

**First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 05-0440.01 Michael Dohr

HOUSE BILL 05-1014

HOUSE SPONSORSHIP

Carroll T.

SENATE SPONSORSHIP

Grossman

House Committees

Judiciary

Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING SUBSTANTIVE CHANGES TO STRENGTHEN THE STATE**
102 **CRIMINAL LAW.**

Bill Summary

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

For purposes of the definition of restitution, adds costs incurred as a result of a drug lab clean-up. For purposes of the definition of falsely completing a written instrument in the fraud statutes, removes language that makes it a question of law as to whether information used in completing a written instrument is material. Criminalizes making a credible threat to cause bodily injury with a deadly weapon or death to a person the actor believes to be a student, school official, or employee of an education institution or an invitee on the premises of an educational

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
Amended 2nd Reading
April 14, 2005

institution. Adds 2 hallucinogenic substances to schedule I narcotics.

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

2 **SECTION 1.** 18-1.3-602 (3), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **18-1.3-602. Definitions.** As used in this part 6, unless the context
5 otherwise requires:

6 (3) (c) (I) "RESTITUTION" SHALL ALSO INCLUDE ALL COSTS
7 INCURRED BY A GOVERNMENT AGENCY OR PRIVATE ENTITY TO:

8 (A) REMOVE, CLEAN UP, OR REMEDIATE A PLACE USED TO
9 MANUFACTURE, OR ATTEMPT TO MANUFACTURE, A CONTROLLED
10 SUBSTANCE, OR WHICH CONTAINS A CONTROLLED SUBSTANCE, OR WHICH
11 CONTAINS CHEMICALS, SUPPLIES OR EQUIPMENT USED, OR INTENDED TO BE
12 USED, IN THE MANUFACTURING OF A CONTROLLED SUBSTANCE; OR

13 (B) STORE, PRESERVE, OR TEST EVIDENCE OF A CONTROLLED
14 SUBSTANCE VIOLATION.

15 (II) COSTS UNDER THIS PARAGRAPH (c) SHALL INCLUDE, BUT ARE
16 NOT LIMITED TO, OVERTIME WAGES FOR PEACE OFFICERS OR OTHER
17 GOVERNMENT EMPLOYEES, THE OPERATING EXPENSES FOR ANY EQUIPMENT
18 UTILIZED, AND THE COSTS OF ANY PROPERTY DESIGNED FOR ONE-TIME USE,
19 SUCH AS PROTECTIVE CLOTHING.

20 **SECTION 2.** 18-1.3-602 (4) (a), Colorado Revised Statutes, is
21 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

22 **18-1.3-602. Definitions.** As used in this part 6, unless the context
23 otherwise requires:

24 (4) (a) "Victim" means any person aggrieved by the conduct of an
25 offender and includes but is not limited to the following:

1 (VI) ANY PERSON WHO HAD TO EXPEND RESOURCES FOR THE
2 PURPOSES DESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH (C) OF
3 SUBSECTION (3) OF THIS SECTION.

4 **SECTION 3.** 18-5-101 (3) (b), Colorado Revised Statutes, is
5 amended to read:

6 **18-5-101. Definitions.** As used in sections 18-5-101 to 18-5-110,
7 unless the context otherwise requires:

8 (3) To "falsely complete" a written instrument means:

9 (b) To transform an incomplete written instrument into a complete
10 one by adding or inserting materially false information or adding or
11 inserting a materially false statement. A materially false statement is a
12 false assertion that affects the action, conduct, or decision of the person
13 who receives or is intended to receive the asserted information in a
14 manner that directly or indirectly benefits the person making the
15 assertion. ~~Whether information or a statement is material is a question of~~
16 ~~law.~~

17 **SECTION 4.** 18-9-109 (5), Colorado Revised Statutes, is
18 amended, and the said 18-9-109 is further amended BY THE ADDITION
19 OF A NEW SUBSECTION, to read:

20 **18-9-109. Interference with staff, faculty, or students of**
21 **educational institutions.** (5) Any person who violates any of the
22 provisions of this section, EXCEPT SUBSECTION (6) OF THIS SECTION,
23 commits a class 3 misdemeanor.

24 (6) (a) A PERSON SHALL NOT KNOWINGLY MAKE OR CONVEY TO
25 ANOTHER PERSON A CREDIBLE THREAT TO CAUSE DEATH OR TO CAUSE
26 BODILY INJURY WITH A DEADLY WEAPON AGAINST:

27 (I) A PERSON THE ACTOR KNOWS OR BELIEVES TO BE A STUDENT,

1 SCHOOL OFFICIAL, OR EMPLOYEE OF AN EDUCATIONAL INSTITUTION; OR

2 (II) AN INVITEE WHO IS ON THE PREMISES OF AN EDUCATIONAL
3 INSTITUTION.

4 (b) FOR PURPOSES OF THIS SUBSECTION (6), "CREDIBLE THREAT"
5 MEANS A THREAT OR PHYSICAL ACTION THAT WOULD CAUSE A
6 REASONABLE PERSON TO BE IN FEAR OF BODILY INJURY WITH A DEADLY
7 WEAPON OR DEATH.

8 (c) A PERSON WHO VIOLATES THIS SUBSECTION (6) COMMITS A
9 CLASS 1 MISDEMEANOR.

10

11 **SECTION 5. Effective date - applicability.** This act shall take
12 effect July 1, 2005, and shall apply to offenses committed on or after said
13 date.

14 **SECTION 6. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.