

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0006.01 Michael Dohr

HOUSE BILL 11-1105

HOUSE SPONSORSHIP

Acree, Balmer, Barker, Baumgardner, Court, Fields, Holbert, Joshi, Kagan, Kerr J., Looper, Massey, McCann, Priola, Todd

SENATE SPONSORSHIP

White, Kopp, King S., Tochtrop

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ASSAULTS AGAINST MEDICAL CARE PROVIDERS.**

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>.)

Under current law, if a person is convicted of third degree assault and the victim is a peace officer, emergency medical technician, or firefighter, the court must impose a mandatory jail term that exceeds the maximum, but is no more than twice the maximum for a class 1 misdemeanor. The bill adds hospital workers to the category of victims that trigger the enhanced sentencing.

Under current law, it is third degree assault to throw various bodily

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.

fluids at a peace officer, emergency medical technician, or firefighter. The bill adds hospital workers to that list.

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

2 **SECTION 1.** 18-1.3-501 (1.5), Colorado Revised Statutes, is
3 amended to read:

4 **18-1.3-501. Misdemeanors classified - penalties.** (1.5) (a) If a
5 defendant is convicted of assault in the third degree pursuant to section
6 18-3-204 and the victim is a peace officer, emergency medical technician,
7 **EMERGENCY MEDICAL CARE PROVIDER**, or firefighter engaged in the
8 performance of his or her duties, notwithstanding the provisions of
9 subsection (1) of this section, the court shall sentence the defendant to a
10 term of imprisonment greater than the maximum sentence but no more
11 than twice the maximum sentence authorized for the same crime when the
12 victim is not a peace officer, emergency medical technician, **EMERGENCY**
13 **MEDICAL CARE PROVIDER**, or firefighter engaged in the performance of his
14 or her duties. In addition to such term of imprisonment, the court may
15 impose a fine on the defendant pursuant to subsection (1) of this section.

16 (b) As used in this section, "peace officer, emergency medical
17 technician, **EMERGENCY MEDICAL CARE PROVIDER**, or firefighter engaged
18 in the performance of his or her duties" means a peace officer as
19 described in section 16-2.5-101, C.R.S., emergency medical technician
20 as defined in part 1 of article 3.5 of title 25, C.R.S., **EMERGENCY MEDICAL**
21 **CARE PROVIDER AS DEFINED BY SECTION 18-3-204 (4)**, or a firefighter as
22 defined in section 18-3-201 (1), who is engaged or acting in, or who is
23 present for the purpose of engaging or acting in, the performance of any
24 duty, service, or function imposed, authorized, required, or permitted by
25 law to be performed by a peace officer, emergency medical technician,

1 EMERGENCY MEDICAL CARE PROVIDER, or firefighter, whether or not the
2 peace officer, emergency medical technician, EMERGENCY MEDICAL CARE
3 PROVIDER, or firefighter is within the territorial limits of his or her
4 jurisdiction, if the peace officer, emergency medical technician,
5 EMERGENCY MEDICAL CARE PROVIDER, or firefighter is in uniform or the
6 person committing an assault upon or offense against or otherwise acting
7 toward such peace officer, emergency medical technician, EMERGENCY
8 MEDICAL CARE PROVIDER, or firefighter knows or reasonably should know
9 that the victim is a peace officer, emergency medical technician,
10 EMERGENCY MEDICAL CARE PROVIDER, or firefighter or if the peace
11 officer, emergency medical technician, EMERGENCY MEDICAL CARE
12 PROVIDER, or firefighter is intentionally assaulted in retaliation for the
13 performance of his or her official duties.

14 **SECTION 2.** 18-3-204 (1) (b), Colorado Revised Statutes, is
15 amended, and the said 18-3-204 is further amended BY THE ADDITION
16 OF A NEW SUBSECTION, to read:

17 **18-3-204. Assault in the third degree.** (1) A person commits
18 the crime of assault in the third degree if:

19 (b) The person, with intent to infect, injure, harm, harass, annoy,
20 threaten, or alarm another person whom the actor knows or reasonably
21 should know to be a peace officer, a firefighter, AN EMERGENCY MEDICAL
22 CARE PROVIDER, or an emergency medical technician, causes such other
23 person to come into contact with blood, seminal fluid, urine, feces, saliva,
24 mucus, vomit, or any toxic, caustic, or hazardous material by any means,
25 including but not limited to throwing, tossing, or expelling such fluid or
26 material.

27 (4) "EMERGENCY MEDICAL CARE PROVIDER" MEANS A DOCTOR,

1 INTERN, NURSE, NURSE'S AID, PHYSICIAN'S ASSISTANT, AMBULANCE
2 ATTENDANT OR OPERATOR, AIR AMBULANCE PILOT, PARAMEDIC, OR ANY
3 OTHER MEMBER OF A HOSPITAL OR HEALTH CARE FACILITY STAFF OR
4 SECURITY FORCE WHO IS INVOLVED IN PROVIDING EMERGENCY MEDICAL
5 CARE AT A HOSPITAL OR HEALTH CARE FACILITY, OR IN AN AIR
6 AMBULANCE OR AMBULANCE AS DEFINED IN SECTION 25-3.5-103 (1) AND
7 (1.5), C.R.S. █

8 **SECTION 3. Act subject to petition - effective date.** This act
9 shall take effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part shall not take effect
15 unless approved by the people at the general election to be held in
16 November 2012 and shall take effect on the date of the official
17 declaration of the vote thereon by the governor.