A BILL FOR AN ACT

CONCERNING THE USE OF DEADLY PHYSICAL FORCE AGAINST A PERSON WHO HAS MADE AN ILLEGAL ENTRY INTO A PLACE OF BUSINESS.

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 force against an intruder under certain conditions to include owners, managers, and employees of a business.

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

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SECTION 1. In Colorado Revised Statutes, 18-1-704.5, amend (1), (2), (3), and (4) as follows:

18-1-704.5. Use of deadly physical force against an intruder.

(1) The general assembly hereby recognizes that the citizens of Colorado have a right to expect absolute safety within their own homes and places of business.

(2) Notwithstanding the provisions of section 18-1-704, any occupant of a dwelling and any owner, manager, or employee of a place of business is justified in using any degree of physical force, including deadly physical force, against another person when that other person has made an unlawful entry into the dwelling or place of business, and when the occupant or the owner, manager, or employee has a reasonable belief that such other person has committed a crime in the dwelling or place of business in addition to the uninvited entry, or is committing or intends to commit a crime against a person or property in addition to the uninvited entry, and when the occupant reasonably believes that such the other person might use any physical force, no matter how slight, against any occupant of the dwelling or place of business.

(3) Any occupant of a dwelling and any owner, manager, or employee of a place of business using physical force, including deadly physical force, in accordance with the provisions of subsection (2) of this section shall be immune from criminal prosecution for the use of such force.

(4) Any occupant of a dwelling and any owner, manager, or employee of a place of business using physical force, including deadly physical force, in accordance with the provisions of subsection (2) of this
section shall be immune from any civil liability for injuries or death resulting from the use of such force.

SECTION 2. In Colorado Revised Statutes, amend 18-1-705 as follows:

18-1-705. Use of physical force in defense of premises. A person in possession or control of any building, realty, or other premises, or a person who is licensed or privileged to be thereon, is justified in using reasonable and appropriate physical force upon another person when and to the extent that it is reasonably necessary to prevent or terminate what he OR SHE reasonably believes to be the commission or attempted commission of an unlawful trespass by the other person in or upon the building, realty, or premises. However, he OR SHE may use deadly force only in defense of himself OR HERSELF or another as described in section 18-1-704 SECTIONS 18-1-704 AND 18-1-704.5, or when he OR SHE reasonably believes it necessary to prevent what he OR SHE reasonably believes to be an attempt by the trespasser to commit first degree arson.

SECTION 3. In Colorado Revised Statutes, amend 18-1-706 as follows:

18-1-706. Use of physical force in defense of property. A person is justified in using reasonable and appropriate physical force upon another person when and to the extent that he OR SHE reasonably believes it necessary to prevent what he OR SHE reasonably believes to be an attempt by the other person to commit theft, criminal mischief, or criminal tampering involving property, but he OR SHE may use deadly physical force under these circumstances only in defense of himself OR HERSELF or another as described in section 18-1-704 SECTIONS 18-1-704...
AND 18-1-704.5.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.