

NOTE: This measure became law without the governor's signature on 6/6/2015.

An Act

SENATE BILL 15-067

BY SENATOR(S) Cooke, Garcia, Balmer, Baumgardner, Crowder, Grantham, Johnston, Kefalas, Lambert, Martinez Humenik, Merrifield, Newell, Roberts, Scheffel, Scott, Todd, Woods;
also REPRESENTATIVE(S) Joshi, Court, Foote, Primavera, Ryden, Windholz.

CONCERNING AN INCREASE IN THE CLASS OF OFFENSE FOR CERTAIN ACTS OF ASSAULT AGAINST PERSONS ENGAGED IN PERFORMING THEIR DUTIES AS EMERGENCY RESPONDERS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 18-3-201, **amend** the introductory portion as follows:

18-3-201. Definitions. As used in sections 18-3-201 to ~~18-3-203~~ 18-3-204, unless the context otherwise requires:

SECTION 2. In Colorado Revised Statutes, 18-3-203, **amend** (1) (c) and (1) (g); and **add** (1) (h) as follows:

18-3-203. Assault in the second degree. (1) A person commits the

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

crime of assault in the second degree if:

(c) With intent to prevent one whom he or she knows, or should know, to be a peace officer, firefighter, EMERGENCY MEDICAL CARE PROVIDER, or emergency medical service provider from performing a lawful duty, he or she intentionally causes bodily injury to any person; or

(g) With intent to cause bodily injury to another person, he OR SHE causes serious bodily injury to that person or another; OR

(h) WITH INTENT TO INFECT, INJURE, OR HARM ANOTHER PERSON WHOM THE ACTOR KNOWS OR REASONABLY SHOULD KNOW TO BE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES AS A PEACE OFFICER, A FIREFIGHTER, AN EMERGENCY MEDICAL CARE PROVIDER, OR AN EMERGENCY MEDICAL SERVICE PROVIDER, HE OR SHE CAUSES SUCH PERSON TO COME INTO CONTACT WITH BLOOD, SEMINAL FLUID, URINE, FECES, SALIVA, MUCUS, VOMIT, OR ANY TOXIC, CAUSTIC, OR HAZARDOUS MATERIAL BY ANY MEANS, INCLUDING BY THROWING, TOSSING, OR EXPELLING SUCH FLUID OR MATERIAL.

SECTION 3. In Colorado Revised Statutes, 18-3-204, **amend** (1) (b); and **repeal** (4) as follows:

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

(b) The person, with intent to ~~infect, injure, harm,~~ harass, annoy, threaten, or alarm another person whom the actor knows or reasonably should know to be a peace officer, a firefighter, an emergency medical care provider, or an emergency medical service provider, causes the other person to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or toxic, caustic, or hazardous material by any means, including throwing, tossing, or expelling the fluid or material.

(4) ~~"Emergency medical care provider" means a doctor, intern, nurse, nurse's aid, physician's assistant, ambulance attendant or operator, air ambulance pilot, paramedic, or any other member of a hospital or health care facility staff or security force who is involved in providing emergency medical care at a hospital or health care facility, or in an air ambulance or ambulance as defined in section 25-3.5-103 (1) and (1.5), C.R.S.~~

SECTION 4. In Colorado Revised Statutes, 18-1.3-501, **amend** (1.5) (b) as follows:

18-1.3-501. Misdemeanors classified - drug misdemeanors and drug petty offenses classified - penalties - definitions. (1.5) (b) As used in this section, "peace officer, emergency medical service provider, emergency medical care provider, or firefighter engaged in the performance of his or her duties" means a peace officer as described in section 16-2.5-101, C.R.S., emergency medical service provider as defined in part 1 of article 3.5 of title 25, C.R.S., emergency medical care provider as defined by section ~~18-3-204(4)~~ 18-3-201 (1), or a firefighter as defined in section 18-3-201 (1.5), who is engaged or acting in or who is present to engage or act in the performance of a duty, service, or function imposed, authorized, required, or permitted by law to be performed by a peace officer, emergency medical service provider, emergency medical care provider, or firefighter, whether or not the peace officer, emergency medical service provider, emergency medical care provider, or firefighter is within the territorial limits of his or her jurisdiction, if the peace officer, emergency medical service provider, emergency medical care provider, or firefighter is in uniform or the person committing an assault upon or offense against or otherwise acting toward the peace officer, emergency medical service provider, emergency medical care provider, or firefighter knows or reasonably should know that the victim is a peace officer, emergency medical service provider, emergency medical care provider, or firefighter or if the peace officer, emergency medical service provider, emergency medical care provider, or firefighter is intentionally assaulted in retaliation for the performance of his or her official duties.

SECTION 5. In Colorado Revised Statutes, **add** 17-18-121 as follows:

17-18-121. Appropriation to comply with section 2-2-703 - SB 15-067 - repeal. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO IMPLEMENT SENATE BILL 15-067, ENACTED IN 2015:

(a) FOR THE 2016-17 STATE FISCAL YEAR, TWO HUNDRED NINETEEN THOUSAND FIVE HUNDRED SEVENTY-SIX DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

(b) FOR THE 2017-18 STATE FISCAL YEAR, THREE HUNDRED TWENTY-NINE THOUSAND THREE HUNDRED SIXTY-THREE DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

(c) FOR THE 2018-19 STATE FISCAL YEAR, FOUR HUNDRED SEVENTEEN THOUSAND SIX HUNDRED THIRTY-FIVE DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

(d) FOR THE 2019-20 STATE FISCAL YEAR, FIVE HUNDRED FIVE THOUSAND NINE HUNDRED SEVEN DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.

SECTION 6. Act subject to petition - effective date - applicability. (1) This act takes effect September 1, 2015; except that, if a referendum petition is filed pursuant to section 1(3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to offenses committed on or after the effective date of this act.

Bill L. Cadman
PRESIDENT OF
THE SENATE

Dickey Lee Hullinghorst
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OF REPRESENTATIVES

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CHIEF CLERK OF THE HOUSE
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APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO