

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

INTRODUCED

LLS NO. 17-0074.02 Jane Ritter x4342

HOUSE BILL 17-1179

HOUSE SPONSORSHIP

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

SENATE SPONSORSHIP

Marble and Court, Guzman, Neville T.

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

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

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 provides immunity from civil and criminal liability for a person who forcibly enters a locked vehicle for the purpose of rendering assistance to an at-risk person or animal. To receive immunity, the person must:

- ! Have a good faith belief that the person or animal is in imminent danger of death or suffering great bodily injury;

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.

- ! Verify the vehicle is locked;
- ! Make a reasonable effort to locate the owner or operator of the vehicle;
- ! Contact a law enforcement or other first responder agency prior to forcibly entering the vehicle and not interfere with the actions of any such responding law enforcement agency;
- ! Use no more force than reasonably necessary to enter the locked vehicle;
- ! Remain with the at-risk person or animal in a safe location close to the vehicle until law enforcement or other first responder arrives at the scene; except that, if the person rendering assistance has to leave the scene before the owner or operator of the vehicle returns, prior to leaving the scene, the person rendering assistance shall leave a notice on the vehicle with his or her name and contact information and the name and location, if any, of the facility to which he or she took the at-risk person or animal. Also prior to leaving the scene, the person rendering assistance shall contact law enforcement, animal control, or other first responder to provide them with the same information.

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

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

4 **13-21-108.4. Persons rendering emergency assistance from a**
 5 **locked vehicle - exempt from criminal and civil liability - definitions.**

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

8 (a) "ANIMAL" MEANS A DOG OR CAT. THE TERM "ANIMAL" DOES
 9 NOT INCLUDE LIVESTOCK, AS DEFINED IN SUBSECTION (1)(c) OF THIS
 10 SECTION.

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

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

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

6 (a) AN AT-RISK PERSON OR ANIMAL IS PRESENT IN THE VEHICLE
7 AND THE PERSON RENDERING ASSISTANCE HAS A GOOD FAITH BELIEF THAT
8 THE AT-RISK PERSON OR ANIMAL IS IN IMMINENT DANGER OF DEATH OR
9 SUFFERING GREAT BODILY INJURY; AND

10 (b) THE PERSON DETERMINES THAT THE VEHICLE IS LOCKED AND
11 THAT FORCIBLE ENTRY IS NECESSARY; AND

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

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

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

25 (f) (I) THE PERSON RENDERING ASSISTANCE REMAINS WITH THE
26 AT-RISK PERSON OR ANIMAL, REASONABLY CLOSE TO THE VEHICLE, UNTIL
27 A LAW ENFORCEMENT OFFICER, EMERGENCY MEDICAL SERVICE PROVIDER,

1 ANIMAL CONTROL OFFICER, OR OTHER FIRST RESPONDER ARRIVES AT THE
2 SCENE.

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

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

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

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

25 **18-1-706.5. Justification and exemption from liability when**
26 **rendering emergency assistance to an at-risk person or animal in a**
27 **locked vehicle.** A PERSON IS JUSTIFIED AND EXEMPT FROM CRIMINAL

1 LIABILITY FOR CRIMINAL MISCHIEF, CRIMINAL TRESPASS, OR CRIMINAL
2 TAMPERING INVOLVING PROPERTY IF SUCH ACTION OCCURRED WHEN HE OR
3 SHE RENDERED EMERGENCY ASSISTANCE TO AN AT-RISK PERSON OR
4 ANIMAL IN A LOCKED VEHICLE, PROVIDED THE PERSON RENDERING
5 ASSISTANCE ACTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION
6 13-21-108.4.

7 **SECTION 3. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2018 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.