

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 23, 2015
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB15-1303 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike lines 3 through 5 and substitute:

2 "(c); and **add** (1) (c.5) as follows:

3 **18-3-203. Assault in the second degree.** (1) A person commits
4 the crime of assault in the second degree if:

5 (c.5) WITH INTENT TO PREVENT ONE WHOM HE OR SHE KNOWS, OR
6 SHOULD KNOW, TO BE A PEACE OFFICER, FIREFIGHTER, OR EMERGENCY
7 MEDICAL SERVICE PROVIDER FROM PERFORMING A LAWFUL DUTY, HE OR
8 SHE INTENTIONALLY CAUSES SERIOUS BODILY INJURY TO ANY PERSON; OR

9 (2) (c) (I) If a defendant is convicted of assault in the second
10 degree pursuant to paragraph (b), (c), (c.5),".

11 Page 2, after line 13 insert:

12 "(II) IF A DEFENDANT IS CONVICTED OF ASSAULT IN THE SECOND
13 DEGREE PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1) OF THIS
14 SECTION, THE COURT SHALL SENTENCE THE OFFENDER IN ACCORDANCE
15 WITH SECTION 18-1.3-406; EXCEPT THAT, NOTWITHSTANDING THE
16 PROVISIONS OF SECTION 18-1.3-406, THE COURT IS NOT REQUIRED TO
17 SENTENCE THE DEFENDANT TO THE DEPARTMENT OF CORRECTIONS FOR A
18 MANDATORY TERM OF INCARCERATION.

19 **SECTION 2.** In Colorado Revised Statutes, 18-1.3-401, **amend**
20 (1) (b) (IV) as follows:

21 **18-1.3-401. Felonies classified - presumptive penalties.**
22 (1) (b) (IV) If a person is convicted of assault in the first degree pursuant

1 to section 18-3-202 or assault in the second degree pursuant to section
2 18-3-203 (1) (c.5), and the victim is a peace officer, firefighter, or
3 emergency medical service provider engaged in the performance of his
4 or her duties, as defined in section 18-1.3-501 (1.5) (b), notwithstanding
5 the provisions of subparagraph (III) of paragraph (a) of this subsection (1)
6 and subparagraph (II) of this paragraph (b), the court shall sentence the
7 person to the department of corrections. In addition to a term of
8 imprisonment, the court may impose a fine on the person pursuant to
9 subparagraph (III) of paragraph (a) of this subsection (1)."

10 Page 2, strike lines 14 through 16 and substitute:

11 **"SECTION 3. Act subject to petition - effective date -**
12 **applicability.** (1) This act takes effect September 1, 2015; except that,
13 if a referendum petition is filed pursuant to section 1 (3) of article V of
14 the state constitution against this act or an item, section, or part of this act
15 within the ninety-day period after final adjournment of the general
16 assembly, then the act, item, section, or part will not take effect unless
17 approved by the people at the general election to be held in November
18 2016 and, in such case, will take effect on the date of the official
19 declaration of the vote thereon by the governor.
20 (2) This act applies to offenses committed on or after the
21 applicable effective date of this act."

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