

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 14-0813.01 Jennifer Berman x3286

HOUSE BILL 14-1214

HOUSE SPONSORSHIP

Gerou,

SENATE SPONSORSHIP

Balmer,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN INCREASE IN THE PENALTIES FOR CERTAIN OFFENSES**
102 **COMMITTED AGAINST AN EMERGENCY MEDICAL SERVICE**
103 **PROVIDER, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

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://www.leg.state.co.us/billsummaries>.)

Sections 3, 5, and 6 of the bill increase the penalties for assault in the first degree, assault in the second degree, and murder in the first

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.

HOUSE
Amended 2nd Reading
April 11, 2014

degree against an emergency medical service provider if the victim was engaged in the performance of his or her official duties and the offender knew or reasonably should have known that the victim was an emergency medical service provider.

Section 1 of the bill requires a court to sentence a person to the department of corrections if the person is convicted of assault in the first degree or assault in the second degree against an emergency medical service provider.

Section 2 of the bill lists the intentional killing of an emergency medical service provider engaged in the performance of his or her official duties as an aggravating factor for class 1 felonies.

Section 4 of the bill defines emergency medical service provider.

Sections 7 through 11 make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-401, **amend**

3 (1) (b) (IV) as follows:

4 **18-1.3-401. Felonies classified - presumptive penalties.**

5 (1) (b) (IV) If a person is convicted of assault in the first degree pursuant
6 to section 18-3-202 or assault in the second degree pursuant to section
7 18-3-203 and the victim is a peace officer, or firefighter, OR EMERGENCY
8 MEDICAL SERVICE PROVIDER engaged in the performance of his or her
9 duties, as defined in section 18-1.3-501 (1.5) (b), notwithstanding the
10 provisions of subparagraph (III) of paragraph (a) of this subsection (1)
11 and subparagraph (II) of this paragraph (b), the court shall sentence the
12 person to the department of corrections. In addition to a term of
13 imprisonment, the court may impose a fine on ~~such~~ THE person pursuant
14 to subparagraph (III) of paragraph (a) of this subsection (1).

15 **SECTION 2.** In Colorado Revised Statutes, 18-1.3-1201, **amend**

16 (5) introductory portion and (5) (c) introductory portion; and **add** (5) (c)
17 (II.5) as follows:

18 **18-1.3-1201. Imposition of sentence in class 1 felonies -**

1 **appellate review.** (5) For purposes of this section, THE FOLLOWING ARE
2 aggravating factors: ~~shall be the following factors:~~

3 (c) The defendant intentionally killed any of the following persons
4 while ~~such~~ THE person was engaged in the course of the performance of
5 ~~such~~ THE person's official duties, and the defendant knew or reasonably
6 should have known that ~~such~~ THE victim was ~~such~~ a person engaged in
7 the performance of ~~such~~ THE person's official duties, or the victim was
8 intentionally killed in retaliation for the performance of the victim's
9 official duties:

10 (II.5) AN EMERGENCY MEDICAL SERVICE PROVIDER, AS DEFINED IN
11 SECTION 18-3-201 (1); OR

12 **SECTION 3.** In Colorado Revised Statutes, **amend** 18-3-107 as
13 follows:

14 **18-3-107. First degree murder of a peace officer, firefighter,**
15 **or emergency medical service provider - legislative declaration.** (1) A
16 person who commits murder in the first degree, as defined in section
17 18-3-102, and the victim is a peace officer, ~~or~~ firefighter, OR EMERGENCY
18 MEDICAL SERVICE PROVIDER, engaged in the performance of his or her
19 duties, commits the felony crime of first degree murder of a peace officer,
20 ~~or~~ firefighter, OR EMERGENCY MEDICAL SERVICE PROVIDER.

21 (2) As used in this section, "peace officer, ~~or~~ firefighter, OR
22 EMERGENCY MEDICAL SERVICE PROVIDER engaged in the performance of
23 his or her duties" means a peace officer as described in section
24 16-2.5-101, C.R.S., ~~or~~ a firefighter, as defined in section 18-3-201 (~~+~~)
25 (1.5), OR AN EMERGENCY MEDICAL SERVICE PROVIDER, AS DEFINED IN
26 SECTION 18-3-201 (1), who is engaged or acting in, or who is present for
27 the purpose of engaging or acting in, the performance of any duty,

1 service, or function imposed, authorized, required, or permitted by law to
2 be performed by a peace officer, ~~or~~ firefighter, OR EMERGENCY MEDICAL
3 SERVICE PROVIDER, whether or not the peace officer, ~~or~~ firefighter, OR
4 EMERGENCY MEDICAL SERVICE PROVIDER is within the territorial limits of
5 his or her jurisdiction, if the peace officer, ~~or~~ firefighter, OR EMERGENCY
6 MEDICAL SERVICE PROVIDER is in uniform or the person committing an
7 assault upon or offense against or otherwise acting toward ~~such~~ THE peace
8 officer, ~~or~~ firefighter, OR EMERGENCY MEDICAL SERVICE PROVIDER knows
9 or reasonably should know that the victim is a peace officer, ~~or~~
10 firefighter, OR EMERGENCY MEDICAL SERVICE PROVIDER.

11 (3) A person convicted of first degree murder of a peace officer,
12 ~~or~~ firefighter, OR EMERGENCY MEDICAL SERVICE PROVIDER shall be
13 punished by life imprisonment without the possibility of parole for the
14 rest of his or her natural life, unless a proceeding held to determine
15 sentence according to the procedure set forth in section 18-1.3-1201,
16 18-1.3-1302, or 18-1.4-102 results in a verdict that requires imposition of
17 the death penalty, in which event ~~such~~ THE person shall be sentenced to
18 death. Nothing in this subsection (3) ~~shall be~~ IS construed as limiting the
19 power of the governor to grant reprieves, commutations, and pardons
20 pursuant to section 7 of article IV of the Colorado constitution.

21 (4) In the event the death penalty as provided for in this section is
22 held to be unconstitutional by the Colorado supreme court or the United
23 States supreme court, a person convicted of first degree murder of a peace
24 officer, ~~or~~ firefighter, OR EMERGENCY MEDICAL SERVICE PROVIDER under
25 subsection (1) of this section shall be punished by life imprisonment
26 without the possibility of parole. In such circumstance, the court which
27 previously sentenced a person to death shall cause ~~such~~ THE person to be

1 brought before the court, and the court shall sentence ~~such~~ THE person to
2 life imprisonment without the possibility of parole.

3 (5) The general assembly recognizes that protection of peace
4 officers, ~~and~~ firefighters, AND EMERGENCY MEDICAL SERVICE PROVIDERS
5 from crime is a major concern of our state because society depends on
6 peace officers, ~~and~~ firefighters, AND EMERGENCY MEDICAL SERVICE
7 PROVIDERS for protection against crime and other dangers and because
8 peace officers, ~~and~~ firefighters, AND EMERGENCY MEDICAL SERVICE
9 PROVIDERS are disproportionately damaged by crime because their duty
10 to protect society often places them in dangerous circumstances. Society
11 as a whole benefits from affording special protection to peace officers,
12 ~~and~~ firefighters, AND EMERGENCY MEDICAL SERVICE PROVIDERS because
13 ~~such~~ THE protection deters crimes against them and allows them to better
14 serve and protect our state. The general assembly therefore finds that the
15 penalties for first degree murder of a peace officer, ~~or~~ firefighter, OR
16 EMERGENCY MEDICAL SERVICE PROVIDER should be more severe than the
17 penalty for first degree murder of other members of society.

18 **SECTION 4.** In Colorado Revised Statutes, **amend** 18-3-201 as
19 follows:

20 **18-3-201. Definitions.** As used in sections 18-3-201 to 18-3-203,
21 unless the context otherwise requires:

22 (1) "EMERGENCY MEDICAL SERVICE PROVIDER" HAS THE SAME
23 MEANING AS SET FORTH IN SECTION 25-3.5-103 (8), C.R.S. THE TERM
24 REFERS TO BOTH PAID AND VOLUNTEER EMERGENCY MEDICAL SERVICE
25 PROVIDERS.

26 ~~(1.5)~~ (1.5) "Firefighter" means an officer or member of a fire
27 department or fire protection or fire-fighting agency of the state, or any

1 municipal or quasi-municipal corporation in this state, whether that
2 person is a volunteer or receives compensation for services rendered as
3 such firefighter.

4 (2) "Peace officer, ~~or~~ firefighter, OR EMERGENCY MEDICAL
5 SERVICE PROVIDER engaged in the performance of his or her duties"
6 means a peace officer, as described in section 16-2.5-101, C.R.S., ~~or~~ A
7 firefighter, OR AN EMERGENCY MEDICAL SERVICE PROVIDER, who is
8 engaged or acting in, or who is present for the purpose of engaging or
9 acting in, the performance of any duty, service, or function imposed,
10 authorized, required, or permitted by law to be performed by a peace
11 officer, ~~or~~ firefighter, OR EMERGENCY MEDICAL SERVICE PROVIDER,
12 whether or not the peace officer, ~~or~~ firefighter, OR EMERGENCY MEDICAL
13 SERVICE PROVIDER is within the territorial limits of his or her jurisdiction,
14 if the peace officer, ~~or~~ firefighter, OR EMERGENCY MEDICAL SERVICE
15 PROVIDER is in uniform or the person committing an assault upon or
16 offense against or otherwise acting toward ~~such~~ THE peace officer, ~~or~~
17 firefighter, OR EMERGENCY MEDICAL SERVICE PROVIDER knows or
18 reasonably should know that the victim is a peace officer, ~~or~~ firefighter,
19 OR EMERGENCY MEDICAL SERVICE PROVIDER. For the purposes of this
20 subsection (2) and this part 2, the term "peace officer" ~~shall include~~
21 INCLUDES county enforcement personnel designated pursuant to section
22 29-7-101 (3), C.R.S.

23 **SECTION 5.** In Colorado Revised Statutes, 18-3-202, **amend** (1)
24 (e) as follows:

25 **18-3-202. Assault in the first degree.** (1) A person commits the
26 crime of assault in the first degree if:

27 (e) With intent to cause serious bodily injury upon the person of

1 a peace officer, ~~or~~ firefighter, OR EMERGENCY MEDICAL SERVICE
2 PROVIDER, he or she threatens with a deadly weapon a peace officer, ~~or~~
3 firefighter, OR EMERGENCY MEDICAL SERVICE PROVIDER engaged in the
4 performance of his or her duties, and the offender knows or reasonably
5 should know that the victim is a peace officer, ~~or~~ firefighter, OR
6 EMERGENCY MEDICAL SERVICE PROVIDER acting in the performance of his
7 or her duties; or

8 **SECTION 6.** In Colorado Revised Statutes, 18-3-203, **amend** (1)
9 (c) and (1) (f) as follows:

10 **18-3-203. Assault in the second degree.** (1) A person commits
11 the crime of assault in the second degree if:

12 (c) With intent to prevent one whom he or she knows, or should
13 know, to be a peace officer, ~~or~~ firefighter, OR EMERGENCY MEDICAL
14 SERVICE PROVIDER from performing a lawful duty, he or she intentionally
15 causes bodily injury to any person; or

16 (f) While lawfully confined or in custody, he or she knowingly
17 and violently applies physical force against the person of a peace officer,
18 ~~or~~ firefighter, OR EMERGENCY MEDICAL SERVICE PROVIDER engaged in the
19 performance of his or her duties, or a judge of a court of competent
20 jurisdiction, or an officer of said court, or, while lawfully confined or in
21 custody as a result of being charged with or convicted of a crime or as a
22 result of being charged as a delinquent child or adjudicated as a
23 delinquent child, he or she knowingly and violently applies physical force
24 against a person engaged in the performance of his or her duties while
25 employed by or under contract with a detention facility, as defined in
26 section 18-8-203 (3), or while employed by the division in the department
27 of human services responsible for youth services and who is a youth

1 services counselor or is in the youth services worker classification series,
2 and the person committing the offense knows or reasonably should know
3 that the victim is a peace officer, ~~or~~ firefighter, OR EMERGENCY MEDICAL
4 SERVICE PROVIDER engaged in the performance of his or her duties, or a
5 judge of a court of competent jurisdiction, or an officer of said court, or
6 a person engaged in the performance of his or her duties while employed
7 by or under contract with a detention facility or while employed by the
8 division in the department of human services responsible for youth
9 services. A sentence imposed pursuant to this paragraph (f) shall be
10 served in the department of corrections and shall run consecutively with
11 any sentences being served by the offender; except that, if the offense is
12 committed against a person employed by the division in the department
13 of human services responsible for youth services, the court may grant
14 probation or a suspended sentence in whole or in part, and ~~such~~ THE
15 sentence may run concurrently or consecutively with any sentences being
16 served. A person who participates in a work release program, a furlough,
17 or any other similar authorized supervised or unsupervised absence from
18 a detention facility, as defined in section 18-8-203 (3), and who is
19 required to report back to the detention facility at a specified time ~~shall~~
20 ~~be~~ IS deemed to be in custody.

21 **SECTION 7.** In Colorado Revised Statutes, 13-21-203, **amend**
22 (6) as follows:

23 **13-21-203. Limitation on damages.** (6) The provisions of this
24 section shall not apply to a peace officer, as described in section
25 16-2.5-101, C.R.S., or to any firefighter, as defined in section 18-3-201
26 ~~(†)~~ (1.5), C.R.S., for claims arising out of injuries sustained from an act
27 or omission of ~~such~~ THE peace officer or firefighter acting in the

1 performance of his or her duties and within the scope of his or her
2 employment.

3 **SECTION 8.** In Colorado Revised Statutes, 18-1.3-501, **amend**
4 (1.5) (b) as follows:

5 **18-1.3-501. Misdemeanors classified - drug misdemeanors and**
6 **drug petty offenses classified - penalties - definitions.** (1.5) (b) As
7 used in this section, "peace officer, emergency medical service provider,
8 emergency medical care provider, or firefighter engaged in the
9 performance of his or her duties" means a peace officer as described in
10 section 16-2.5-101, C.R.S., emergency medical service provider as
11 defined in part 1 of article 3.5 of title 25, C.R.S., emergency medical care
12 provider as defined by section 18-3-204 (4), or a firefighter as defined in
13 section 18-3-201 (†) (1.5), who is engaged or acting in or who is present
14 to engage or act in the performance of a duty, service, or function
15 imposed, authorized, required, or permitted by law to be performed by a
16 peace officer, emergency medical service provider, emergency medical
17 care provider, or firefighter, whether or not the peace officer, emergency
18 medical service provider, emergency medical care provider, or firefighter
19 is within the territorial limits of his or her jurisdiction, if the peace officer,
20 emergency medical service provider, emergency medical care provider,
21 or firefighter is in uniform or the person committing an assault upon or
22 offense against or otherwise acting toward the peace officer, emergency
23 medical service provider, emergency medical care provider, or firefighter
24 knows or reasonably should know that the victim is a peace officer,
25 emergency medical service provider, emergency medical care provider,
26 or firefighter or if the peace officer, emergency medical service provider,
27 emergency medical care provider, or firefighter is intentionally assaulted

1 in retaliation for the performance of his or her official duties.

2 **SECTION 9.** In Colorado Revised Statutes, 18-6-401, **amend** (9)
3 as follows:

4 **18-6-401. Child abuse.** (9) If a parent is charged with permitting
5 a child to be unreasonably placed in a situation that poses a threat of
6 injury to the child's life or health, pursuant to paragraph (a) of subsection
7 (1) of this section, and the child was seventy-two hours old or younger at
8 the time of the alleged offense, it ~~shall be~~ IS an affirmative defense to
9 ~~such~~ THE charge that the parent safely, reasonably, and knowingly handed
10 the child over to a firefighter, as defined in section 18-3-201 (~~+~~) (1.5), or
11 to a hospital staff member who engages in the admission, care, or
12 treatment of patients, when ~~such~~ THE firefighter is at a fire station or ~~such~~
13 THE hospital staff member is at a hospital.

14 **SECTION 10.** In Colorado Revised Statutes, 19-3-304, **amend**
15 (2) (v) as follows:

16 **19-3-304. Persons required to report child abuse or neglect.**
17 (2) Persons required to report such abuse or neglect or circumstances or
18 conditions include any:

19 (v) Firefighter as defined in section 18-3-201 (~~+~~) (1.5), C.R.S.;

20 **SECTION 11.** In Colorado Revised Statutes, 19-3-304.5, **amend**
21 (1) introductory portion as follows:

22 **19-3-304.5. Emergency possession of certain abandoned**
23 **children.** (1) If a parent voluntarily delivers a child to a firefighter, as
24 defined in section 18-3-201 (~~+~~) (1.5), C.R.S., or a hospital staff member
25 who engages in the admission, care, or treatment of patients, when ~~such~~
26 THE firefighter is at a fire station or ~~such~~ THE hospital staff member is at
27 a hospital, the firefighter or hospital staff member shall, without a court

1 order, take temporary physical custody of the child if:

2 **SECTION 12.** In Colorado Revised Statutes, **amend** 30-15-105
3 as follows:

4 **30-15-105. Animal control officers - peace officer designation.**

5 Personnel engaged in animal control, however titled or administratively
6 assigned, may issue citations or summonses and complaints enforcing the
7 county dog control resolution or any other county resolution concerning
8 the control of pet animals or municipal ordinance without regard to the
9 certification requirements of part 3 of article 31 of title 24, C.R.S.
10 Personnel so engaged shall be included within the definition of "peace
11 officer, ~~or~~ firefighter, OR EMERGENCY MEDICAL SERVICE PROVIDER
12 engaged in the performance of his or her duties" in section 18-3-201 (2),
13 C.R.S. Nothing in this part 1 is intended to vest authority in any person
14 so engaged to enforce any resolution, ordinance, or statute other than the
15 county dog control resolution or any other county resolution concerning
16 the control of pet animals or municipal ordinance.

17 **SECTION 13.** In Colorado Revised Statutes, **add** 17-18-111 as
18 follows:

19 **17-18-111. Appropriation to comply with section 2-2-703 - HB**
20 **14-1214 - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE
21 FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY
22 BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 14-1214,
23 ENACTED IN 2014:

24 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, IN ADDITION
25 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
26 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
27 OTHERWISE APPROPRIATED, THE SUM OF TWENTY THOUSAND FIFTY-TWO

1 DOLLARS (\$20,052).

2 (b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, IN ADDITION
3 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
4 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
5 OTHERWISE APPROPRIATED, THE SUM OF FIFTY-NINE THOUSAND TWO
6 HUNDRED NINETY-FIVE DOLLARS (\$59,295).

7 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019.

8 **SECTION 14. Act subject to petition - effective date -**
9 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
10 the expiration of the ninety-day period after final adjournment of the
11 general assembly (August 6, 2014, if adjournment sine die is on May 7,
12 2014); except that, if a referendum petition is filed pursuant to section 1
13 (3) of article V of the state constitution against this act or an item, section,
14 or part of this act within such period, then the act, item, section, or part
15 will not take effect unless approved by the people at the general election
16 to be held in November 2014 and, in such case, will take effect on the
17 date of the official declaration of the vote thereon by the governor.

18 (2) This act applies to offenses committed on or after the
19 applicable effective date of this act.