

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

INTRODUCED

LLS NO. 03-0372.01 Michael Dohr

HOUSE BILL 03-1148

HOUSE SPONSORSHIP

Cloer, Schultheis, Cadman, Crane, Fairbank, Hall, Hefley, King, Lee, Lundberg, McFadyen, Mitchell, Stengel, and White

SENATE SPONSORSHIP

Hillman,

House Committees

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A BILL FOR AN ACT

101 **CONCERNING RESTORATION OF SELF-DEFENSE AS A DEFENSE IN**
102 **CRIMINAL CASES.**

Bill Summary

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

States that it is the intent of the general assembly that a person be able to raise self-defense as an affirmative defense in any case regardless of the mens rea which is an element of the charged crime. Requires the court to give a self-defense jury instruction in any case in which there is some evidence before the court of self-defense.

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.

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

2 **SECTION 1.** Part 7 of article 1 of title 18, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **18-1-702.5. Use of physical force - right to raise self-defense.**

6 (1) THE GENERAL ASSEMBLY DECLARES IT HAS CODIFIED, IN SECTIONS
7 18-1-703, 18-1-704, 18-1-704.5, 18-1-705, 18-1-706, AND 18-1-707,
8 MANY CIRCUMSTANCES WHEN THE USE OF PHYSICAL FORCE, INCLUDING
9 DEADLY FORCE, IS APPROPRIATE. THE REASONABLE DEFENSE OF ONESELF
10 IS A FUNDAMENTAL RIGHT OF EACH PERSON IN THE STATE OF COLORADO
11 GUARANTEED BY SECTION 3 OF ARTICLE II OF THE COLORADO
12 CONSTITUTION.

13 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT A PERSON
14 SHALL BE ENTITLED TO RAISE SELF-DEFENSE AS AN AFFIRMATIVE DEFENSE
15 REGARDLESS OF THE PARTICULAR *MENS REA* WHICH IS AN ELEMENT OF THE
16 CHARGED CRIME.

17 (3) A PERSON SHALL BE ENTITLED TO AN AFFIRMATIVE DEFENSE
18 JURY INSTRUCTION IN A CRIMINAL CASE WHEN THERE IS EVIDENCE BEFORE
19 THE COURT, HOWEVER SLIGHT, OF SELF-DEFENSE.

20 **SECTION 2. 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.