

Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 04-0037.01 Michael Dohr

HOUSE BILL 04-1003

HOUSE SPONSORSHIP

McCluskey

SENATE SPONSORSHIP

Johnson S.

House Committees

Judiciary

Appropriations

Senate Committees

Judiciary

Appropriations

A BILL FOR AN ACT

101 **CONCERNING LAWS RELATED TO THE IMPERSONATION OF A PEACE**
102 **OFFICER, AND MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Increases the penalty for impersonating a peace officer to a class 6 felony. Repeals a duplicate statute that addresses impersonating a peace officer. Requires the court to sentence a defendant convicted of impersonating a peace officer who used peace officer paraphernalia in committing the offense to the midpoint of the sentencing range. Makes the use or possession of red or blue lights on unauthorized vehicles a class 1 misdemeanor. Requires volunteer firefighters and ambulance attendants to obtain a permit prior to using special lights and alarm

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.

HOUSE
3rd Reading Unamended
April 16, 2004

HOUSE
Amended 2nd Reading
April 15, 2004

systems on their personal vehicles.
Makes a 5-year statutory appropriation.

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

2 **SECTION 1.** 18-8-112, Colorado Revised Statutes, is amended
3 to read:

4 **18-8-112. Impersonating a peace officer.** (1) A person who
5 falsely pretends to be a peace officer and performs an act in that
6 pretended capacity commits impersonating a peace officer. ~~which is a~~
7 ~~class 1 misdemeanor.~~

8 (2) **IMPERSONATING A PEACE OFFICER IS A CLASS SIX FELONY.**

9 **SECTION 2.** Part 2 of article 2 of title 42, Colorado Revised
10 Statutes, is amended **BY THE ADDITION OF A NEW SECTION** to
11 read:

12 **42-4-238. Blue and red lights - illegal use or possession.** (1) A
13 PERSON SHALL NOT BE IN ACTUAL PHYSICAL CONTROL OF A VEHICLE,
14 EXCEPT AN AUTHORIZED EMERGENCY VEHICLE AS DEFINED IN SECTION
15 42-1-102 (6), THAT THE PERSON KNOWS CONTAINS A LAMP OR DEVICE
16 THAT IS DESIGNED TO DISPLAY, OR THAT IS CAPABLE OF DISPLAYING IF
17 AFFIXED OR ATTACHED TO THE VEHICLE, A RED OR BLUE LIGHT VISIBLE
18 DIRECTLY IN FRONT OF THE CENTER OF THE VEHICLE.

19 (2) **IT SHALL BE AN AFFIRMATIVE DEFENSE THAT THE DEFENDANT**
20 **WAS:**

21 (a) **A PEACE OFFICER AS DESCRIBED IN SECTION 16-2.5-101,**
22 **C.R.S.; OR**

23 (b) **IN ACTUAL PHYSICAL CONTROL OF A VEHICLE EXPRESSLY**
24 **AUTHORIZED BY A CHIEF OF POLICE OR SHERIFF TO CONTAIN A LAMP OR**
25 **DEVICE THAT IS DESIGNED TO DISPLAY, OR THAT IS CAPABLE OF**

1 DISPLAYING IF AFFIXED OR ATTACHED TO THE VEHICLE, A RED OR BLUE
2 LIGHT VISIBLE FROM DIRECTLY IN FRONT OF THE CENTER OF THE VEHICLE;
3 OR

4 (c) A MEMBER OF A VOLUNTEER FIRE DEPARTMENT OR A
5 VOLUNTEER AMBULANCE SERVICE WHO POSSESSES A PERMIT FROM THE
6 FIRE CHIEF OF THE FIRE DEPARTMENT OR CHIEF EXECUTIVE OFFICER OF THE
7 AMBULANCE SERVICE THROUGH WHICH THE VOLUNTEER SERVES TO
8 OPERATE A VEHICLE PURSUANT TO SECTION 42-4-222 (1) (b).

9 (3) A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR.

10

11 **SECTION 3. Repeal.** 29-5-102, Colorado Revised Statutes, is
12 repealed.

13

14 SECTION 4. 42-4-222 (1), Colorado Revised Statutes, is
15 amended to read:

16 **42-4-222. Volunteer firefighters - volunteer ambulance**
17 **attendants - special lights and alarm systems.** (1) (a) All members of
18 volunteer fire departments regularly attached to the fire departments
19 organized within incorporated towns, ~~and~~ COUNTIES, cities, and fire
20 protection districts and all members of a volunteer ambulance service
21 regularly attached to a volunteer ambulance service within an area which
22 the ambulance service would be reasonably expected to serve may have
23 their private automobiles equipped with a signal lamp or a combination
24 of signal lamps capable of displaying flashing, oscillating, or rotating red
25 lights visible to the front and rear at five hundred feet in normal sunlight.
26 In addition to the red light, flashing, oscillating, or rotating signal lights
27 may be used that emit white or white in combination with red lights. At

1 least one of such signal lamps or combination of signal lamps shall be
2 mounted on the top of the automobile. Said automobiles may be
3 equipped with audible signal systems such as sirens, whistles, or bells.
4 Said lights, together with any signal systems authorized by this subsection
5 (1), may be used only when a member of a fire department is responding
6 to or attending a fire alarm or other emergency or when a member of an
7 ambulance service is responding to an emergency requiring the member's
8 services. Neither such lights nor such signals shall be used for any other
9 purpose than those set forth in this subsection (1). If used for any other
10 purpose, such use shall constitute a violation of this subsection (1), and
11 the violator commits a class B traffic infraction.

12 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS
13 SUBSECTION (1), A MEMBER OF A VOLUNTEER FIRE DEPARTMENT OR A
14 VOLUNTEER AMBULANCE SERVICE MAY EQUIP HIS OR HER PRIVATE
15 AUTOMOBILE WITH THE EQUIPMENT DESCRIBED IN PARAGRAPH (a) OF THIS
16 SUBSECTION (1) ONLY AFTER RECEIVING A PERMIT FOR THE EQUIPMENT
17 FROM THE FIRE CHIEF OF THE FIRE DEPARTMENT OR CHIEF EXECUTIVE
18 OFFICER OF THE AMBULANCE SERVICE THROUGH WHICH THE VOLUNTEER
19 SERVES.

20 **SECTION 5.** Part 1 of article 1 of title 17, Colorado Revised
21 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
22 read:

23 **17-1-150. Appropriation to comply with section 2-2-703.**

24 (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY
25 APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE
26 IN ORDER TO IMPLEMENT H.B. 04-1003, ENACTED AT THE SECOND
27 REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY:

1 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION
2 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
3 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
4 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
5 SECTION 17-1-116, THE SUM OF ONE HUNDRED FIFTY-TWO THOUSAND
6 EIGHT HUNDRED DOLLARS (\$152,800). [REDACTED]

7 (b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, IN ADDITION
8 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
9 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
10 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SIXTY-ONE THOUSAND
11 TWO HUNDRED DOLLARS (\$61,200). [REDACTED]

12 (c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, IN ADDITION
13 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
14 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
15 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SIXTY-ONE THOUSAND
16 TWO HUNDRED DOLLARS (\$61,200). [REDACTED]

17 (d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN ADDITION
18 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
19 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
20 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SIXTY-ONE THOUSAND
21 TWO HUNDRED DOLLARS (\$61,200). [REDACTED]

22 (e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION
23 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
24 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
25 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SIXTY-ONE THOUSAND
26 TWO HUNDRED DOLLARS (\$61,200). [REDACTED] [REDACTED] [REDACTED]

27 **SECTION 6. Capital construction appropriation - legislative**

1 intent. (1) In addition to any other appropriation, there is hereby
2 appropriated, out of the moneys in the general fund not otherwise
3 appropriated, to the capital construction fund created in section
4 24-75-302, C.R.S., the sum of one hundred fifty two thousand eight
5 hundred dollars (\$152,800) to be used for purposes consistent with part
6 3 of article 75 of title 24, C.R.S.

7 (2) It is the intent of the general assembly that the general fund
8 appropriation for the implementation of this act shall be derived from
9 savings generated from the implementation of the provisions of S.B.
10 04-231, as enacted during the second regular session of the sixty-fourth
11 general assembly.

12 **SECTION 7. Effective date - applicability.** (1) This act shall
13 take effect July 1, 2004, and shall apply to offenses committed on or after
14 said date; except that, sections 1, 6, and 7 of this act shall only take effect
15 if S.B. 04-231 is enacted at the second regular session of the sixty-fourth
16 general assembly and becomes law.

17 **SECTION 8. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.