

Second Regular Session  
Sixty-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 04-0037.01 Michael Dohr

HOUSE BILL 04-1003

---

HOUSE SPONSORSHIP

McCluskey

SENATE SPONSORSHIP

Johnson S.

---

House Committees

Judiciary

Appropriations

Senate Committees

---

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 systems on their personal vehicles.

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.*

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) (a) IMPERSONATING A PEACE OFFICER IS A CLASS SIX FELONY.

9 (b) IF A PERSON, WHILE COMMITTING IMPERSONATING A PEACE  
10 OFFICER, USES PEACE OFFICER PARAPHERNALIA, THE PERSON SHALL BE  
11 SENTENCED TO AT LEAST THE MIDPOINT OF THE PRESUMPTIVE SENTENCING  
12 RANGE SPECIFIED IN SECTION 18-1.3-401.

13 (3) "PEACE OFFICER PARAPHERNALIA" MEANS AN ACTUAL OR  
14 FACSIMILE:

15 (a) BADGE, IDENTIFICATION, INSIGNIA, RESTRAINT DEVICE,  
16 UNIFORM, OR DISTINCTIVE PART OF A UNIFORM, ASSOCIATED WITH A PEACE  
17 OFFICER; OR

18 (b) DISTINCTIVE MARKING ASSOCIATED WITH A PEACE OFFICER  
19 VEHICLE, AN OPERATING BLUE LIGHT, AN OPERATING RED LIGHT, OR A  
20 SIREN.

21 **SECTION 2.** Part of 1 of article 8 of title 18, Colorado Revised  
22 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
23 read:

24 **18-8-117. Blue and red lights - illegal use or possession.** (1) A  
25 PERSON SHALL NOT EQUIP, DRIVE, OR MOVE A VEHICLE OR EQUIPMENT

1 UPON A STREET, HIGHWAY, OR AREA OPEN TO THE PUBLIC FOR VEHICULAR  
2 TRAFFIC WITH A LAMP OR DEVICE CAPABLE OF DISPLAYING A RED OR BLUE  
3 LIGHT THAT IS VISIBLE FROM IN FRONT OF THE VEHICLE. THIS SECTION  
4 SHALL NOT APPLY TO A PERSON EXPRESSLY AUTHORIZED TO OPERATE SUCH  
5 A VEHICLE. A SHERIFF OR CHIEF OF POLICE MAY EXPRESSLY AUTHORIZE A  
6 NON-LAW ENFORCEMENT PERSON TO OPERATE A VEHICLE THAT INCLUDES  
7 SUCH LIGHTS.

8 (2) A PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION  
9 COMMITS A CLASS 1 MISDEMEANOR.

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11 repealed.

12 **SECTION 4. Repeal.** 42-4-220 (3) (b), Colorado Revised  
13 Statutes, is repealed as follows:

14 **42-4-220. Motorized bicycles - motor-driven cycles - lighting**  
15 **equipment - department control - use and operation.** (3) (b) ~~No~~  
16 ~~person shall equip, drive, or move any vehicle or equipment upon any~~  
17 ~~highway with any lamp or device thereon capable of displaying a red or~~  
18 ~~blue light visible from directly in front of the center thereof. This section~~  
19 ~~shall not apply to any vehicle upon which such lights visible from the~~  
20 ~~front are expressly authorized or required by this article.~~

21 **SECTION 5.** 42-4-222 (1), Colorado Revised Statutes, is  
22 amended to read:

23 **42-4-222. Volunteer firefighters - volunteer ambulance**  
24 **attendants - special lights and alarm systems.** (1) (a) All members of  
25 volunteer fire departments regularly attached to the fire departments  
26 organized within incorporated towns, ~~and~~ COUNTIES, cities, and fire  
27 protection districts and all members of a volunteer ambulance service

1 regularly attached to a volunteer ambulance service within an area which  
2 the ambulance service would be reasonably expected to serve may have  
3 their private automobiles equipped with a signal lamp or a combination  
4 of signal lamps capable of displaying flashing, oscillating, or rotating red  
5 lights visible to the front and rear at five hundred feet in normal sunlight.  
6 In addition to the red light, flashing, oscillating, or rotating signal lights  
7 may be used that emit white or white in combination with red lights. At  
8 least one of such signal lamps or combination of signal lamps shall be  
9 mounted on the top of the automobile. Said automobiles may be  
10 equipped with audible signal systems such as sirens, whistles, or bells.  
11 Said lights, together with any signal systems authorized by this subsection  
12 (1), may be used only when a member of a fire department is responding  
13 to or attending a fire alarm or other emergency or when a member of an  
14 ambulance service is responding to an emergency requiring the member's  
15 services. Neither such lights nor such signals shall be used for any other  
16 purpose than those set forth in this subsection (1). If used for any other  
17 purpose, such use shall constitute a violation of this subsection (1), and  
18 the violator commits a class B traffic infraction.

19 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS  
20 SUBSECTION (1), A MEMBER OF A VOLUNTEER FIRE DEPARTMENT OR A  
21 VOLUNTEER AMBULANCE SERVICE MAY EQUIP HIS OR HER PRIVATE  
22 AUTOMOBILE WITH THE EQUIPMENT DESCRIBED IN PARAGRAPH (a) OF THIS  
23 SUBSECTION (1) ONLY AFTER RECEIVING A PERMIT FOR THE EQUIPMENT  
24 FROM THE FIRE CHIEF OF THE FIRE DEPARTMENT OR CHIEF EXECUTIVE  
25 OFFICER OF THE AMBULANCE SERVICE THROUGH WHICH THE VOLUNTEER  
26 SERVES.

27 **SECTION 6.** Part 1 of article 1 of title 17, Colorado Revised

1 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
2 read:

3 **17-1-150. Appropriation to comply with section 2-2-703.**

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

8 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION  
9 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM  
10 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,  
11 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
12 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

13 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, IN ADDITION  
14 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM  
15 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,  
16 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
17 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

18 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, IN ADDITION  
19 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
20 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL  
21 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

22 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, IN ADDITION  
23 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM  
24 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,  
25 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
26 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

27 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, IN ADDITION

1 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
2 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL  
3 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

4 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN ADDITION  
5 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM  
6 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,  
7 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
8 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

9 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN ADDITION  
10 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
11 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL  
12 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

13 (e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION  
14 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM  
15 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,  
16 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
17 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

18 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION  
19 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
20 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL  
21 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

22 **SECTION 7.** 24-75-302 (2) (q), (2) (r), (2) (s), and (2) (t),  
23 Colorado Revised Statutes, as they will become effective July 1, 2004,  
24 are amended, and the said 24-75-302 (2), as it will become effective July  
25 1, 2004, is further amended BY THE ADDITION OF A NEW  
26 PARAGRAPH, to read:

27 **24-75-302. Capital construction fund - capital assessment fees**

1     **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter  
2 through July 1, 2008, a sum as specified in this subsection (2) shall  
3 accrue to the capital construction fund. The state treasurer and the  
4 controller shall transfer such sum out of the general fund and into the  
5 capital construction fund as moneys become available in the general fund  
6 during the fiscal year beginning on said July 1. Transfers between funds  
7 pursuant to this subsection (2) shall not be deemed to be appropriations  
8 subject to the limitations of section 24-75-201.1. The amount which shall  
9 accrue pursuant to this subsection (2) shall be as follows:

10           (q) On July 1, 2004, one hundred million dollars, plus two  
11 hundred thirty-three thousand eight hundred seventy-two dollars pursuant  
12 to H.B. 00-1201, enacted at the second regular session of the sixty-second  
13 general assembly; plus seventy-nine thousand eight hundred eighty-seven  
14 dollars pursuant to H.B. 01-1242, enacted at the first regular session of  
15 the sixty-third general assembly; plus four hundred eighty-six thousand  
16 two hundred sixty-nine dollars pursuant to S.B. 02-050, enacted at the  
17 second regular session of the sixty-third general assembly; plus nine  
18 hundred seventy-two thousand five hundred thirty-eight dollars pursuant  
19 to H.B. 02-1038, enacted at the second regular session of the sixty-third  
20 general assembly; plus four thousand twelve dollars pursuant to section  
21 3 of H.B. 02S-1006 enacted at the third extraordinary session of the  
22 sixty-third general assembly; plus sixty-nine thousand four hundred  
23 sixty-seven dollars pursuant to H.B. 03-1317, enacted at the first regular  
24 session of the sixty-fourth general assembly; PLUS \_\_\_\_\_ DOLLARS  
25 PURSUANT TO H.B. 04-\_\_\_\_\_, ENACTED AT THE SECOND REGULAR SESSION  
26 OF THE SIXTY-FOURTH GENERAL ASSEMBLY;

27           (r) On July 1, 2005, one hundred million dollars; plus four

1 hundred forty-nine thousand seven hundred ninety-nine dollars pursuant  
2 to S.B.02-050, enacted at the second regular session of the sixty-third  
3 general assembly; plus one hundred thirty-eight thousand nine hundred  
4 thirty-four dollars pursuant to H.B. 03-1138, enacted at the first regular  
5 session of the sixty-fourth general assembly; plus sixty-nine thousand  
6 four hundred sixty-seven dollars pursuant to H.B. 03-1317, enacted at the  
7 first regular session of the sixty-fourth general assembly; PLUS \_\_\_\_\_  
8 DOLLARS PURSUANT TO H.B. 04-\_\_\_\_\_, ENACTED AT THE SECOND REGULAR  
9 SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY;

10 (s) On July 1, 2006, twenty-two thousand nine hundred  
11 twenty-four dollars pursuant to section 3 of H.B. 02S-1006, enacted at the  
12 third extraordinary session of the sixty-third general assembly; plus two  
13 hundred ninety-one thousand seven hundred sixty-one dollars pursuant  
14 to H.B. 03-1004, enacted at the first regular session of the sixty-fourth  
15 general assembly; plus one hundred twenty-five thousand forty-one  
16 dollars pursuant to H.B. 03-1138, enacted at the first regular session of  
17 the sixty-fourth general assembly; plus sixty-nine thousand four hundred  
18 sixty-seven dollars pursuant to H.B. 03-1213, enacted at the first regular  
19 session of the sixty-fourth general assembly; plus sixty-nine thousand  
20 four hundred sixty-seven dollars pursuant to H.B. 03-1317, enacted at the  
21 first regular session of the sixty-fourth general assembly; PLUS \_\_\_\_\_  
22 DOLLARS PURSUANT TO H.B. 04-\_\_\_\_\_, ENACTED AT THE SECOND REGULAR  
23 SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY;

24 (t) On July 1, 2007, four hundred sixteen thousand eight hundred  
25 two dollars pursuant to H.B. 03-1004, enacted at the first regular session  
26 of the sixty-fourth general assembly; plus fifty-five thousand five hundred  
27 seventy-four dollars pursuant to H.B. 03-1317, enacted at the first regular



1 session of the sixty-fourth general assembly; PLUS \_\_\_\_\_ DOLLARS  
2 PURSUANT TO H.B. 04-\_\_\_\_\_, ENACTED AT THE SECOND REGULAR SESSION  
3 OF THE SIXTY-FOURTH GENERAL ASSEMBLY;

4 (u) ON JULY 1, 2008, \_\_\_\_\_ DOLLARS PURSUANT TO H.B.  
5 04-\_\_\_\_\_, ENACTED AT THE SECOND REGULAR SESSION OF THE  
6 SIXTY-FOURTH GENERAL ASSEMBLY.

7 **SECTION 8. Effective date - applicability.** This act shall take  
8 effect July 1, 2004, and shall apply to offenses committed on or after said  
9 date.

10 **SECTION 9. Safety clause.** The general assembly hereby finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, and safety.