

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0317.03 Owen Hatch x2698

SENATE BILL 26-072

SENATE SPONSORSHIP

Carson and Snyder,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING CRIMINAL PENALTIES RELATED TO**
102 **ASSAULTIVE CONDUCT WITH A MOTOR VEHICLE, AND, IN**
103 **CONNECTION THEREWITH, ADDING THE CONDUCT OF CAUSING**
104 **THE DEATH OF ANOTHER PERSON WITH A MOTOR VEHICLE TO**
105 **THE CRIME OF CRIMINALLY NEGIGENT HOMICIDE.**

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 clarifies the conduct by which a person can commit criminally negligent homicide to include proximately causing the death

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

of another person while operating or driving a motor vehicle with criminal negligence. The bill increases the penalty for causing the death of another person while simultaneously driving a motor vehicle and using an electronic mobile device. Offenses categorized as vehicular homicide or vehicular assault are added to the list of crimes of violence.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 18-3-105 as
3 follows:

4 **18-3-105. Criminally negligent homicide.**

5 (1) (a) ~~Any~~ A person who causes the death of another person ~~by~~
6 ~~conduct amounting to~~ WITH criminal negligence commits criminally
7 negligent homicide. ~~which~~

8 (b) IF A PERSON OPERATES OR DRIVES A MOTOR VEHICLE WITH
9 CRIMINAL NEGLIGENCE AND THE CONDUCT IS THE PROXIMATE CAUSE OF
10 THE DEATH OF ANOTHER PERSON, THE PERSON COMMITS CRIMINALLY
11 NEGLIGENT HOMICIDE.

12 (2) CRIMINALLY NEGLIGENT HOMICIDE is a class 5 felony.

13 **SECTION 2.** In Colorado Revised Statutes, 18-3-106, **add** (6) as
14 follows:

15 **18-3-106. Vehicular homicide.**

16 (6) AN OFFENSE COMMITTED IN VIOLATION OF THIS SECTION IS A
17 CRIME OF VIOLENCE PURSUANT TO SECTION 18-1.3-406 (2)(a). A PERSON
18 WHO COMMITS AN OFFENSE IN VIOLATION OF THIS SECTION IS INELIGIBLE
19 FOR PROBATION, AND THE COURT SHALL SENTENCE THE PERSON PURSUANT
20 TO SECTION 18-1.3-401 (8).

21 **SECTION 3.** In Colorado Revised Statutes, 18-3-205, **add** (6) as
22 follows:

23 **18-3-205. Vehicular assault.**

6 **SECTION 4.** In Colorado Revised Statutes, 18-1.3-406, **amend**
7 (2)(a)(II)(L); and **add** (2)(a)(II)(N) and (2)(a)(II)(O) as follows:

8 **18-1.3-406. Mandatory sentences for violent crimes -**

9 **definitions.**

10 (2) (a) (II) Subsection (2)(a)(I) of this section applies to the
11 following crimes:

12 (L) Human trafficking for involuntary servitude of an adult or a
13 minor in violation of section 18-3-503; or

14 (N) VEHICULAR HOMICIDE IN VIOLATION OF SECTION 18-3-106; OR
15 (O) VEHICULAR ASSAULT IN VIOLATION OF SECTION 18-3-205.

16 **SECTION 5.** In Colorado Revised Statutes, 16-1-104, amend
17 (8.5)(a)(I) as follows:

16-1-104. Definitions.

1 VEHICULAR ASSAULT PURSUANT TO SECTION 18-3-205, or during the
2 immediate flight therefrom, or the defendant caused serious bodily injury
3 or death to any person, other than to the defendant or another participant,
4 during the commission or attempted commission of the felony or during
5 the immediate flight therefrom.

6 **SECTION 6.** In Colorado Revised Statutes, 42-4-239, **amend**
7 (4)(d) as follows:

8 **42-4-239. Use of a mobile electronic device - definitions -**
9 **penalty.**

10 (4) (d) If the individual's actions are the proximate cause of death
11 to another, the individual commits ~~a class 1 misdemeanor traffic offense~~
12 ~~and shall be punished as provided in section 42-4-1701 (3)(a)(II)~~
13 CRIMINALLY NEGLIGENT HOMICIDE PURSUANT TO SECTION 18-3-105
14 (1)(b).

15 **SECTION 7.** In Colorado Revised Statutes, 42-2-125, **amend** (1)
16 introductory portion and (1)(a) as follows:

17 **42-2-125. Mandatory revocation of license and permit.**

18 (1) The department shall immediately revoke the license or permit
19 of ~~any~~ A driver or minor driver upon receiving a record showing that the
20 driver has:

21 (a) Been convicted of vehicular homicide or vehicular assault as
22 described in sections 18-3-106 and 18-3-205 ~~C.R.S.~~, or of criminally
23 negligent homicide WHILE OPERATING OR DRIVING A MOTOR VEHICLE, as
24 described in ~~section 18-3-105, C.R.S., while driving a motor vehicle~~
25 SECTION 18-3-105 (1)(b);

26 **SECTION 8.** In Colorado Revised Statutes, **amend** 42-2-128 as
27 follows:

1 **42-2-128. Vehicular homicide - criminally negligent homicide**
2 **while operating a motor vehicle - revocation of license.**

3 The department shall revoke the driver's license of ~~any~~ A person
4 convicted of vehicular homicide PURSUANT TO SECTION 18-3-106 OR
5 CRIMINALLY NEGLIGENT HOMICIDE PURSUANT TO SECTION 18-3-105
6 (1)(b), including the driver's license of ~~any~~ A juvenile who has been
7 adjudicated a delinquent upon conduct ~~which~~ THAT would establish the
8 crime of vehicular homicide PURSUANT TO SECTION 18-3-106 OR
9 CRIMINALLY NEGLIGENT HOMICIDE PURSUANT TO SECTION 18-3-105 (1)(b)
10 if committed by an adult.

11 **SECTION 9.** In Colorado Revised Statutes, 42-2-202, **amend**
12 (2)(a)(V) as follows:

13 **42-2-202. Habitual offenders - frequency and type of**
14 **violations.**

15 (2) (a) An habitual offender is a person having three or more
16 convictions of any of the following separate and distinct offenses arising
17 out of separate acts committed within a period of seven years:

18 (V) Vehicular assault or vehicular homicide, or manslaughter or
19 criminally negligent homicide ~~which results from the operation of~~ WHILE
20 OPERATING OR DRIVING a motor vehicle PURSUANT TO SECTION 18-3-105
21 (1)(b), or motor vehicle theft, as ~~such~~ THE offenses are described in title
22 18;

23 **SECTION 10.** In Colorado Revised Statutes, 42-4-1301, **amend**
24 (6)(e) as follows:

25 **42-4-1301. Driving under the influence - driving while**
26 **impaired - driving with excessive alcoholic content - definitions -**
27 **penalties.**

10 **SECTION 11.** In Colorado Revised Statutes, 42-4-1301.1,
11 **amend** (3) as follows:

12 **42-4-1301.1. Expressed consent for the taking of blood, breath,**
13 **urine, or saliva sample - testing - rules - definition.**

1 pursuant to ~~section 18-3-105, C.R.S.~~ SECTION 18-3-105 (1)(b), vehicular
2 homicide pursuant to section 18-3-106 (1)(b), ~~C.R.S.~~, assault in the third
3 degree pursuant to section 18-3-204, ~~C.R.S.~~, or vehicular assault pursuant
4 to section 18-3-205 (1)(b), ~~C.R.S.~~; and the person is refusing to take or to
5 complete, or to cooperate in the completing of, any test or tests, then ~~in~~
6 ~~such event~~, the law enforcement officer may require a blood test.

7 **SECTION 12. Act subject to petition - effective date -**
8 **applicability.** (1) This act takes effect September 1, 2026; except that,
9 if a referendum petition is filed pursuant to section 1 (3) of article V of
10 the state constitution against this act or an item, section, or part of this act
11 within the ninety-day period after final adjournment of the general
12 assembly, then the act, item, section, or part will not take effect unless
13 approved by the people at the general election to be held in November
14 2026 and, in such case, will take effect on the date of the official
15 declaration of the vote thereon by the governor.

16 (2) This act applies to offenses committed on or after the
17 applicable effective date of this act.