

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1002.01 Michael Dohr x4347

HOUSE BILL 16-1264

HOUSE SPONSORSHIP

Melton, Esgar, Salazar, Williams

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROHIBITING THE USE OF A CHOKEHOLD BY A PEACE
102 OFFICER.

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 prohibits a peace officer from intentionally using a chokehold against another person. The bill makes a violation a class 1 misdemeanor. The bill makes an exception if the officer believes his or her life is in danger or that he or she or another person is in imminent danger of death or serious bodily injury.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-3-210 as
3 follows:

4 **18-3-210. Chokehold by a peace officer - definitions.** (1) A
5 PEACE OFFICER AS DESCRIBED IN ARTICLE 2.5 OF TITLE 16, C.R.S., SHALL
6 NOT INTENTIONALLY USE OR APPLY A CHOKEHOLD TO ANOTHER PERSON.

7 (2) IT IS NOT AN OFFENSE UNDER THIS SECTION IF THE OFFICER
8 BELIEVES, AND HAS REASONABLE GROUNDS TO BELIEVE, THAT HE OR SHE
9 OR ANOTHER PERSON IS IN IMMINENT DANGER OF DEATH OR SERIOUS
10 BODILY INJURY.

11 (3) A PEACE OFFICER WHO VIOLATES SUBSECTION (1) OF THIS
12 SECTION COMMITS A CLASS 1 MISDEMEANOR.

13 (4) FOR THE PURPOSES OF THIS SECTION, "CHOKEHOLD" MEANS TO
14 WRAP AN ARM AROUND OR GRIP THE NECK IN A MANNER THAT LIMITS OR
15 CUTS OFF EITHER THE FLOW OF AIR BY COMPRESSING THE WINDPIPE OR THE
16 FLOW OF BLOOD THROUGH THE CAROTID ARTERIES ON EACH SIDE OF THE
17 NECK.

18 **SECTION 2. Effective date - applicability.** This act takes effect
19 July 1, 2016, and applies to offenses committed on or after said date.

20 **SECTION 3. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.