

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 NEGLIGENT 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.**

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

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:

18 **16-1-104. Definitions.**

19 (8.5) (a) (I) "Crime of violence" means a crime in which the  
20 defendant used, or possessed and threatened the use of, a deadly weapon  
21 during the commission or attempted commission of any crime committed  
22 against an elderly person or a person with a disability or a crime of  
23 murder, first or second degree assault, kidnapping, sexual assault,  
24 robbery, first degree arson, first or second degree burglary, escape,  
25 criminal extortion, human trafficking for involuntary servitude of an adult  
26 or a minor, ~~or~~ human trafficking for sexual servitude of an adult or a  
27 minor, VEHICULAR HOMICIDE PURSUANT TO SECTION 18-3-106, OR

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.**

1           (6)(e) **Involuntary blood test - admissibility.** Evidence acquired  
2 through an involuntary blood test pursuant to section 42-4-1301.1 (3)  
3 ~~shall be~~ IS admissible in ~~any~~ A prosecution for DUI, DUI per se, DWAI,  
4 or UDD, and in ~~any~~ A prosecution for criminally negligent homicide  
5 WHILE OPERATING OR DRIVING A MOTOR VEHICLE pursuant to ~~section~~  
6 ~~18-3-105, C.R.S.~~ SECTION 18-3-105 (1)(b), vehicular homicide pursuant  
7 to section 18-3-106 (1)(b), ~~C.R.S.~~, assault in the third degree pursuant to  
8 section 18-3-204, ~~C.R.S.~~, or vehicular assault pursuant to section  
9 18-3-205 (1)(b). ~~C.R.S.~~

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.**

14           (3) ~~Any~~ A person who is required to take and to complete, and to  
15 cooperate in the completing of, ~~any~~ A test or tests shall cooperate with the  
16 person authorized to obtain specimens of ~~such~~ THE person's blood, breath,  
17 saliva, or urine, including the signing of any release or consent forms  
18 required by ~~any~~ A person, hospital, clinic, or association authorized to  
19 obtain ~~such~~ THE specimens. If ~~such~~ A person does not cooperate with the  
20 person, hospital, clinic, or association authorized to obtain ~~such~~ THE  
21 specimens, including the signing of any release or consent forms, ~~such~~  
22 THE PERSON'S noncooperation ~~shall be~~ IS considered a refusal to submit  
23 to testing. ~~No~~ A law enforcement officer shall NOT physically restrain ~~any~~  
24 A person for the purpose of obtaining a specimen of ~~such~~ THE person's  
25 blood, breath, saliva, or urine for testing except when the officer has  
26 probable cause to believe that the person has committed criminally  
27 negligent homicide WHILE OPERATING OR DRIVING A MOTOR VEHICLE

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.