

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 09-0049.02 Michael Dohr

HOUSE BILL 09-1120

HOUSE SPONSORSHIP

Stephens,

SENATE SPONSORSHIP

Penry,

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary

A BILL FOR AN ACT

101 **CONCERNING CRIMINALIZING CERTAIN ACTS IN ORDER TO PROTECT**
102 **THE SAFETY OF CERTAIN PUBLIC SERVANTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Makes it a second degree assault when a person with the intent to infect, injure, harm, harass, annoy, threaten, or alarm a peace officer, a firefighter, or emergency medical technician causes that person to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or any toxic, caustic, or hazardous material. States that a person convicted of said offense is not subject to the aggravating sentencing provisions that apply to second degree assault on a peace officer or

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 Unam ended
April 20, 2009

SENATE
2nd Reading Unam ended
April 17, 2009

HOUSE
3rd Reading Unam ended
March 25, 2009

HOUSE
Am ended 2nd Reading
March 24, 2009

firefighter.

Clarifies that a person commits the crime of disarming a peace officer if he or she knowingly, without justification and without consent, removes the self-defense electronic control device, direct-contact stun device, or other similar device of a peace officer who is acting under his or her official authority.

Makes the 5-year statutory appropriation.

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

2

3 **SECTION 1.** 18-3-204, Colorado Revised Statutes, is amended
4 to read:

5 **18-3-204. Assault in the third degree.** (1) A person commits
6 the crime of assault in the third degree if:

7 (a) The person knowingly or recklessly causes bodily injury to
8 another person or with criminal negligence the person causes bodily
9 injury to another person by means of a deadly weapon; OR

10 (b) THE PERSON, WITH INTENT TO INFECT, INJURE, HARM, HARASS,
11 ANNOY, THREATEN, OR ALARM ANOTHER PERSON WHOM THE ACTOR
12 KNOWS OR REASONABLY SHOULD KNOW TO BE A PEACE OFFICER,
13 FIREFIGHTER, OR AN EMERGENCY MEDICAL TECHNICIAN, CAUSES SUCH
14 OTHER PERSON TO COME INTO CONTACT WITH BLOOD, SEMINAL FLUID,
15 URINE, FECES, SALIVA, MUCUS, VOMIT, OR ANY TOXIC, CAUSTIC, OR
16 HAZARDOUS MATERIAL BY ANY MEANS, INCLUDING BUT NOT LIMITED TO
17 THROWING, TOSSING, OR EXPELLING SUCH FLUID OR MATERIAL.

18 (2) (a) AN ADULT OR JUVENILE WHO HAS HAD A COURT FIND THAT
19 THERE IS PROBABLE CAUSE TO BELIEVE THAT HE OR SHE HAS COMMITTED
20 AN OFFENSE PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS
21 SECTION OR IS CONVICTED OF AN OFFENSE PURSUANT TO PARAGRAPH (b)
22 OF SUBSECTION (1) OF THIS SECTION OR ANY PERSON WHO IS DETERMINED

1 TO HAVE PROVIDED BLOOD, SEMINAL FLUID, URINE, FECES, SALIVA, MUCUS,
2 OR VOMIT TO A PERSON FOR WHOM PROBABLE CAUSE HAS BEEN FOUND OR
3 BEEN CONVICTED OF SUCH AN OFFENSE SHALL BE ORDERED BY THE COURT
4 TO SUBMIT TO A MEDICAL TEST FOR COMMUNICABLE DISEASES AND TO
5 SUPPLY BLOOD, FECES, URINE, SALIVA, OR OTHER BODILY FLUID REQUIRED
6 FOR THE TEST. THE RESULTS OF SUCH TEST SHALL BE REPORTED TO THE
7 COURT OR THE COURT'S DESIGNEE, WHO SHALL THEN DISCLOSE THE
8 RESULTS TO ANY VICTIM OF THE OFFENSE WHO REQUESTS SUCH
9 DISCLOSURE. REVIEW AND DISCLOSURE OF MEDICAL TEST RESULTS BY THE
10 COURT SHALL BE CLOSED AND CONFIDENTIAL, AND ANY TRANSACTION
11 RECORDS RELATING THERETO SHALL ALSO BE CLOSED AND CONFIDENTIAL.
12 IF A PERSON SUBJECT TO A MEDICAL TEST FOR COMMUNICABLE DISEASES
13 PURSUANT THIS SUBSECTION (2) VOLUNTARILY SUBMITS TO A MEDICAL
14 TEST FOR COMMUNICABLE DISEASES, THE FACT OF THE PERSON'S
15 VOLUNTARY SUBMISSION SHALL BE ADMISSIBLE IN MITIGATION OF
16 SENTENCE IF THE PERSON IS CONVICTED OF THE CHARGED OFFENSE.

17 (b) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, THE
18 COURT MAY ORDER ANY PERSON WHO IS CONVICTED OF THE OFFENSE
19 DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1) OF THIS SECTION TO
20 MEET ALL OR ANY PORTION OF THE FINANCIAL OBLIGATIONS OF MEDICAL
21 TESTS PERFORMED ON AND TREATMENT PRESCRIBED FOR THE VICTIM OR
22 VICTIMS OF THE OFFENSE.

23 (3) Assault in the third degree is a class 1 misdemeanor and is an
24 extraordinary risk crime that is subject to the modified sentencing range
25 specified in section 18-1.3-501 (3).

26 **SECTION 2.** 18-1.3-501, Colorado Revised Statutes, is amended
27 to read:

1 **18-1.3-501. Misdemeanors classified - penalties.** (1.5) (a) If a
2 defendant is convicted of assault in the third degree pursuant to section
3 18-3-204 and the victim is a peace officer, EMERGENCY MEDICAL
4 TECHNICIAN, or firefighter engaged in the performance of his or her
5 duties, notwithstanding the provisions of subsection (1) of this section,
6 the court shall sentence the defendant to a term of imprisonment greater
7 than the maximum sentence but no more than twice the maximum
8 sentence authorized for the same crime when the victim is not a peace
9 officer, EMERGENCY MEDICAL TECHNICIAN, or firefighter engaged in the
10 performance of his or her duties. In addition to such term of
11 imprisonment, the court may impose a fine on the defendant pursuant to
12 subsection (1) of this section.

13 (b) As used in this section, "peace officer, EMERGENCY MEDICAL
14 TECHNICIAN, or firefighter engaged in the performance of his or her
15 duties" means a peace officer as described in section 16-2.5-101, C.R.S.,
16 EMERGENCY MEDICAL TECHNICIAN AS DEFINED IN PART 1 OF ARTICLE 3.5
17 OF TITLE 25, C.R.S., or a firefighter as defined in section 18-3-201 (1),
18 who is engaged or acting in, or who is present for the purpose of engaging
19 or acting in, the performance of any duty, service, or function imposed,
20 authorized, required, or permitted by law to be performed by a peace
21 officer, EMERGENCY MEDICAL TECHNICIAN, or firefighter, whether or not
22 the peace officer, EMERGENCY MEDICAL TECHNICIAN, or firefighter is
23 within the territorial limits of his or her jurisdiction, if the peace officer,
24 EMERGENCY MEDICAL TECHNICIAN, or firefighter is in uniform or the
25 person committing an assault upon or offense against or otherwise acting
26 toward such peace officer, EMERGENCY MEDICAL TECHNICIAN, or
27 firefighter knows or reasonably should know that the victim is a peace

1 officer, EMERGENCY MEDICAL TECHNICIAN, or firefighter or if the peace
2 officer or firefighter is intentionally assaulted in retaliation for the
3 performance of his or her official duties.

4 **SECTION 3.** 18-8-116 (1), Colorado Revised Statutes, is
5 amended to read:

6 **18-8-116. Disarming a peace officer.** (1) A person commits
7 disarming a peace officer if he OR SHE knowingly, without justification
8 and without consent, removes the firearm OR SELF-DEFENSE ELECTRONIC
9 CONTROL DEVICE, DIRECT-CONTACT STUN DEVICE, OR OTHER SIMILAR
10 DEVICE of a peace officer who is acting under color of his OR HER official
11 authority.

12 [REDACTED]
13 **SECTION 4. Effective date - applicability.** This act shall take
14 effect July 1, 2009, and shall apply to offenses committed on or after said
15 date.

16 **SECTION 5. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.