

CHAPTER 236

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 94-1052

BY REPRESENTATIVES Pankey, Allen, Anderson, Armstrong, Clarke, Coffman, Epps, Fleming, Greenwood, Hagedorn, Jerke, Knox, Lawrence, Lyle, Martin, Mattingly, Pierson, Reeser, Rupert, Tucker, Acquafresca, Gordon, Hernandez, and Kerns; also SENATORS Mutzebaugh, Ament, Bishop, Blickensderfer, Feeley, Gallagher, Hopper, Lacy, Mares, Martinez, Mendez, Norton, L. Powers, R. Powers, Tebedo, Wattenberg, and Wham.

AN ACT**CONCERNING THE INCLUSION OF CERTAIN OFFENSES WITHIN THE CRIME OF ENDANGERING PUBLIC TRANSPORTATION, AND MAKING AN APPROPRIATION THEREFOR.**

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

SECTION 1. 18-9-115 (1), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

18-9-115. Endangering public transportation. (1) A person commits endangering public transportation if SUCH PERSON:

(a) ~~He~~ Tamper[s] with a facility of public transportation with intent to cause any damage, malfunction, or nonfunction which would result in the creation of a substantial risk of death or serious bodily injury to anyone; or

(b) ~~He~~ Stop[s] or board[s] a public conveyance with the intent of committing a crime thereon; or

(c) On a public conveyance, ~~he~~ knowingly threaten[s] any operator, crew member, attendant, or passenger:

(I) WITH DEATH OR IMMINENT SERIOUS BODILY INJURY; OR

(II) With a deadly weapon or with words or actions intended to induce belief that ~~he~~ SUCH PERSON is armed with a deadly weapon; OR

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

(d) ON A PUBLIC CONVEYANCE:

(I) KNOWINGLY OR RECKLESSLY CAUSES BODILY INJURY TO ANOTHER PERSON; OR

(II) WITH CRIMINAL NEGLIGENCE CAUSES BODILY INJURY TO ANOTHER PERSON BY MEANS OF A DEADLY WEAPON.

SECTION 2. Article 1 of title 17, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

17-1-117. Appropriation to comply with section 2-2-703. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HB 94-1052, ENACTED AT THE SECOND REGULAR SESSION OF THE FIFTY-NINTH GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 1994, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE MASS TRANSPORTATION ACCOUNT ESTABLISHED IN SECTION 32-9.7-102, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF FIFTY-SEVEN THOUSAND DOLLARS (\$57,000).

(b) FOR THE FISCAL YEAR BEGINNING JULY 1, 1995, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE MASS TRANSPORTATION ACCOUNT TO THE DEPARTMENT OF CORRECTIONS, THE SUM OF NINETEEN THOUSAND THREE HUNDRED DOLLARS (\$19,300).

(c) FOR THE FISCAL YEAR BEGINNING JULY 1, 1996, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE MASS TRANSPORTATION ACCOUNT TO THE DEPARTMENT OF CORRECTIONS, THE SUM OF NINETEEN THOUSAND THREE HUNDRED DOLLARS (\$19,300).

(d) FOR THE FISCAL YEAR BEGINNING JULY 1, 1997, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE MASS TRANSPORTATION ACCOUNT TO THE DEPARTMENT OF CORRECTIONS, THE SUM OF NINETEEN THOUSAND THREE HUNDRED DOLLARS (\$19,300).

(e) FOR THE FISCAL YEAR BEGINNING JULY 1, 1998, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE MASS TRANSPORTATION ACCOUNT TO THE DEPARTMENT OF CORRECTIONS, THE SUM OF NINETEEN THOUSAND THREE HUNDRED DOLLARS (\$19,300).

(2) BECAUSE THE MONEYS FROM THE MASS TRANSPORTATION ACCOUNT WILL BE USED FOR PURPOSES OTHER THAN THE CONSTRUCTION OF MASS TRANSPORTATION PROJECTS IN THE FIXED GUIDEWAY CORRIDORS FROM WHICH THE MONEYS WERE COLLECTED, THIS APPROPRIATION SHALL BE EFFECTIVE ONLY IF HB 94-1052 IS APPROVED BY A TWO-THIRDS MAJORITY VOTE OF BOTH HOUSES OF THE GENERAL ASSEMBLY IN ACCORDANCE WITH SECTION 32-9.7-102, C.R.S.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 1994, and shall apply to offenses committed on or after said date.

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.

Approved: May 25, 1994