

**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

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.

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14 Statutes, is repealed as follows:

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

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

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

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

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

1 **SECTION 6.** Part 1 of article 1 of title 17, Colorado Revised
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
3 read:

4 **17-1-150. Appropriation to comply with section 2-2-703.**

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

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

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

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

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

1 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, IN ADDITION
2 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
3 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
4 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

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

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

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

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

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

1 **24-75-302. Capital construction fund - capital assessment fees**
2 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
3 through July 1, 2008, a sum as specified in this subsection (2) shall
4 accrue to the capital construction fund. The state treasurer and the
5 controller shall transfer such sum out of the general fund and into the
6 capital construction fund as moneys become available in the general fund
7 during the fiscal year beginning on said July 1. Transfers between funds
8 pursuant to this subsection (2) shall not be deemed to be appropriations
9 subject to the limitations of section 24-75-201.1. The amount which shall
10 accrue pursuant to this subsection (2) shall be as follows:

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

1 (r) On July 1, 2005, one hundred million dollars; plus four
2 hundred forty-nine thousand seven hundred ninety-nine dollars pursuant
3 to S.B.02-050, enacted at the second regular session of the sixty-third
4 general assembly; plus one hundred thirty-eight thousand nine hundred
5 thirty-four dollars pursuant to H.B. 03-1138, enacted at the first regular
6 session of the sixty-fourth general assembly; plus sixty-nine thousand
7 four hundred sixty-seven dollars pursuant to H.B. 03-1317, enacted at the
8 first regular session of the sixty-fourth general assembly; PLUS _____
9 DOLLARS PURSUANT TO H.B. 04-_____, ENACTED AT THE SECOND REGULAR
10 SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY;

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

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

1 seventy-four dollars pursuant to H.B. 03-1317, enacted at the first regular
2 session of the sixty-fourth general assembly; PLUS _____ DOLLARS
3 PURSUANT TO H.B. 04-_____, ENACTED AT THE SECOND REGULAR SESSION
4 OF THE SIXTY-FOURTH GENERAL ASSEMBLY;

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

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

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