

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

INTRODUCED

LLS NO. 13-0276.01 Richard Sweetman x4333

HOUSE BILL 13-1048

HOUSE SPONSORSHIP

Everett,

SENATE SPONSORSHIP

Grantham,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

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

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 businesses.

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, **amend** 18-1-704.5
3 as follows:

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 other person has committed
15 a crime in the dwelling OR PLACE OF BUSINESS in addition to the uninvited
16 entry, or is committing or intends to commit a crime against a person or
17 property in addition to the uninvited entry, and when the occupant
18 reasonably believes that ~~such~~ THE other person might use any physical
19 force, no matter how slight, against any occupant of the dwelling OR
20 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~~ IS 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~~ IS immune from any civil liability for injuries or death
3 resulting from the use of such force.

4 **SECTION 2.** In Colorado Revised Statutes, **amend** 18-1-705 as
5 follows:

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~~ THE PERSON may use
14 deadly force only in defense of himself OR HERSELF or another as
15 described in section 18-1-704, or when ~~he~~ THE PERSON reasonably
16 believes it necessary to prevent what he OR SHE reasonably believes to be
17 an attempt 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.