

ORDINANCE NO. 363

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
SIMLA COLORADO ADDING A NEW SECTION 1-9-11 TO THE TOWN
CODE OF SIMLA CONCERNING PROTECTION ORDERS**

WHEREAS, the Board of Trustees desires to amend the Town Code of Simla (the "Code") to authorize the Simla Municipal Court to issue temporary or permanent civil protection orders pursuant to C.R.S. § 13-14-104.5.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Simla as follows:

Section 1. A new Section 1-9-11 is hereby added to the Town Code of Simla as follows:

Section 1-9-11: PROTECTION ORDERS:

A. Definitions: For purposes of this Section, the following terms shall have the following meanings:

FINAL DISPOSITION OF ACTION: When the case is dismissed, the defendant is acquitted, or the defendant completes their sentence.

PROTECTED PERSON: The person or persons identified in the protection order as the person or persons for whose benefit the protection order is issued.

PROTECTION ORDER: Any order that prohibits the restrained person from contacting, harassing, injuring, intimidating, molesting, threatening, or touching any protected person, or retaliating against or tampering directly or indirectly with any named protected person, or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises, or any other provision of the protection order.

REGISTRY: A computerized information system.

RESTRAINED PERSON: The person identified in the order as the person prohibited from doing the specified act or acts.

SUBSEQUENT ORDER: An order that amends, modifies, supplements, or supersedes a protection order.

B. Issuance:

1. The municipal court is authorized to issue a protection order against any person charged with or convicted of a municipal offense as a condition of arraignment or as part of sentencing. The municipal court is authorized to order any appropriate restraint on the conduct of the restrained person, or to continue, vacate, or modify any existing protection order.

2. The municipal court is authorized to issue a protection order against any person for any of the following purposes:

- a. To prevent assaults and threatened bodily harm;
 - b. To prevent domestic abuse;
 - c. To prevent emotional abuse of the elderly or of an at-risk adult;
 - d. To prevent sexual violence; and
 - e. To prevent stalking.
3. To be eligible for a protection order, the petitioner does not need to show that he or she has reported the act that is the subject of the complaint to law enforcement, that charges have been filed, or that the petitioner is participating in the prosecution of a criminal matter.
4. Nothing in this Section precludes the defendant or their attorney from applying to the court at any time for modification or dismissal of the protection order issued pursuant to this Section.
5. Nothing in this Section precludes the Town prosecutor from applying to the municipal court at any time for further orders, additional provisions under the protection order, or modification or dismissal of the same.
6. The municipal court retains jurisdiction to enforce, modify, or dismiss the protection order until final disposition of the action.
7. The municipal court shall electronically transfer to the Central Registry of Protection Orders established pursuant to C.R.S. § 18-6-803.7, as amended, a copy of any protection order issued pursuant to this Section. A copy of the protection order shall be provided to the protected person. A law enforcement officer shall enforce a valid protection order whether or not there is a record of the protection order in the registry.
8. The protection order issued by the municipal court shall remain in effect for such time as specified in the protection order unless earlier vacated by the municipal court upon written order.
9. The municipal court shall inform the restrained person that a violation of the protection order shall constitute a criminal violation and may result in contempt of court proceedings as provided by law.

C. Penalty:

1. It is unlawful to violate a protection order. Violation of a protection order is deemed a criminal offense, subject to the penalties set forth in Section 1-4-2 of this Code.
2. A person commits the crime of violation of a protection order if, after the person has been personally served with a protection order that identifies the person as the restrained person or otherwise has acquired from the court or law enforcement personnel actual knowledge of the contents of the protection order that identifies the person as a restrained person, that person: contacts, harasses, injures, intimidates, molests, threatens, or touches the protected person or protected property, including an animal owned by the protected person, identified in the

protection order, or remains on the premises, or comes within a specified distance of the protected person, protected property, including an animal, or premises, or violates any other provision of the protection order to protect the protected person and such conduct is prohibited by the protection order.

3. Any sentence imposed for violation of this Section shall run consecutively and not concurrently with any sentence imposed for any crime which gave rise to the issuance of the protection order.

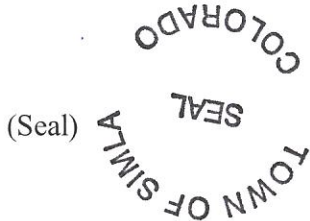
4. Nothing in this Section shall be construed to alter or diminish the inherent authority of the municipal court to enforce its orders through civil or criminal contempt proceedings.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that anyone, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety, and welfare.

Section 4. Effective Date. This Ordinance shall become effective immediately after publication.

Adopted and ordered published this 14th day of April, 2026.



Ryan Fulmer
Mayor

Attest:

Megan Taunton, Town Clerk