

**First 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. 03-0372.01 Michael Dohr

**HOUSE BILL 03-1148**

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**A BILL FOR AN ACT**

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

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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.)*

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.

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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  
2nd Reading Unamended  
March 7, 2003

HOUSE  
3rd Reading Unamended  
February 5, 2003

HOUSE  
Amended 2nd Reading  
February 3, 2003

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

2 **SECTION 1.** 18-1-704, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **18-1-704. Use of physical force in defense of a person.** (4) IN  
5 A CASE IN WHICH THE DEFENDANT IS NOT ENTITLED TO A JURY  
6 INSTRUCTION REGARDING SELF-DEFENSE AS AN AFFIRMATIVE DEFENSE,  
7 THE COURT SHALL ALLOW THE DEFENDANT TO PRESENT EVIDENCE, WHEN  
8 RELEVANT, THAT HE OR SHE WAS ACTING IN SELF-DEFENSE. IF THE  
9 DEFENDANT PRESENTS EVIDENCE OF SELF-DEFENSE, THE COURT SHALL  
10 INSTRUCT THE JURY WITH A SELF-DEFENSE LAW INSTRUCTION. THE COURT  
11 SHALL INSTRUCT THE JURY THAT IT MAY CONSIDER THE EVIDENCE OF  
12 SELF-DEFENSE IN DETERMINING WHETHER THE DEFENDANT ACTED  
13 RECKLESSLY, WITH EXTREME INDIFFERENCE, OR IN A CRIMINALLY  
14 NEGLIGENT MANNER. HOWEVER, THE SELF-DEFENSE LAW INSTRUCTION  
15 SHALL NOT BE AN AFFIRMATIVE DEFENSE INSTRUCTION AND THE  
16 PROSECUTING ATTORNEY SHALL NOT HAVE THE BURDEN OF DISPROVING  
17 SELF-DEFENSE. THIS SECTION SHALL NOT APPLY TO STRICT LIABILITY  
18 CRIMES.

19 **SECTION 2. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, and safety.