

An Act

HOUSE BILL 17-1179

BY REPRESENTATIVE(S) Saine and Ginal, Buckner, Herod, Hooton, Kennedy, Lontine, McLachlan, Melton, Michaelson Jenet, Mitsch Bush, Neville P., Nordberg, Pabon, Pettersen, Rankin, Singer, Williams D., Winter, Wist, Young, Lundeen, Carver, Lawrence, Beckman, Buck, Covarrubias, McKean, Navarro, Salazar, Sias, Thurlow, Van Winkle, Esgar, Garnett, Hamner, Landgraf, Lebsock, Valdez, Wilson, Duran; also SENATOR(S) Marble and Court, Guzman, Neville T., Aguilar, Jones, Kagan, Kefalas, Kerr, Martinez Humenik, Tate.

CONCERNING IMMUNITY FOR A PERSON WHO RENDERS EMERGENCY ASSISTANCE FROM A LOCKED VEHICLE.

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

SECTION 1. In Colorado Revised Statutes, add 13-21-108.4 as follows:

13-21-108.4. Persons rendering emergency assistance from a locked vehicle - exempt from criminal and civil liability - definitions.

(1) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ANIMAL" MEANS A DOG OR CAT. THE TERM "ANIMAL" DOES NOT

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

INCLUDE LIVESTOCK, AS DEFINED IN SUBSECTION (1)(c) OF THIS SECTION.

(b) "AT-RISK PERSON" MEANS AN AT-RISK ADULT, AN AT-RISK ADULT WITH IDD, AN AT-RISK ELDER, OR AN AT-RISK JUVENILE, AS THOSE TERMS ARE DEFINED IN SECTION 18-6.5-102.

(c) "LIVESTOCK" MEANS CATTLE, HORSES, MULES, BURROS, SHEEP, POULTRY, SWINE, LLAMAS, AND GOATS.

(2) A PERSON IS IMMUNE FROM CIVIL AND CRIMINAL LIABILITY FOR PROPERTY DAMAGE RESULTING FROM HIS OR HER FORCIBLE ENTRY INTO A LOCKED VEHICLE IF:

(a) THE VEHICLE IS NOT A LAW ENFORCEMENT VEHICLE; AND

(b) AN AT-RISK PERSON OR ANIMAL IS PRESENT IN THE VEHICLE AND THE PERSON RENDERING ASSISTANCE HAS A REASONABLE BELIEF THAT THE AT-RISK PERSON OR ANIMAL IS IN IMMINENT DANGER OF DEATH OR SUFFERING SERIOUS BODILY INJURY; AND

(c) THE PERSON DETERMINES THAT THE VEHICLE IS LOCKED AND THAT FORCIBLE ENTRY IS NECESSARY; AND

(d) THE PERSON MAKES A REASONABLE EFFORT TO LOCATE THE OWNER OR OPERATOR OF THE VEHICLE AND DOCUMENTS THE COLOR, MAKE, MODEL, LICENSE PLATE NUMBER, AND LOCATION OF THE VEHICLE; AND

(e) THE PERSON CONTACTS A LOCAL LAW ENFORCEMENT AGENCY, THE FIRE DEPARTMENT, ANIMAL CONTROL, OR A 911 OPERATOR PRIOR TO FORCIBLY ENTERING THE VEHICLE, AND THE PERSON DOES NOT INTERFERE WITH, HINDER, OR FAIL TO OBEY A LAWFUL ORDER OF ANY PERSON DULY EMPOWERED WITH POLICE AUTHORITY OR OTHER FIRST RESPONDER DUTIES WHO IS DISCHARGING OR APPARENTLY DISCHARGING HIS OR HER DUTIES; AND

(f) THE PERSON USES NO MORE FORCE THAN HE OR SHE BELIEVES IS REASONABLY NECESSARY; AND

(g) (I) THE PERSON RENDERING ASSISTANCE REMAINS WITH THE AT-RISK PERSON OR ANIMAL, REASONABLY CLOSE TO THE VEHICLE, UNTIL

A LAW ENFORCEMENT OFFICER, EMERGENCY MEDICAL SERVICE PROVIDER, ANIMAL CONTROL OFFICER, OR OTHER FIRST RESPONDER ARRIVES AT THE SCENE.

(II) IF IT IS NECESSARY FOR THE PERSON RENDERING ASSISTANCE TO LEAVE THE SCENE BEFORE THE OWNER OR OPERATOR OF THE VEHICLE RETURNS TO THE SCENE, OR BEFORE A LAW ENFORCEMENT OFFICER, EMERGENCY MEDICAL SERVICE PROVIDER, ANIMAL CONTROL OFFICER, OR OTHER FIRST RESPONDER ARRIVES AT THE SCENE, AND REGARDLESS OF WHETHER OR NOT THE PERSON RENDERING ASSISTANCE TOOK THE AT-RISK PERSON OR ANIMAL TO A HOSPITAL, AN APPROPRIATE LAW ENFORCEMENT, ANIMAL CONTROL, OR VETERINARY FACILITY, PRIOR TO LEAVING THE SCENE THE PERSON RENDERING ASSISTANCE SHALL:

(A) PLACE A NOTICE ON THE WINDSHIELD OF THE VEHICLE THAT INCLUDES HIS OR HER NAME AND CONTACT INFORMATION AND THE NAME AND CONTACT INFORMATION OF THE LOCATION, IF ANY, TO WHICH THE PERSON RENDERING ASSISTANCE TOOK THE AT-RISK PERSON OR ANIMAL WHEN HE OR SHE LEFT THE SCENE; AND

(B) CONTACT LAW ENFORCEMENT, ANIMAL CONTROL, OR OTHER FIRST RESPONDER TO ADVISE THEM OF HIS OR HER NAME AND CONTACT INFORMATION, THAT HE OR SHE IS LEAVING THE SCENE, AND THE NAME AND CONTACT INFORMATION OF THE LOCATION, IF ANY, TO WHICH THE PERSON RENDERING ASSISTANCE IS TAKING THE AT-RISK PERSON OR ANIMAL.

SECTION 2. In Colorado Revised Statutes, add 18-1-706.5 as follows:

18-1-706.5. Justification and exemption from liability when rendering emergency assistance to an at-risk person or animal in a locked vehicle. A PERSON IS JUSTIFIED AND EXEMPT FROM CRIMINAL LIABILITY FOR CRIMINAL MISCHIEF, CRIMINAL TRESPASS, OR CRIMINAL TAMPERING INVOLVING PROPERTY IF SUCH ACTION OCCURRED WHEN HE OR SHE RENDERED EMERGENCY ASSISTANCE TO AN AT-RISK PERSON OR ANIMAL IN A LOCKED VEHICLE, PROVIDED THE PERSON RENDERING ASSISTANCE ACTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 13-21-108.4.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the

ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Kevin J. Grantham
PRESIDENT OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

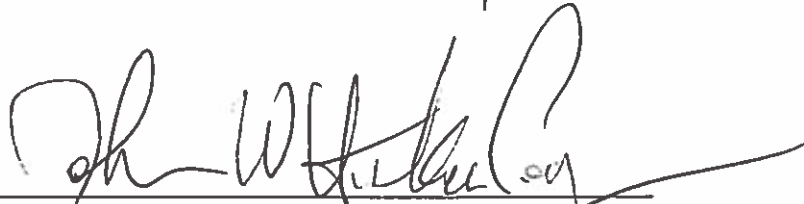


Effie Ameen
SECRETARY OF
THE SENATE

APPROVED

11:51 AM

4/13/17



John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO