

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0181.01 Richard Sweetman

HOUSE BILL 07-1011

HOUSE SPONSORSHIP

Gardner C.,

SENATE SPONSORSHIP

Harvey, and Schultheis

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE USE OF PHYSICAL FORCE AGAINST A PERSON WHO**
102 **MAKES AN UNLAWFUL ENTRY INTO A PLACE OF BUSINESS.**

Bill Summary

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

Creates a presumption that an occupant who uses deadly physical force against an intruder has a reasonable fear of imminent death or serious bodily injury to himself or herself or another person. Sets forth conditions under which the presumption does not apply.

Adds vehicles and places of business to the locations in which the presumption applies.

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.** 18-1-704.5, Colorado Revised Statutes, is amended
3 to read:

4 **18-1-704.5. Use of deadly physical force against an intruder.**

5 (1) The general assembly hereby recognizes that the citizens of Colorado
6 have a right to expect absolute safety within their own ~~homes~~ DWELLINGS
7 AND PLACES OF BUSINESS.

8 (2) Notwithstanding the provisions of section 18-1-704, any
9 occupant of a dwelling OR PLACE OF BUSINESS, is justified in using any
10 degree of physical force, including deadly physical force, against another
11 person when that other person has made an unlawful entry into the
12 dwelling OR PLACE OF BUSINESS, and when the occupant has a reasonable
13 belief that such other person has committed a crime in the dwelling OR
14 PLACE OF BUSINESS in addition to the uninvited entry, or is committing or
15 intends to commit a crime against a person or property in addition to the
16 uninvited entry, and when the occupant reasonably believes that such
17 other person might use any physical force, no matter how slight, against
18 any occupant.

19 (3) Any occupant of a dwelling OR PLACE OF BUSINESS using
20 physical force, including deadly physical force, in accordance with the
21 provisions of subsection (2) of this section shall be immune from
22 criminal prosecution for the use of such force.

23 (4) Any occupant of a dwelling OR PLACE OF BUSINESS using
24 physical force, including deadly physical force, in accordance with the
25 provisions of subsection (2) of this section shall be immune from any
26 civil liability for injuries or death resulting from the use of such force.

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