

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0047.01 Richard Sweetman

HOUSE BILL 10-1094

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HOUSE SPONSORSHIP

Gardner C.,

SENATE SPONSORSHIP

Harvey,

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

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

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**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 extends the right to use deadly force against an intruder under certain conditions to include owners, managers, and employees of places of business.

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

4 **18-1-704.5. Use of deadly physical force against an intruder.**

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

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

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

26 (4) Any occupant of a dwelling AND ANY OWNER, MANAGER, OR  
27 EMPLOYEE OF A PLACE OF BUSINESS using physical force, including deadly

1 physical force, in accordance with the provisions of subsection (2) of this  
2 section shall be immune from any civil liability for injuries or death  
3 resulting from the use of such force.

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

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

19 **SECTION 3. Act subject to petition - effective date.** This act  
20 shall take effect at 12:01 a.m. on the day following the expiration of the  
21 ninety-day period after final adjournment of the general assembly (August  
22 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a  
23 referendum petition is filed pursuant to section 1 (3) of article V of the  
24 state constitution against this act or an item, section, or part of this act  
25 within such period, then the act, item, section, or part shall not take effect  
26 unless approved by the people at the general election to be held in

1 November 2010 and shall take effect on the date of the official  
2 declaration of the vote thereon by the governor.