

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0813.01 Jennifer Berman x3286

HOUSE BILL 14-1214

HOUSE SPONSORSHIP

Gerou,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

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.

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 degree against an emergency medical service provider if the victim was engaged in the performance of his or her official duties and the offender

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.

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 -**
19 **appellate review.** (5) For purposes of this section, THE FOLLOWING ARE

1 aggravating factors: ~~shall be the following factors:~~

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

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

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

13 **18-3-107. First degree murder of a peace officer, firefighter,**
14 **or emergency medical service provider - legislative declaration.** (1) A
15 person who commits murder in the first degree, as defined in section
16 18-3-102, and the victim is a peace officer, ~~or~~ firefighter, OR EMERGENCY
17 MEDICAL SERVICE PROVIDER, engaged in the performance of his or her
18 duties, commits the felony crime of first degree murder of a peace officer,
19 ~~or~~ firefighter, OR EMERGENCY MEDICAL SERVICE PROVIDER.

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

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

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

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

1 life imprisonment without the possibility of parole.

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

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

19 **18-3-201. Definitions.** As used in sections 18-3-201 to 18-3-203,
20 unless the context otherwise requires:

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

25 ~~(1.5)~~ (1.5) "Firefighter" means an officer or member of a fire
26 department or fire protection or fire-fighting agency of the state, or any
27 municipal or quasi-municipal corporation in this state, whether that

1 person is a volunteer or receives compensation for services rendered as
2 such firefighter.

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

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

24 **18-3-202. Assault in the first degree.** (1) A person commits the
25 crime of assault in the first degree if:

26 (e) With intent to cause serious bodily injury upon the person of
27 a peace officer, ~~or~~ firefighter, OR EMERGENCY MEDICAL SERVICE

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

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

9 **18-3-203. Assault in the second degree.** (1) A person commits
10 the crime of assault in the second degree if:

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

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

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

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

22 **13-21-203. Limitation on damages.** (6) The provisions of this
23 section shall not apply to a peace officer, as described in section
24 16-2.5-101, C.R.S., or to any firefighter, as defined in section 18-3-201
25 ~~(1.5)~~ (1.5), C.R.S., for claims arising out of injuries sustained from an act
26 or omission of ~~such~~ THE peace officer or firefighter acting in the
27 performance of his or her duties and within the scope of his or her

1 employment.

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

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

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

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

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

15 **19-3-304. Persons required to report child abuse or neglect.**
16 (2) Persons required to report such abuse or neglect or circumstances or
17 conditions include any:

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

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

21 **19-3-304.5. Emergency possession of certain abandoned**
22 **children.** (1) If a parent voluntarily delivers a child to a firefighter, as
23 defined in section 18-3-201 ~~(1.5)~~, C.R.S., or a hospital staff member
24 who engages in the admission, care, or treatment of patients, when ~~such~~
25 THE firefighter is at a fire station or ~~such~~ THE hospital staff member is at
26 a hospital, the firefighter or hospital staff member shall, without a court
27 order, take temporary physical custody of the child if:

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

3 **30-15-105. Animal control officers - peace officer designation.**
4 Personnel engaged in animal control, however titled or administratively
5 assigned, may issue citations or summonses and complaints enforcing the
6 county dog control resolution or any other county resolution concerning
7 the control of pet animals or municipal ordinance without regard to the
8 certification requirements of part 3 of article 31 of title 24, C.R.S.
9 Personnel so engaged shall be included within the definition of "peace
10 officer, ~~or~~ firefighter, OR EMERGENCY MEDICAL SERVICE PROVIDER
11 engaged in the performance of his or her duties" in section 18-3-201 (2),
12 C.R.S. Nothing in this part 1 is intended to vest authority in any person
13 so engaged to enforce any resolution, ordinance, or statute other than the
14 county dog control resolution or any other county resolution concerning
15 the control of pet animals or municipal ordinance.

16 **SECTION 13. Potential appropriation.** Pursuant to section
17 2-2-703, Colorado Revised Statutes, any bill that results in a net increase
18 in periods of imprisonment in the state correctional facilities must include
19 an appropriation of moneys that is sufficient to cover any increased
20 capital construction and operational costs for the first five fiscal years in
21 which there is a fiscal impact. Because this act may increase periods of
22 imprisonment, this act may require a five-year appropriation.

23 **SECTION 14. Act subject to petition - effective date -**
24 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
25 the expiration of the ninety-day period after final adjournment of the
26 general assembly (August 6, 2014, if adjournment sine die is on May 7,
27 2014); except that, if a referendum petition is filed pursuant to section 1

1 (3) of article V of the state constitution against this act or an item, section,
2 or part of this act within such period, then the act, item, section, or part
3 will not take effect unless approved by the people at the general election
4 to be held in November 2014 and, in such case, will take effect on the
5 date of the official declaration of the vote thereon by the governor.

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