

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 15-0502.01 Michael Dohr x4347

HOUSE BILL 15-1291

HOUSE SPONSORSHIP

Melton, Buckner, Esgar, Fields, Salazar

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROHIBITING THE USE OF A CHOKEHOLD BY A PEACE**
102 **OFFICER.**

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://www.leg.state.co.us/billsummaries>.)

The bill prohibits a peace officer from using a chokehold. The bill makes an exception if the officer believes his or her life is in danger.

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

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

1 **SECTION 1.** In Colorado Revised Statutes, **add** 18-3-210 as
2 follows:

3 **18-3-210. Chokehold by a peace officer - definitions.** (1) A
4 PEACE OFFICER AS DESCRIBED IN ARTICLE 2.5 OF TITLE 16, C.R.S., SHALL
5 NOT INTENTIONALLY USE OR APPLY A CHOKEHOLD TO ANOTHER PERSON.

6 (2) IT IS NOT AN OFFENSE UNDER THIS SECTION IF THE OFFICER HAS
7 REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT HE OR SHE
8 OR ANOTHER PERSON IS IN IMMINENT DANGER OF DEATH OR SERIOUS
9 BODILY INJURY.

10 (3) A PEACE OFFICER WHO VIOLATES SUBSECTION (1) OF THIS
11 SECTION COMMITS A CLASS 1 MISDEMEANOR.

12 (4) FOR THE PURPOSES OF THIS SECTION, "CHOKEHOLD" MEANS TO
13 WRAP AN ARM AROUND OR GRIP THE NECK IN A MANNER THAT LIMITS OR
14 CUTS OFF EITHER THE FLOW OF AIR BY COMPRESSING THE WINDPIPE OR THE
15 FLOW OF BLOOD THROUGH THE CAROTID ARTERIES ON EACH SIDE OF THE
16 NECK.

17 **SECTION 2. Effective date - applicability.** This act takes effect
18 July, 1, 2015, and applies to offenses committed on or after said date.

19 **SECTION 3. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.