

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 09-0324.01 Richard Sweetman

SENATE BILL 09-008

SENATE SPONSORSHIP

Harvey,

HOUSE SPONSORSHIP

Gardner C.,

Senate Committees
State, Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE USE OF DEADLY PHYSICAL FORCE AGAINST A PERSON**
102 **WHO 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 right to use deadly physical force against an intruder under certain conditions to include owners, managers, and employees of places of business.

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 PLACES OF BUSINESS.

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

20 (3) Any occupant of a dwelling AND ANY OWNER, MANAGER, OR
21 EMPLOYEE OF A PLACE OF BUSINESS using physical force, including deadly
22 physical force, in accordance with the provisions of subsection (2) of this
23 section shall be immune from criminal prosecution for the use of such
24 force.

25 (4) Any occupant of a dwelling AND ANY OWNER, MANAGER, OR
26 EMPLOYEE OF A PLACE OF BUSINESS using physical force, including deadly
27 physical force, in accordance with the provisions of subsection (2) of this

1 section shall be immune from any civil liability for injuries or death
2 resulting from the use of such force.

3 **SECTION 2.** 18-1-705, Colorado Revised Statutes, is amended
4 to read:

5 **18-1-705. Use of physical force in defense of premises.** A
6 person in possession or control of any building, realty, or other premises,
7 or a person who is licensed or privileged to be thereon, is justified in
8 using reasonable and appropriate physical force upon another person
9 when and to the extent that it is reasonably necessary to prevent or
10 terminate what he OR SHE reasonably believes to be the commission or
11 attempted commission of an unlawful trespass by the other person in or
12 upon the building, realty, or premises. However, he OR SHE may use
13 deadly force only in defense of himself OR HERSELF or another as
14 described in section 18-1-704, OR UNDER THE CIRCUMSTANCES DESCRIBED
15 IN SECTION 18-1-704.5, or when he OR SHE reasonably believes it
16 necessary to prevent what he OR SHE reasonably believes to be an attempt
17 by the trespasser to commit first degree arson.

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