriations Postpone Indefinitely

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## [SB20-170](#)

## Update Colorado Employment Security Act

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**Position:** **Actively Support**

**Sponsors:** J. Danielson (D) / D. Jackson (D) | M. Duran (D)

**Summary:** For the purposes of establishing a worker's eligibility for benefits under the "Colorado Employment Security Act" (Act), the bill relocates the definition of "immediate family" and amends the definition to include:

- A sibling of the worker who is under 18 years of age and for whom the worker stands in loco parentis; and
- A sibling of the worker who is incapable of self-care due to a mental or physical disability or a long-term illness.

Under current law, a worker who separates from a job because of domestic violence may be eligible for benefits under the Act if the worker reasonably believes that the worker's continued employment would jeopardize the safety of the worker or any member of the worker's immediate family and the worker provides the division of unemployment insurance either:

- An active or recently issued protective order or other order documenting the domestic violence or a police record documenting recent domestic violence; or
- A statement substantiating recent domestic violence from a qualified professional from whom the worker has sought assistance for the domestic violence, such as a counselor,

shelter worker, member of the clergy, attorney, or health worker.

The bill eliminates the requirement that a worker provide either form of documentation in order to establish the worker's eligibility for benefits under the Act.

The bill substitutes the term "severance allowance" for "remuneration" in a provision that concerns remuneration received by an individual who has been separated from employment.

*The bill states that, subject to the approval of the executive director of the department of labor and employment, the director of the division of unemployment insurance (division) may enter into an interagency agreement with the department of law for assistance in enforcing certain provisions concerning the misclassification of employees by an employer.*

*The bill requires that fines imposed by the division or by the attorney general pursuant to enforcing laws concerning employment security shall be transferred to the department of labor and employment and credited to the unemployment revenue fund.*

**Status:** 6/19/2020 Passed - Sent to Governor for Signature

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## [SB20-179](#)

### District Attorney Defendant Data Collection

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**Position:** **Actively Monitor**

**Sponsors:** M. Foote (D) / L. Herod (D) | K. Tipper (D)

**Summary:** The bill requires each district attorney to collect data regarding defendants related to demographics, charges filed, pretrial release results, and sentencing. The district attorney is required to create an annual report with the data collected and make the data collected available to the public upon request.

**Status:** 5/26/2020 Senate Committee on Judiciary Postpone Indefinitely

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## [SB20-205](#)

### Sick Leave For Employees

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**Position:** **Actively Support**

**Sponsors:** S. Fenberg (D) | J. Bridges (D) / K. Becker (D) | Y. Caraveo (D)

**Summary:** The bill creates the "Healthy Families and Workplaces Act" (act), which requires employers to provide paid sick leave to employees under various circumstances.

On and after the effective date of the act through December 31, 2020, employers are required to provide each of their employees paid sick leave for employees to take for reasons related to the COVID-19 pandemic in the amounts and for the purposes specified in the federal "Emergency Paid Sick Leave Act" in the "Families First Coronavirus Response Act".

Additionally, beginning January 1, 2021, the act requires all employers in Colorado to provide paid sick leave to their employees, accrued at one hour of paid sick leave for every 30

hours worked, up to a maximum of 48 hours.

An employee:

- Begins accruing paid sick leave when the employee's employment begins;
- May use paid sick leave as it is accrued; and
- May carry forward and use in subsequent calendar years paid sick leave that is not used in the year in which it is accrued.

Employees may use accrued paid sick leave to be absent from work for the following purposes:

- The employee has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care;
- The employee needs to care for a family member who has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care;
- **The employee or family member has been the victim of domestic abuse, sexual assault, or harassment and needs to be absent from work for purposes related to such crime; or**
- A public official has ordered the closure of the school or place of care of the employee's child or of the employee's place of business due to a public health emergency, necessitating the employee's absence from work.

In addition to the paid sick leave accrued by an employee, the act requires an employer to provide its employees an additional amount of paid sick leave during a public health emergency in an amount based on the number of hours the employee works.

The act prohibits an employer from retaliating against an employee who uses the employee's paid sick leave or otherwise exercises the employee's rights under the act. Employers are required to notify employees of their rights under the act by providing employees with a written notice of their rights and displaying a poster, developed by the division of labor standards and statistics (division) in the department of labor and employment (*department*), detailing employees' rights under the act.

Employers must retain records documenting, by employee, the hours worked, paid sick leave accrued, and paid sick leave used and make such records available to the division to monitor compliance with the act.

The director of the division will implement and enforce the act and adopt rules necessary for such purposes. The act treats an employee's information about the employee's or a family member's health condition or domestic abuse, sexual assault, or harassment case as confidential and prohibits an employer from disclosing such information or requiring the employee to disclose such information as a condition of using paid sick leave.

Employers, including public employers, that provide comparable paid leave to their employees and allow employees to use that leave as permitted under the act are not required to provide additional paid sick leave to their employees.

Employees covered by a collective bargaining agreement would not be entitled to paid sick leave under the act if the collective bargaining agreement expressly waives the requirements of the act and provides an equivalent benefit to covered employees.

Employers that are signatories to a multiemployer collective bargaining agreement comply with the requirements of the bill by making contributions to a multiemployer paid sick leave fund, plan, or program based on the hours each of its employees accrues.

The bill appropriates \$206,566 to the department for use by the division in the implementation of the bill.

**Status:** 6/15/2020 House Consideration of First Conference Committee Report result was to Adopt Committee Report – Repass – Will be Sent to Governor for Signature

**Point of Advocacy:** Can we get a hell yes! Advocates will need to understand the differences between this law and the job protected leave available for survivors working at employers of 50 or more. This is earned time off, it is not a leave of absence, that we are still working to support through a ballot initiative in 2020. Look for a webinar this July focusing on economic justice and workplace supports for DV/SA victims.

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## [SB20-208](#)      **Extending Expiring Tax Check-offs**

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**Position:**      **Actively Support**

**Sponsors:**      T. Story (D) | D. Coram (R) / L. Cutter (D) | M. Duran (D)

**Summary:**      The voluntary contributions to the American Red Cross Colorado disaster response, readiness, and preparedness fund, **Colorado domestic abuse program fund**, Habitat for Humanity of Colorado fund, pet overpopulation fund, and Special Olympics Colorado fund are currently scheduled to appear on the state income tax return form for income tax years beginning prior to January 1, 2020. The contributions are set to repeal unless they are continued. The bill reauthorizes the funds to remain on the form so long as they meet the existing statutory requirement that a voluntary contribution fund must receive at least \$50,000 in contributions each tax year.

**Status:**      6/19/2020 Sent to Governor for Signature

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## [SB20-217](#)      **Enhance Law Enforcement Integrity**

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**Position:**      **Actively Support**

**Sponsors:**      L. Garcia (D) | R. Fields (D) / L. Herod (D) | S. Gonzales-Gutierrez (D)

**Summary:**      *Beginning July 1, 2023, the bill requires all local law enforcement agencies and the Colorado state patrol to issue body-worn cameras to their officers and requires all recordings of an incident be released to the public within 14 21 days after the incident. Peace officers shall wear and activate a body-worn camera at any time when interacting with the public. the local law enforcement agency or Colorado state patrol receives a complaint of misconduct. A peace officer shall wear and activate a body-worn camera when responding to a call for service or*

*during any interaction with the public initiated by the peace officer, when enforcing the law or investigating possible violations of the law. A peace officer may turn off a body-worn camera to avoid recording personal information that is not case related; when working on an unrelated assignment; when there is a long break in the incident or contact that is not related to the initial incident; and in administrative, tactical, and management discussions. A peace officer does not need to wear or activate a body-worn camera if the peace officer is working undercover. The bill requires sanctions for failing to activate the body-worn camera. The bill allows for redaction or nonrelease of the recording to public if there are specified privacy interests at stake.*

*Beginning July 1, 2023, the bill requires the division of criminal justice in the department of public safety to create an annual report of the information that is reported to the ~~attorney general division~~, aggregated and broken down by state or local agency that employs peace officers, along with the underlying data. Each ~~state and local agency and the Colorado state patrol~~ that employs peace officers shall report to the ~~attorney general division~~ :*

- All use of force by its *peace* officers that results in death or serious bodily injury;
- All instances when ~~an~~ a *peace* officer resigned while under investigation for violating department policy;
- All data relating to ~~stops~~ *contacts* conducted by its peace officers; and
- All data related to the use of an unannounced entry by a peace officer.

The division of criminal justice shall maintain a statewide database with data collected in a searchable format and publish the database on its website. Any state and local law enforcement agency that fails to meet its reporting requirements is subject to suspension of its funding by its appropriating authority.

~~If any peace officer is convicted of or pleads guilty or nolo contendere to any inappropriate use of physical force or a crime involving the unlawful use or threatened use of physical force, or for failing to intervene to prevent inappropriate use of physical force, the peace officer's employing agency shall immediately terminate the peace officer's employment and the P.O.S.T. board shall permanently revoke the peace officer's certification. The P.O.S.T. board shall not, under any circumstances, reinstate the peace officer's certification or grant new certification to the peace officer unless exonerated by a court .~~

*The bill states that in response to a protest or demonstration, a law enforcement agency and any person acting on behalf of the law enforcement agency shall not:*

- *Discharge kinetic impact projectiles and all other non- or less-lethal projectiles in a manner that targets the head, pelvis, or back;*
- *Discharge kinetic impact projectiles indiscriminately into a crowd; or*
- *Use chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to ensure the order is heard and repeated if necessary, followed by sufficient time and space to allow compliance with the order.*

The bill allows a person who has a constitutional right secured by the bill of rights of the Colorado constitution that is infringed upon by a peace officer to bring a civil action for the violation. A plaintiff who prevails in the lawsuit is entitled to reasonable attorney fees, and a defendant in an individual suit is entitled to reasonable attorney fees for defending any frivolous claims. ~~Qualified immunity and a defendant's good faith but erroneous belief in the~~



~~lawfulness of his or her conduct are not defenses is not a defense~~ to the civil action. The bill requires a political subdivision of the state to indemnify its employees for such a claim; *except that if the peace officer's employer determines the officer did not act upon a good faith and reasonable belief that the action was lawful, then the peace officer is personally liable for 5 percent of the judgment or \$25,000, whichever is less, unless the judgment is uncollectible from the officer, then the officer's employer satisfies the whole judgment .*

~~The bill allows a peace officer or detention facility guard to use deadly physical force only when necessary to effect an arrest or prevent escape from custody when the person is using a deadly weapon or likely to imminently cause danger to life or serious bodily injury. The bill repeals a peace officer's authority to use a chokehold.~~

*The bill creates a new use of force standard by limiting the use of physical force and limiting the use of deadly force when force is authorized. The bill prohibits a peace officer from using a chokehold.*

*The bill requires a peace officer to intervene when another officer is using unlawful physical force and requires the intervening officer to file a report regarding the incident. If a peace officer fails to intervene when required, the P.O.S.T. shall decertify the officer.*

*Beginning, January 1, 2022, the bill requires the P.O.S.T. board to create and maintain a database containing information related to a peace officer's:*

- Untruthfulness;
- Repeated failure to follow P.O.S.T. board training requirements;
- Decertification; and
- Termination for cause.

The bill allows the P.O.S.T. board to revoke peace officer certification for a peace officer who has failed to complete required peace officer training *after giving the officer 30 days to satisfactorily complete the training .*

The bill requires a peace officer to have an ~~objective justification~~ *a legal basis* for making a ~~stop contact~~ . After making a ~~stop contact~~ , a peace officer shall report to the peace officer's employing agency that information that the agency is required to report to the ~~attorney general's office division of criminal justice~~ .

~~The bill requires the division of criminal justice in the department of public safety to conduct, in coordination with the P.O.S.T. board, a post-investigation evaluation of all officer-involved deaths to determine and propose improvements and alterations to training of peace officers to guide future officer behavior.~~

**Status:** 6/19/2020 Sent to the Governor for Signature

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**[SB20-221](#)**

**Gay Panic Or Transgender Panic Defense**

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**Position:** **Support**

**Sponsors:** D. Moreno (D) | J. Tate (R) / B. Titone (D) | M. Soper (R)

**Summary:** The bill states that generally evidence relating to the discovery of, knowledge about, or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression, or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or if the defendant and victim are or have been involved in an intimate relationship, is irrelevant in a criminal case and does not constitute sudden heat of passion in a criminal case. The bill creates a protective hearing if a party claims that such evidence is relevant and wants to use it in a criminal case. *(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)*

**Status:** 6/19/2020 Sent to Governor for Signature

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[\*\*SB20-224\*\*](#)

**Landlord Prohibitions Tenant Citizenship Status**

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**Position:** **Support**

**Sponsors:** J. Gonzales (D) / S. Gonzales-Gutierrez (D)

**Summary:** The bill creates the "Immigrant Tenant Protection Act", which prohibits a landlord from engaging in certain housing practices or related activities based on the immigration or citizenship status of a tenant. *Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)*

**Status:** 6/13/2020 Senate Considered House Amendments - Result was to Concur - Repass