

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 15-0305.01 Jennifer Berman x3286

SENATE BILL 15-067

SENATE SPONSORSHIP

Cooke, Garcia

HOUSE SPONSORSHIP

Joshi,

Senate Committees

Judiciary
Appropriations

House Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING AN INCREASE IN THE CLASS OF OFFENSE FOR CERTAIN**
102 **ACTS OF ASSAULT AGAINST PERSONS ENGAGED IN PERFORMING**
103 **THEIR DUTIES AS EMERGENCY RESPONDERS, AND, IN**
104 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 increases the class of offense from assault in the third degree to assault in the second degree for the commission of the following acts:

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.

SENATE
3rd Reading Unamended
April 15, 2015

SENATE
Amended 2nd Reading
April 14, 2015

- ! Intentionally causing bodily injury to a person whom the actor knows or reasonably should know is an emergency medical care provider and with the intent to prevent the person from performing a lawful duty; and
- ! With the intent to infect, injure, harm, harass, annoy, threaten, or alarm another person whom the actor knows or reasonably should know to be engaged in the performance of his or her duties as a peace officer, a firefighter, an emergency medical care provider, or an emergency medical service provider, causing the person to come in contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or any toxic, caustic, or hazardous material by any means.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-203, **amend** (1)
3 (c) and (1) (f.5) (I) as follows:

4 **18-3-203. Assault in the second degree.** (1) A person commits
5 the crime of assault in the second degree if:

6 (c) With intent to prevent one whom he or she knows, or should
7 know, to be a peace officer, firefighter, EMERGENCY MEDICAL CARE
8 PROVIDER, or emergency medical service provider from performing a
9 lawful duty, he or she intentionally causes bodily injury to any person; or

10 (f.5) (I) ~~While lawfully confined in a detention facility within this~~
11 ~~state,~~ a THE person, with intent to infect, injure, harm, harass, annoy,
12 threaten, or alarm a ANOTHER person ~~in a detention facility~~ whom the
13 actor knows or reasonably should know to be ENGAGED IN THE
14 PERFORMANCE OF HIS OR HER DUTIES AS A PEACE OFFICER, A FIREFIGHTER,
15 AN EMERGENCY MEDICAL CARE PROVIDER, AN EMERGENCY MEDICAL
16 SERVICE PROVIDER, OR an employee of a detention facility, causes such
17 ~~employee~~ OTHER PERSON to come into contact with blood, seminal fluid,
18 urine, feces, saliva, mucus, vomit, or any toxic, caustic, or hazardous

1 material by any means, including ~~but not limited to~~ BY throwing, tossing,
2 or expelling such fluid or material.

3 [REDACTED]
4 **SECTION 2.** In Colorado Revised Statutes, 18-3-204, **amend** (1);
5 and **repeal** [REDACTED] (4) as follows:

6 **18-3-204. Assault in the third degree.** (1) A person commits the
7 crime of assault in the third degree if

8 (a) the person knowingly or recklessly causes bodily injury to
9 another person or with criminal negligence the person causes bodily
10 injury to another person by means of a deadly weapon. ~~or~~

11 (b) ~~The person, with intent to infect, injure, harm, harass, annoy,~~
12 ~~threaten, or alarm another person whom the actor knows or reasonably~~
13 ~~should know to be a peace officer, a firefighter, an emergency medical~~
14 ~~care provider, or an emergency medical service provider, causes the other~~
15 ~~person to come into contact with blood, seminal fluid, urine, feces, saliva,~~
16 ~~mucus, vomit, or toxic, caustic, or hazardous material by any means,~~
17 ~~including throwing, tossing, or expelling the fluid or material.~~

18 [REDACTED] [REDACTED]
19 (4) ~~"Emergency medical care provider" means a doctor, intern,~~
20 ~~nurse, nurse's aid, physician's assistant, ambulance attendant or operator,~~
21 ~~air ambulance pilot, paramedic, or any other member of a hospital or~~
22 ~~health care facility staff or security force who is involved in providing~~
23 ~~emergency medical care at a hospital or health care facility, or in an air~~
24 ~~ambulance or ambulance as defined in section 25-3.5-103 (1) and (1.5);~~
25 ~~C.R.S.~~

26 **SECTION 3.** In Colorado Revised Statutes, 18-1.3-501, **amend**
27 (1.5) (b) as follows:

1 **18-1.3-501. Misdemeanors classified - drug misdemeanors and**
2 **drug petty offenses classified - penalties - definitions.** (1.5) (b) As
3 used in this section, "peace officer, emergency medical service provider,
4 emergency medical care provider, or firefighter engaged in the
5 performance of his or her duties" means a peace officer as described in
6 section 16-2.5-101, C.R.S., emergency medical service provider as
7 defined in part 1 of article 3.5 of title 25, C.R.S., emergency medical care
8 provider as defined by section ~~18-3-204 (4)~~ 18-3-201 (1), or a firefighter
9 as defined in section 18-3-201 (1.5), who is engaged or acting in or who
10 is present to engage or act in the performance of a duty, service, or
11 function imposed, authorized, required, or permitted by law to be
12 performed by a peace officer, emergency medical service provider,
13 emergency medical care provider, or firefighter, whether or not the peace
14 officer, emergency medical service provider, emergency medical care
15 provider, or firefighter is within the territorial limits of his or her
16 jurisdiction, if the peace officer, emergency medical service provider,
17 emergency medical care provider, or firefighter is in uniform or the
18 person committing an assault upon or offense against or otherwise acting
19 toward the peace officer, emergency medical service provider, emergency
20 medical care provider, or firefighter knows or reasonably should know
21 that the victim is a peace officer, emergency medical service provider,
22 emergency medical care provider, or firefighter or if the peace officer,
23 emergency medical service provider, emergency medical care provider,
24 or firefighter is intentionally assaulted in retaliation for the performance
25 of his or her official duties.

26 **SECTION 4.** In Colorado Revised Statutes, add 17-18-117 as
27 follows:

1 **17-18-117. Appropriation to comply with section 2-2-703 - SB**
2 **15-067 - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE
3 FOLLOWING STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO
4 IMPLEMENT SENATE BILL 15-067, ENACTED IN 2015:

5 (a) FOR THE 2016-17 STATE FISCAL YEAR, NINE HUNDRED
6 TWENTY-FOUR THOUSAND SEVEN HUNDRED FIFTY-FIVE DOLLARS IS
7 APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

8 (b) FOR THE 2017-18 STATE FISCAL YEAR, ONE MILLION TWO
9 HUNDRED FORTY-TWO THOUSAND FIVE HUNDRED THIRTY-THREE DOLLARS
10 IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

11 (c) FOR THE 2018-19 STATE FISCAL YEAR, ONE MILLION THREE
12 HUNDRED THIRTY THOUSAND EIGHT HUNDRED FIVE DOLLARS IS
13 APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

14 (d) FOR THE 2019-20 STATE FISCAL YEAR, ONE MILLION FOUR
15 HUNDRED NINETEEN THOUSAND SEVENTY-SIX DOLLARS IS APPROPRIATED
16 TO THE DEPARTMENT FROM THE GENERAL FUND.

17 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020. _____

18 **SECTION 5. Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect September 1, 2015; except that,
20 if a referendum petition is filed pursuant to section 1 (3) of article V of
21 the state constitution against this act or an item, section, or part of this act
22 within the ninety-day period after final adjournment of the general
23 assembly, then the act, item, section, or part will not take effect unless
24 approved by the people at the general election to be held in November
25 2016 and, in such case, will take effect on the date of the official
26 declaration of the vote thereon by the governor.

1 (2) This act applies to offenses committed on or after the effective
2 date of this act.