

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0094.01 Richard Sweetman

HOUSE BILL 08-1066

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A BILL FOR AN ACT

101 **CONCERNING THE USE OF PHYSICAL FORCE AGAINST A PERSON WHO**
102 **MAKES AN UNLAWFUL ENTRY INTO A PLACE OF BUSINESS.**

Bill Summary

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

Extends the conditions under which an occupant may use deadly physical force against an intruder to include places of business as well as dwellings.

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.** 18-1-704.5, Colorado Revised Statutes, is amended
2 to read:

3 **18-1-704.5. Use of deadly physical force against an intruder.**

4 (1) The general assembly hereby recognizes that the citizens of Colorado
5 have a right to expect absolute safety within their own ~~homes~~ DWELLINGS
6 AND WITHIN PLACES OF BUSINESS.

7 (2) Notwithstanding the provisions of section 18-1-704, any
8 occupant of a dwelling OR PLACE OF BUSINESS is justified in using any
9 degree of physical force, including deadly physical force, against another
10 person when that other person has made an unlawful entry into the
11 dwelling OR PLACE OF BUSINESS, and when the occupant has a reasonable
12 belief that ~~such~~ THE other person has committed a crime in the dwelling
13 OR PLACE OF BUSINESS in addition to the uninvited entry, or is committing
14 or intends to commit a crime against a person or property in addition to
15 the uninvited entry, and when the occupant reasonably believes that ~~such~~
16 THE other person might use any physical force, no matter how slight,
17 against any occupant.

18 (3) Any occupant of a dwelling OR PLACE OF BUSINESS using
19 physical force, including deadly physical force, in accordance with the
20 provisions of subsection (2) of this section shall be immune from criminal
21 prosecution for the use of such force.

22 (4) Any occupant of a dwelling OR PLACE OF BUSINESS using
23 physical force, including deadly physical force, in accordance with the
24 provisions of subsection (2) of this section shall be immune from any
25 civil liability for injuries or death resulting from the use of such force.

26 **SECTION 2. Effective date.** This act shall take effect at 12:01
27 a.m. on the day following the expiration of the ninety-day period after

1 final adjournment of the general assembly that is allowed for submitting
2 a referendum petition pursuant to article V, section 1 (3) of the state
3 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);
4 except that, if a referendum petition is filed against this act or an item,
5 section, or part of this act within such period, then the act, item, section,
6 or part, if approved by the people, shall take effect on the date of the
7 official declaration of the vote thereon by proclamation of the governor.