

CHAPTER 107

MILITARY AND VETERANS

SENATE BILL 26-085

BY SENATOR(S) Frizell and Ball, Bridges, Bright, Cutter, Danielson, Exum, Hinrichsen, Jodeh, Kipp, Kirkmeyer, Kolker, Lindstedt, Marchman, Mullica, Pelton R., Roberts, Rodriguez, Simpson, Snyder, Sullivan, Wallace, Weissman, Coleman; also REPRESENTATIVE(S) Duran and Hartsook, Boesenecker, Caldwell, Clifford, Froelich, Gonzalez R., Jackson, Joseph, Keltie, Lieder, Marshall, Phillips, Rutinel, McCluskie.

AN ACT

CONCERNING MILITARY PROTECTION ORDERS, AND, IN CONNECTION THEREWITH, A PEACE OFFICER'S DUTY TO DETERMINE WHETHER A MILITARY PROTECTION ORDER EXISTS WHEN RESPONDING TO AN INCIDENT OF DOMESTIC VIOLENCE AND A REQUIREMENT FOR THE COURT TO CONSIDER THE EXISTENCE OF A MILITARY PROTECTION ORDER AS RELEVANT EVIDENCE WHEN DETERMINING WHETHER TO ISSUE A TEMPORARY CIVIL PROTECTION ORDER.

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

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

18-6-806. Notification of potential violation of military protection order - definitions.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ARMED FORCES" MEANS THE ARMY, NAVY, AIR FORCE, MARINE CORPS, SPACE FORCE, AND COAST GUARD OF THE UNITED STATES.

(b) "COMMANDING OFFICER" MEANS A COMMISSIONED OFFICER OR WARRANT OFFICER IN A POSITION OF COMMAND IN THE ARMED FORCES OR NATIONAL GUARD.

(c) "MILITARY PROTECTION ORDER" MEANS A PROTECTION ORDER ISSUED AGAINST A CURRENT MEMBER OF THE ARMED FORCES OR NATIONAL GUARD BY THE MEMBER'S COMMANDING OFFICER THAT PROHIBITS THE MEMBER FROM:

(I) CONTACTING, HARASSING, INJURING, INTIMIDATING, MOLESTING, THREATENING, TOUCHING, OR STALKING A PROTECTED PERSON;

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.

(II) COMMITTING SEXUAL VIOLENCE BY SEXUALLY ASSAULTING OR ABUSING A PROTECTED PERSON;

(III) ENTERING OR REMAINING ON PREMISES OR COMING WITHIN A SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES;

(IV) TAKING, TRANSFERRING, CONCEALING, HARMING, DISPOSING OF, OR THREATENING HARM TO AN ANIMAL OWNED, POSSESSED, LEASED, KEPT, OR HELD BY A PROTECTED PERSON; OR

(V) POSING ANY OTHER RISK OR THREAT OF PHYSICAL HARM TO THE PROTECTED PERSON OR THREAT OF PSYCHOLOGICAL OR EMOTIONAL HARM TO THE PROTECTED PERSON.

(d) "NATIONAL GUARD" MEANS THE FEDERALLY RECOGNIZED ARMY NATIONAL GUARD AND AIR NATIONAL GUARD.

(e) "PROTECTED PERSON" MEANS THE PERSON IDENTIFIED IN A MILITARY PROTECTION ORDER AS THE PERSON FOR WHOSE BENEFIT THE PROTECTION ORDER WAS ISSUED.

(2) WHEN A PEACE OFFICER HAS REASONABLE SUSPICION THAT A CRIME OF DOMESTIC VIOLENCE HAS OCCURRED, THE PEACE OFFICER SHALL SEARCH THE NATIONAL CRIME INFORMATION CENTER DATABASE TO DETERMINE WHETHER A MILITARY PROTECTION ORDER HAS BEEN ISSUED AGAINST ONE OF THE PARTIES. IF A MILITARY PROTECTION ORDER HAS BEEN ISSUED AGAINST A PARTY, THE PEACE OFFICER SHALL NOTIFY THE MILITARY LAW ENFORCEMENT AGENCY THAT ENTERED THE PROTECTION ORDER INTO THE NATIONAL CRIME INFORMATION CENTER DATABASE.

SECTION 2. In Colorado Revised Statutes, 13-14-104.5, **amend** (7)(a) as follows:

13-14-104.5. Procedure for temporary civil protection order.

(7) (a) A temporary civil protection order may be issued if the issuing judge or magistrate finds that a risk or threat of physical harm or the threat of psychological or emotional harm exists to the person or persons seeking protection under the civil protection order. In determining whether a risk or threat of physical harm or the threat of psychological or emotional harm exists to one or more persons, the court shall consider all relevant evidence concerning the safety and protection of the persons seeking the protection order, regardless of when an incident occurred, or the existence of a protection order issued pursuant to section 18-1-1001 or 18-1-1001.5. THE EXISTENCE OF A MILITARY PROTECTION ORDER, AS DEFINED IN SECTION 18-6-806, IS RELEVANT EVIDENCE THAT THE COURT SHALL CONSIDER WHEN DETERMINING WHETHER THERE IS A RISK OR THREAT OF HARM.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section

1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 5, 2026