A BILL FOR AN ACT

CONCERNING PROHIBITING THE USE OF A CHOKEHOLD BY A PEACE OFFICER.

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 prohibits a peace officer from intentionally using a chokehold against another person. The bill makes a violation a class 1 misdemeanor. The bill makes an exception if the officer believes his or her life is in danger or that he or she or another person is in imminent danger of death or serious bodily injury.
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add 18-3-210 as follows:

18-3-210. Chokehold by a peace officer - definitions. (1) A peace officer as described in Article 2.5 of Title 16, C.R.S., shall not intentionally use or apply a chokehold to another person.  
(2) It is not an offense under this section if the officer believes, and has reasonable grounds to believe, that he or she or another person is in imminent danger of death or serious bodily injury.  
(3) A peace officer who violates subsection (1) of this section commits a class 1 misdemeanor.  
(4) For the purposes of this section, "chokehold" means to wrap an arm around or grip the neck in a manner that limits or cuts off either the flow of air by compressing the windpipe or the flow of blood through the carotid arteries on each side of the neck.

SECTION 2. Effective date - applicability. This act takes effect July 1, 2016, and applies to offenses committed on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.