

HB1303 L.006

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB15-1303 be amended as follows:

1 Amend printed bill, page 2, strike lines 3 through 5 and substitute:

2 "(c); and add (1) (c.5) as follows:

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

5 (c.5) WITH INTENT TO PREVENT ONE WHOM HE OR SHE KNOWS, OR
6 SHOULD KNOW, TO BE A PEACE OFFICER, FIREFIGHTER, OR EMERGENCY
7 MEDICAL SERVICE PROVIDER FROM PERFORMING A LAWFUL DUTY, HE OR
8 SHE INTENTIONALLY CAUSES SERIOUS BODILY INJURY TO ANY PERSON; OR

9 (2) (c) (I) If a defendant is convicted of assault in the second
10 degree pursuant to paragraph (b), (c), (c.5),".

11 Page 2, after line 13 insert:

12 "(II) IF A DEFENDANT IS CONVICTED OF ASSAULT IN THE SECOND
13 DEGREE PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1) OF THIS
14 SECTION, THE COURT SHALL SENTENCE THE OFFENDER IN ACCORDANCE
15 WITH SECTION 18-1.3-406; EXCEPT THAT, NOTWITHSTANDING THE
16 PROVISIONS OF SECTION 18-1.3-406, THE COURT IS NOT REQUIRED TO
17 SENTENCE THE DEFENDANT TO THE DEPARTMENT OF CORRECTIONS FOR A
18 MANDATORY TERM OF INCARCERATION.

19 **SECTION 2.** In Colorado Revised Statutes, 18-1.3-401, amend
20 (1) (b) (IV) as follows:

21 **18-1.3-401. Felonies classified - presumptive penalties.**
22 (1) (b) (IV) If a person is convicted of assault in the first degree pursuant
23 to section 18-3-202 or assault in the second degree pursuant to section
24 18-3-203 (1) (c.5), and the victim is a peace officer, firefighter, or
25 emergency medical service provider engaged in the performance of his
26 or her duties, as defined in section 18-1.3-501 (1.5) (b), notwithstanding
27 the provisions of subparagraph (III) of paragraph (a) of this subsection (1)
28 and subparagraph (II) of this paragraph (b), the court shall sentence the
29 person to the department of corrections. In addition to a term of
30 imprisonment, the court may impose a fine on the person pursuant to
31 subparagraph (III) of paragraph (a) of this subsection (1).".

32 Renumber succeeding section accordingly.

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