

**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

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.*

- ! 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); and **add** (3) 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 (3) AS USED IN THIS SECTION, "EMERGENCY MEDICAL CARE
4 PROVIDER" MEANS A DOCTOR, INTERN, NURSE, NURSE'S AIDE, PHYSICIAN'S
5 ASSISTANT, AMBULANCE ATTENDANT OR OPERATOR, AIR AMBULANCE
6 PILOT OR CREWMEMBER, PARAMEDIC, OR ANY OTHER MEMBER OF A
7 HOSPITAL OR HEALTH CARE FACILITY STAFF OR SECURITY FORCE WHO IS
8 INVOLVED IN PROVIDING EMERGENCY MEDICAL CARE AT A HOSPITAL OR
9 HEALTH CARE FACILITY, OR IN AN AIR AMBULANCE OR AMBULANCE AS
10 DEFINED IN SECTION 25-3.5-103 (1) AND (1.5), C.R.S.

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

13 **18-3-204. Assault in the third degree.** (1) A person commits the
14 crime of assault in the third degree if

15 (a) the person knowingly or recklessly causes bodily injury to
16 another person or with criminal negligence the person causes bodily
17 injury to another person by means of a deadly weapon. ~~or~~

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

25 (2) (a) ~~An adult or juvenile who has had a court find that there is~~
26 ~~probable cause to believe that he or she has committed an offense~~
27 ~~pursuant to paragraph (b) of subsection (1) of this section or is convicted~~

1 of an offense pursuant to paragraph (b) of subsection (1) of this section
2 or any person who is determined to have provided blood, seminal fluid,
3 urine, feces, saliva, mucus, or vomit to a person for whom probable cause
4 has been found or been convicted of such an offense shall be ordered by
5 the court to submit to a medical test for communicable diseases and to
6 supply blood, feces, urine, saliva, or other bodily fluid required for the
7 test. The results of such test shall be reported to the court or the court's
8 designee, who shall then disclose the results to any victim of the offense
9 who requests such disclosure. Review and disclosure of medical test
10 results by the court shall be closed and confidential, and any transaction
11 records relating thereto shall also be closed and confidential. If a person
12 subject to a medical test for communicable diseases pursuant to this
13 subsection (2) voluntarily submits to a medical test for communicable
14 diseases, the fact of the person's voluntary submission shall be admissible
15 in mitigation of sentence if the person is convicted of the charged offense.

16 (b) In addition to any other penalty provided by law, the court may
17 order any person who is convicted of the offense described in paragraph
18 (b) of subsection (1) of this section to meet all or any portion of the
19 financial obligations of medical tests performed on and treatment
20 prescribed for the victim or victims of the offense.

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

1 **SECTION 3.** In Colorado Revised Statutes, 18-1.3-501, **amend**
2 (1.5) (b) as follows:

3 **18-1.3-501. Misdemeanors classified - drug misdemeanors and**
4 **drug petty offenses classified - penalties - definitions.** (1.5) (b) As
5 used in this section, "peace officer, emergency medical service provider,
6 emergency medical care provider, or firefighter engaged in the
7 performance of his or her duties" means a peace officer as described in
8 section 16-2.5-101, C.R.S., emergency medical service provider as
9 defined in part 1 of article 3.5 of title 25, C.R.S., emergency medical care
10 provider as defined by section ~~18-3-204~~ (4) 18-3-203 (3), or a firefighter
11 as defined in section 18-3-201 (1.5), who is engaged or acting in or who
12 is present to engage or act in the performance of a duty, service, or
13 function imposed, authorized, required, or permitted by law to be
14 performed by a peace officer, emergency medical service provider,
15 emergency medical care provider, or firefighter, whether or not the peace
16 officer, emergency medical service provider, emergency medical care
17 provider, or firefighter is within the territorial limits of his or her
18 jurisdiction, if the peace officer, emergency medical service provider,
19 emergency medical care provider, or firefighter is in uniform or the
20 person committing an assault upon or offense against or otherwise acting
21 toward the peace officer, emergency medical service provider, emergency
22 medical care provider, or firefighter knows or reasonably should know
23 that the victim is a peace officer, emergency medical service provider,
24 emergency medical care provider, or firefighter or if the peace officer,
25 emergency medical service provider, emergency medical care provider,
26 or firefighter is intentionally assaulted in retaliation for the performance
27 of his or her official duties.

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

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

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

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

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

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

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

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

1 2016 and, in such case, will take effect on the date of the official
2 declaration of the vote thereon by the governor.

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