

**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. 18-1215.01 Michael Dohr x4347

SENATE BILL 18-278

SENATE SPONSORSHIP

Priola and Martinez Humenik,

HOUSE SPONSORSHIP

(None),

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING THE PENALTY FOR ASSAULT ON CERTAIN**
102 **FIRST RESPONDERS.**

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 a second degree on a peace officer or firefighter by one class.

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

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 **SECTION 1.** In Colorado Revised Statutes, 18-3-203, **amend**
2 (2)(b); and **add** (2)(a.5) as follows:

3 **18-3-203. Assault in the second degree - definition.**

4 (2) (a.5) (I) IF ASSAULT IN THE SECOND DEGREE IS COMMITTED AGAINST
5 A FIREFIGHTER, AS DEFINED IN SECTION 18-3-201 (1.5), AN EMERGENCY
6 MEDICAL SERVICE PROVIDER, AS DEFINED IN SECTION 18-8-104, OR A
7 PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER
8 DUTIES, AND THE PERSON WHO COMMITTED THE ASSAULT IN THE SECOND
9 DEGREE KNEW OR REASONABLY SHOULD HAVE KNOWN THE PERSON IS A
10 FIREFIGHTER, EMERGENCY MEDICAL SERVICE PROVIDER, OR PEACE
11 OFFICER, IT IS A CLASS 3 FELONY.

12 (II) FOR PURPOSES OF THIS SUBSECTION (2)(a.5), "PEACE OFFICER"
13 MEANS A PEACE OFFICER DESCRIBED IN SECTION 16-2.5-103, 16-2.5-105,
14 16-2.5-106, 16-2.5-107, 16-2.5-108, 16-2.5-110, 16-2.5-114, 16-2.5-120,
15 16-2.5-131, 16-2.5-135, 16-2.5-136, 16-2.5-137, 16-2.5-138, 16-2.5-139,
16 16-2.5-140, 16-2.5-141, 16-2.5-144, 16-2.5-146, 16-2.5-147, 16-2.5-148,
17 16-2.5-150, OR 16-2.5-151.

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

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

1 the effective date of the bill. Because this act may increase periods of
2 imprisonment, this act may require a five-year appropriation.

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

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