

HB1120\_L.005

## HOUSE COMMITTEE OF REFERENCE REPORT

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 Chairman of Committee

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 Date
Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB09-1120 be amended as follows:

1 Amend printed bill, page 2, strike lines 2 through 21.

2 Page 3, strike lines 1 through 20 and substitute the following:

3 "SECTION 1. 18-3-204, Colorado Revised Statutes, is amended  
4 to read:

5 **18-3-204. Assault in the third degree.** (1) A person commits  
6 the crime of assault in the third degree if:

7 (a) The person knowingly or recklessly causes bodily injury to  
8 another person or with criminal negligence the person causes bodily  
9 injury to another person by means of a deadly weapon; OR

10 (b) THE PERSON, WITH INTENT TO INFECT, INJURE, HARM, HARASS,  
11 ANNOY, THREATEN, OR ALARM ANOTHER PERSON WHOM THE ACTOR  
12 KNOWS OR REASONABLY SHOULD KNOW TO BE A PEACE OFFICER,  
13 FIREFIGHTER, OR AN EMERGENCY MEDICAL TECHNICIAN, CAUSES SUCH  
14 OTHER PERSON TO COME INTO CONTACT WITH BLOOD, SEMINAL FLUID,  
15 URINE, FECES, SALIVA, MUCUS, VOMIT, OR ANY TOXIC, CAUSTIC, OR  
16 HAZARDOUS MATERIAL BY ANY MEANS, INCLUDING BUT NOT LIMITED TO  
17 THROWING, TOSSING, OR EXPELLING SUCH FLUID OR MATERIAL.

18 (2) (a) AN ADULT OR JUVENILE WHO HAS HAD A COURT FIND THAT  
19 THERE IS PROBABLE CAUSE TO BELIEVE THAT HE OR SHE HAS COMMITTED  
20 AN OFFENSE PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS



1 SECTION OR IS CONVICTED OF AN OFFENSE PURSUANT TO PARAGRAPH (b)  
2 OF SUBSECTION (1) OF THIS SECTION OR ANY PERSON WHO IS DETERMINED  
3 TO HAVE PROVIDED BLOOD, SEMINAL FLUID, URINE, FECES, SALIVA, MUCUS,  
4 OR VOMIT TO A PERSON BOUND OVER FOR TRIAL FOR, INDICTED FOR, OR  
5 CONVICTED OF SUCH AN OFFENSE SHALL BE ORDERED BY THE COURT TO  
6 SUBMIT TO A MEDICAL TEST FOR COMMUNICABLE DISEASES AND TO SUPPLY  
7 BLOOD, FECES, URINE, SALIVA, OR OTHER BODILY FLUID REQUIRED FOR THE  
8 TEST. THE RESULTS OF SUCH TEST SHALL BE REPORTED TO THE COURT OR  
9 THE COURT'S DESIGNEE, WHO SHALL THEN DISCLOSE THE RESULTS TO ANY  
10 VICTIM OF THE OFFENSE WHO REQUESTS SUCH DISCLOSURE. REVIEW AND  
11 DISCLOSURE OF MEDICAL TEST RESULTS BY THE COURT SHALL BE CLOSED  
12 AND CONFIDENTIAL, AND ANY TRANSACTION RECORDS RELATING THERETO  
13 SHALL ALSO BE CLOSED AND CONFIDENTIAL. IF A PERSON SUBJECT TO A  
14 MEDICAL TEST FOR COMMUNICABLE DISEASES PURSUANT THIS SUBSECTION  
15 (2) VOLUNTARILY SUBMITS TO A MEDICAL TEST FOR COMMUNICABLE  
16 DISEASES, THE FACT OF THE PERSON'S VOLUNTARY SUBMISSION SHALL BE  
17 ADMISSIBLE IN MITIGATION OF SENTENCE IF THE PERSON IS CONVICTED OF  
18 THE CHARGED OFFENSE.

19 (b) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, THE  
20 COURT MAY ORDER ANY PERSON WHO IS CONVICTED OF THE OFFENSE  
21 DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1) OF THIS SECTION TO  
22 MEET ALL OR ANY PORTION OF THE FINANCIAL OBLIGATIONS OF MEDICAL  
23 TESTS PERFORMED ON AND TREATMENT PRESCRIBED FOR THE VICTIM OR  
24 VICTIMS OF THE OFFENSE.

25 (3) Assault in the third degree is a class 1 misdemeanor and is an  
26 extraordinary risk crime that is subject to the modified sentencing range  
27 specified in section 18-1.3-501 (3).

28 **SECTION 2.** 18-1.3-501, Colorado Revised Statutes, is amended  
29 to read:

30 **18-1.3-501. Misdemeanors classified - penalties.** (1.5) (a) If a  
31 defendant is convicted of assault in the third degree pursuant to section  
32 18-3-204 and the victim is a peace officer, EMERGENCY MEDICAL  
33 TECHNICIAN, or firefighter engaged in the performance of his or her  
34 duties, notwithstanding the provisions of subsection (1) of this section,  
35 the court shall sentence the defendant to a term of imprisonment greater  
36 than the maximum sentence but no more than twice the maximum  
37 sentence authorized for the same crime when the victim is not a peace



1 officer or firefighter engaged in the performance of his or her duties. In  
2 addition to such term of imprisonment, the court may impose a fine on the  
3 defendant pursuant to subsection (1) of this section.

4 (b) As used in this section, "peace officer, EMERGENCY MEDICAL  
5 TECHNICIAN, or firefighter engaged in the performance of his or her  
6 duties" means a peace officer as described in section 16-2.5-101, C.R.S.,  
7 EMERGENCY MEDICAL TECHNICIAN AS DEFINED IN PART 1 OF ARTICLE 3.5  
8 OF TITLE 25, C.R.S., or a firefighter as defined in section 18-3-201 (1),  
9 who is engaged or acting in, or who is present for the purpose of engaging  
10 or acting in, the performance of any duty, service, or function imposed,  
11 authorized, required, or permitted by law to be performed by a peace  
12 officer, EMERGENCY MEDICAL TECHNICIAN, or firefighter, whether or not  
13 the peace officer, EMERGENCY MEDICAL TECHNICIAN, or firefighter is  
14 within the territorial limits of his or her jurisdiction, if the peace officer,  
15 EMERGENCY MEDICAL TECHNICIAN, or firefighter is in uniform or the  
16 person committing an assault upon or offense against or otherwise acting  
17 toward such peace officer, EMERGENCY MEDICAL TECHNICIAN, or  
18 firefighter knows or reasonably should know that the victim is a peace  
19 officer, EMERGENCY MEDICAL TECHNICIAN, or firefighter or if the peace  
20 officer or firefighter is intentionally assaulted in retaliation for the  
21 performance of his or her official duties."

22 Renumber succeeding sections accordingly.

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