

**Second Regular Session  
Sixty-fourth General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 04-0037.01 Michael Dohr

**HOUSE BILL 04-1003**

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**HOUSE SPONSORSHIP**

**McCluskey**

**SENATE SPONSORSHIP**

**Johnson S.**

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**House Committees**

Judiciary

Appropriations

**Senate Committees**

Judiciary

Appropriations

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**A BILL FOR AN ACT**

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

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**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.*

SENATE  
Amended 2nd Reading  
April 27, 2004

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.

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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); OR

9             (d) A VENDOR WHO EXHIBITS, SELLS, OR OFFERS FOR SALE A LAMP  
10     OR DEVICE DESIGNED TO DISPLAY, OR THAT IS CAPABLE OF DISPLAYING, IF  
11     AFFIXED OR ATTACHED TO THE VEHICLE, A RED OR BLUE LIGHT.

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

13     \_\_\_\_\_

14             **SECTION 3. Repeal.** 29-5-102, Colorado Revised Statutes, is  
15     repealed.

16     \_\_\_\_\_

17             **SECTION 4.** 42-4-222 (1), Colorado Revised Statutes, is  
18     amended to read:

19             **42-4-222. Volunteer firefighters - volunteer ambulance**  
20     **attendants - special lights and alarm systems.** (1) (a) All members of  
21     volunteer fire departments regularly attached to the fire departments  
22     organized within incorporated towns, ~~and~~ COUNTIES, cities, and fire  
23     protection districts and all members of a volunteer ambulance service  
24     regularly attached to a volunteer ambulance service within an area which  
25     the ambulance service would be reasonably expected to serve may have  
26     their private automobiles equipped with a signal lamp or a combination  
27     of signal lamps capable of displaying flashing, oscillating, or rotating red

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

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

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

26 **17-1-150. Appropriation to comply with section 2-2-703.**  
27 (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY

1 APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE  
2 IN ORDER TO IMPLEMENT H.B. 04-1003, ENACTED AT THE SECOND  
3 REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY:

4 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, 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 ONE HUNDRED FIFTY-TWO THOUSAND  
9 EIGHT HUNDRED DOLLARS (\$152,800).

10 (b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, 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 SIXTY-ONE THOUSAND  
14 TWO HUNDRED DOLLARS (\$61,200).

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

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

25 (e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION  
26 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
27 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL

1 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SIXTY-ONE THOUSAND  
2 TWO HUNDRED DOLLARS (\$61,200). [REDACTED]

3 **SECTION 6. Capital construction appropriation - legislative**  
4 **intent.** (1) In addition to any other appropriation, there is hereby  
5 appropriated, out of the moneys in the general fund not otherwise  
6 appropriated, to the capital construction fund created in section  
7 24-75-302, C.R.S., the sum of one hundred fifty two thousand eight  
8 hundred dollars (\$152,800) to be used for purposes consistent with part  
9 3 of article 75 of title 24, C.R.S.

10 (2) It is the intent of the general assembly that the general fund  
11 appropriation for the implementation of this act shall be derived from  
12 savings generated from the implementation of the provisions of S.B.  
13 04-231, as enacted during the second regular session of the sixty-fourth  
14 general assembly.

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

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