

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

January 31, 2007
Date

Committee on Judiciary.

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

HB07-1011 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

3 "SECTION 1. 18-1-704.5, Colorado Revised Statutes, is
4 amended to read:

5 **18-1-704.5. Use of deadly physical force against an intruder.**
6 (1) The general assembly hereby recognizes that the citizens of Colorado
7 have a right to expect absolute safety within their own ~~homes~~ DWELLINGS
8 AND PLACES OF BUSINESS.

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

20 (3) Any occupant of a dwelling OR PLACE OF BUSINESS using

1 physical force, including deadly physical force, in accordance with the
2 provisions of subsection (2) of this section shall be immune from
3 criminal prosecution for the use of such force.

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

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

11 Page 1, line 101, strike "AN INTRUDER." and substitute "A PERSON WHO
12 MAKES AN UNLAWFUL ENTRY INTO A PLACE OF BUSINESS."

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