

**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.** 24-75-102, Colorado Revised Statutes, is amended
2 BY THE ADDITION OF A NEW SUBSECTION to read:

3 **24-75-102. Appropriations expended, when - balance - repeal.**

4 (4) (a) ANY MONEYS APPROPRIATED TO ALL DEPARTMENTS OF STATE
5 GOVERNMENT FOR THE 2003-04 FISCAL YEAR THAT WOULD OTHERWISE
6 REVERT TO THE GENERAL FUND PURSUANT TO SUBSECTION (1) OF THIS
7 SECTION SHALL BE TRANSFERRED BY THE STATE TREASURER TO THE
8 CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302; EXCEPT
9 THAT THIS AMOUNT SHALL NOT EXCEED ONE HUNDRED FIFTY-TWO
10 THOUSAND EIGHT HUNDRED DOLLARS (\$152,800). THIS TRANSFER SHALL
11 TAKE PLACE PRIOR TO A TRANSFER MADE PURSUANT TO SECTION
12 24-75-218.

13 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE SEPTEMBER 1,
14 2004.

15 **SECTION 7.** Part 1 of article 1 of title 17, Colorado Revised
16 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
17 read:

18 **17-1-150. Appropriation to comply with section 2-2-703.**

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

23 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, 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 ONE HUNDRED FIFTY-TWO THOUSAND

1 EIGHT HUNDRED DOLLARS (\$152,800). [REDACTED]

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

7 (c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, 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 (d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, 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 (e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, 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] [REDACTED] [REDACTED]

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

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