

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 16-1002.01 Michael Dohr x4347

HOUSE BILL 16-1264

HOUSE SPONSORSHIP

Melton, Esgar, Salazar, Williams

SENATE SPONSORSHIP

Johnston,

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.*

HOUSE
3rd Reading Unamended
March 17, 2016

HOUSE
Amended 2nd Reading
March 16, 2016

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1-707, **add** (2.5)
3 as follows:

4 **18-1-707. Use of physical force in making an arrest or in**
5 **preventing an escape - definitions.** (2.5) (a) A PEACE OFFICER IS
6 JUSTIFIED IN USING A CHOKEHOLD UPON ANOTHER PERSON FOR THE
7 PURPOSES SPECIFIED IN SUBSECTION (1) OF THIS SECTION ONLY WHEN HE
8 OR SHE REASONABLY BELIEVES THAT IT IS NECESSARY:

9 (I) TO DEFEND HIMSELF OR HERSELF OR A THIRD PERSON FROM
10 WHAT HE OR SHE REASONABLY BELIEVES TO BE THE USE OR IMMINENT USE
11 OF DEADLY PHYSICAL FORCE OR INFLICTION OF SERIOUS BODILY INJURY;
12 OR

13 (II) TO EFFECT AN ARREST, OR TO PREVENT THE ESCAPE FROM
14 CUSTODY, OF A PERSON WHOM HE OR SHE REASONABLY BELIEVES:

15 (A) HAS COMMITTED OR ATTEMPTED TO COMMIT A FELONY
16 INVOLVING OR THREATENING THE USE OF A DEADLY WEAPON; OR

17 (B) IS ATTEMPTING TO ESCAPE BY THE USE OF DEADLY FORCE; OR

18 (C) INDICATES, EXCEPT THROUGH A MOTOR VEHICLE, THAT HE OR
19 SHE IS LIKELY TO ENDANGER HUMAN LIFE OR TO INFLICT SERIOUS BODILY
20 INJURY TO ANOTHER UNLESS HE OR SHE IS APPREHENDED WITHOUT DELAY.

21 (b) FOR THE PURPOSES OF THIS SUBSECTION, "CHOKEHOLD" MEANS
22 A METHOD BY WHICH A PERSON HOLDS ANOTHER PERSON BY PUTTING HIS
23 OR HER ARM AROUND THE OTHER PERSON'S NECK WITH SUFFICIENT
24 PRESSURE TO MAKE BREATHING DIFFICULT OR IMPOSSIBLE AND INCLUDES,
25 BUT IS NOT LIMITED TO, ANY PRESSURE TO THE THROAT OR WINDPIPE,
26 WHICH MAY PREVENT OR HINDER BREATHING OR REDUCE INTAKE OF AIR.

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

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