

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

**INTRODUCED**

LLS NO. 23-0593.01 Conrad Imel x2313

**HOUSE BILL 23-1050**

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**HOUSE SPONSORSHIP**

**Winter T.,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

State, Civic, Military, & Veterans Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE USE OF DEADLY PHYSICAL FORCE AGAINST A PERSON**

102 **WHO HAS MADE AN ILLEGAL ENTRY INTO A PLACE OF BUSINESS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill extends the right to use deadly physical force against an intruder under certain conditions to include owners, managers, and employees of a business and to any person in lawful possession of a firearm at a place of business.

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Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers 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.** In Colorado Revised Statutes, 18-1-704.5, **amend**  
3 (1), (2), (3), and (4) as follows:

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 AND PLACES  
7 OF BUSINESS.

8 (2) Notwithstanding ~~the provisions of~~ section 18-1-704, any  
9 occupant of a dwelling; ANY OWNER, MANAGER, OR EMPLOYEE OF A PLACE  
10 OF BUSINESS; OR ANY PERSON IN LAWFUL POSSESSION OF A FIREARM AT A  
11 PLACE OF BUSINESS is justified in using any degree of physical force,  
12 including deadly physical force, against another person when that other  
13 person has made an unlawful entry into the dwelling OR PLACE OF  
14 BUSINESS; and when the occupant OR THE OWNER, MANAGER, EMPLOYEE,  
15 OR PERSON has a reasonable belief that ~~such~~ THE other person has  
16 committed a crime in the dwelling OR PLACE OF BUSINESS in addition to  
17 the uninvited entry, or is committing or intends to commit a crime against  
18 a person or property in addition to the uninvited entry; and when the  
19 occupant OR OWNER, MANAGER, EMPLOYEE, OR PERSON reasonably  
20 believes that ~~such~~ THE other person might use any physical force, no  
21 matter how slight, against any occupant OF THE DWELLING OR OWNER,  
22 MANAGER, EMPLOYEE OF THE PLACE OF BUSINESS, OR PERSON.

23 (3) Any ~~occupant of a dwelling~~ PERSON using physical force,  
24 including deadly physical force, in accordance with ~~the provisions of~~  
25 subsection (2) of this section ~~shall be~~ IS immune from criminal  
26 prosecution for the use of such force.

27 (4) Any ~~occupant of a dwelling~~ PERSON using physical force,

1 including deadly physical force, in accordance with ~~the provisions of~~  
2 subsection (2) of this section ~~shall be~~ IS immune from any civil liability  
3 for injuries or death resulting from the use of such force.

4 **SECTION 2.** In Colorado Revised Statutes, 18-1-704, **amend** (2)  
5 introductory portion as follows:

6 **18-1-704. Use of physical force in defense of a person -**  
7 **definitions.** (2) EXCEPT AS DESCRIBED IN SECTION 18-1-704.5, deadly  
8 physical force may be used only if a person reasonably believes a lesser  
9 degree of force is inadequate and:

10 **SECTION 3.** In Colorado Revised Statutes, **amend** 18-1-705 as  
11 follows:

12 **18-1-705. Use of physical force in defense of premises.** A  
13 person in possession or control of any building, realty, or other premises,  
14 or a person who is licensed or privileged to be thereon, is justified in  
15 using reasonable and appropriate physical force upon another person  
16 when and to the extent that it is reasonably necessary to prevent or  
17 terminate what ~~he~~ THE PERSON reasonably believes to be the commission  
18 or attempted commission of an unlawful trespass by the other person in  
19 or upon the building, realty, or premises. However, ~~he~~ THE PERSON may  
20 use deadly PHYSICAL force only in defense of ~~himself~~ SELF or another as  
21 described in ~~section 18-1-704~~ SECTIONS 18-1-704 AND 18-1-704.5, or  
22 when ~~he~~ THE PERSON reasonably believes it necessary to prevent what ~~he~~  
23 THE PERSON reasonably believes to be an attempt by the trespasser to  
24 commit first degree arson.

25 **SECTION 4.** In Colorado Revised Statutes, **amend** 18-1-706 as  
26 follows:

27 **18-1-706. Use of physical force in defense of property.** A

1 person is justified in using reasonable and appropriate physical force upon  
2 another person when and to the extent that ~~he~~ THE PERSON reasonably  
3 believes it necessary to prevent what ~~he~~ THE PERSON reasonably believes  
4 to be an attempt by the other person to commit theft, criminal mischief,  
5 or criminal tampering involving property, but ~~he~~ THE PERSON may use  
6 deadly physical force under these circumstances only in defense of  
7 ~~himself~~ SELF or another as described in ~~section 18-1-704~~ SECTIONS  
8 18-1-704 AND 18-1-704.5.

9 **SECTION 5. Act subject to petition - effective date.** This act  
10 takes effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly; except  
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
13 of the state constitution against this act or an item, section, or part of this  
14 act within such period, then the act, item, section, or part will not take  
15 effect unless approved by the people at the general election to be held in  
16 November 2024 and, in such case, will take effect on the date of the  
17 official declaration of the vote thereon by the governor.