

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-1059.01 Michael Dohr x4347

SENATE BILL 18-199

SENATE SPONSORSHIP

Priola and Martinez Humenik,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING THE PENALTY FOR ASSAULT ON A PEACE**
102 **OFFICER.**

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 increases the penalty level for an assault on a peace officer by one class and requires the court to sentence the defendant to incarceration for at least the maximum sentence and up to 2.5 times the maximum sentence.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-202, **amend**
3 (2)(b); and **add** (2)(a.5) as follows:

4 **18-3-202. Assault in the first degree.** (2) (a.5) IF ASSAULT IN
5 THE FIRST DEGREE IS COMMITTED AGAINST A PEACE OFFICER AND THE
6 PERSON WHO COMMITTED THE ASSAULT IN THE FIRST DEGREE KNEW OR
7 REASONABLY SHOULD HAVE KNOWN THE PERSON IS A PEACE OFFICER, IT
8 IS A CLASS 2 FELONY, AND THE COURT SHALL SENTENCE THE DEFENDANT
9 TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF INCARCERATION OF
10 AT LEAST THE MAXIMUM, BUT NOT MORE THAN TWO AND ONE-HALF TIMES
11 THE MAXIMUM, OF THE PRESUMPTIVE RANGE PROVIDED FOR SUCH OFFENSE
12 IN SECTION 18-1.3-401 (1)(a), AS MODIFIED FOR AN EXTRAORDINARY RISK
13 CRIME PURSUANT TO SECTION 18-1.3-401 (10).

14 (b) If assault in the first degree is committed without the
15 circumstances provided in ~~paragraph (a) of this subsection~~ (2)
16 SUBSECTION (2)(a) OR (2)(a.5) OF THIS SECTION, it is a class 3 felony.

17 **SECTION 2.** In Colorado Revised Statutes, 18-3-203, **amend**
18 (2)(b); and **add** (2)(a.5) as follows:

19 **18-3-203. Assault in the second degree.** (2) (a.5) IF ASSAULT IN
20 THE SECOND DEGREE IS COMMITTED AGAINST A PEACE OFFICER AND THE
21 PERSON WHO COMMITTED THE ASSAULT IN THE SECOND DEGREE KNEW OR
22 REASONABLY SHOULD HAVE KNOWN THE PERSON IS A PEACE OFFICER, IT
23 IS A CLASS 3 FELONY, AND THE COURT SHALL SENTENCE THE DEFENDANT
24 TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF INCARCERATION OF
25 AT LEAST THE MAXIMUM, BUT NOT MORE THAN TWO AND ONE-HALF TIMES
26 THE MAXIMUM, OF THE PRESUMPTIVE RANGE PROVIDED FOR SUCH OFFENSE
27 IN SECTION 18-1.3-401 (1)(a), AS MODIFIED FOR AN EXTRAORDINARY RISK

1 CRIME PURSUANT TO SECTION 18-1.3-401 (10).

2 (b) If assault in the second degree is committed without the
3 circumstances provided in ~~paragraph (a) of this subsection (2)~~
4 SUBSECTION (2)(a), (2)(a.5), OR (2)(b.5) OF THIS SECTION, it is a class 4
5 felony.

6 **SECTION 3.** In Colorado Revised Statutes, 18-3-204, **amend** (3)
7 as follows:

8 **18-3-204. Assault in the third degree.** (3) Assault in the third
9 degree is a class 1 misdemeanor and is an extraordinary risk crime that is
10 subject to the modified sentencing range specified in section 18-1.3-501
11 (3); EXCEPT THAT, IF THE ASSAULT IN THE THIRD DEGREE IS COMMITTED
12 AGAINST A PEACE OFFICER AND THE PERSON WHO COMMITTED THE
13 ASSAULT IN THE THIRD DEGREE KNEW OR REASONABLY SHOULD HAVE
14 KNOWN THE PERSON IS A PEACE OFFICER, IT IS A CLASS 6 FELONY AND THE
15 COURT SHALL SENTENCE THE DEFENDANT TO JAIL FOR A TERM OF
16 INCARCERATION OF AT LEAST THE MAXIMUM, BUT NOT MORE THAN TWO
17 AND ONE-HALF TIMES THE MAXIMUM, OF THE PRESUMPTIVE RANGE
18 PROVIDED FOR SUCH OFFENSE IN SECTION 18-1.3-501 (1)(a), AS MODIFIED
19 FOR AN EXTRAORDINARY RISK CRIME PURSUANT TO SECTION 18-1.3-501
20 (3).

21 **SECTION 4. Potential appropriation.** Pursuant to section
22 2-2-703, C.R.S., any bill that results in a net increase in periods of
23 imprisonment in state correctional facilities must include an appropriation
24 of money that is sufficient to cover any increased capital construction, any
25 operational costs, and increased parole costs that are the result of the bill
26 for the department of corrections in each of the first five years following
27 the effective date of the bill. Because this act may increase periods of

1 imprisonment, this act may require a five-year appropriation.

2 **SECTION 5. Effective date - applicability.** This act takes effect
3 July 1, 2018, and applies to offenses committed on or after said date.

4 **SECTION 6. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.