

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0113.01 Owen Hatch x2698

HOUSE BILL 26-1290

HOUSE SPONSORSHIP

Hartsook and Duran,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CRIMINAL OFFENSE OF ASSAULT, AND, IN
102 CONNECTION THEREWITH, CHANGING THE REQUIREMENTS TO
103 COMMIT ASSAULT AGAINST CERTAIN PUBLIC SERVANTS AND
104 MEDICAL CARE PROVIDERS AND CLARIFYING SENTENCING.

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 expands the definition of "emergency medical care provider" for the purposes of assault offenses to include providers who are performing any function related to medical care.

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.

Under current law, second degree assault by preventing certain public servants from performing a lawful duty requires intentionally causing bodily injury to another person. The bill changes the requirement to knowingly causing bodily injury to another person.

The bill clarifies that second degree assault by strangulation by means of a deadly weapon, including a person's body part, may be charged as crime of violence subject to mandatory incarceration if the defendant has previously been convicted of second degree assault by strangulation.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-201, **amend** the
3 introductory portion and (1) as follows:

4 **18-3-201. Definitions.**

5 As used in ~~sections 18-3-201~~ THIS SECTION AND SECTIONS
6 18-3-202 to 18-3-204, unless the context otherwise requires:

7 (1) "Emergency medical care provider" means a doctor, intern,
8 nurse, ~~nurse's~~ NURSE aide, ~~physician's~~ PHYSICIAN assistant, ambulance
9 attendant or operator, air ambulance pilot, paramedic, or any other
10 member of a hospital or health-care facility staff or security force who is
11 involved in ~~providing emergency~~ PERFORMING ANY FUNCTION RELATED
12 TO medical care at a hospital or health-care facility, or in an air
13 ambulance or ambulance as defined in section 25-3.5-103. ~~(1) and (1.5);~~
14 ~~C.R.S.~~

15 **SECTION 2.** In Colorado Revised Statutes, 18-3-203, **amend**
16 (1)(c), (1)(c.5), and (2)(c)(II); and **add** (2)(c)(III) as follows:

17 **18-3-203. Assault in the second degree.**

18 (1) A person commits the crime of assault in the second degree if:

19 (c) With intent to prevent one whom ~~he or she~~ THE PERSON knows,
20 or should know, to be a peace officer, firefighter, emergency medical care

1 provider, or emergency medical service provider from performing a
2 lawful duty, ~~he or she intentionally~~ THE PERSON KNOWINGLY causes
3 bodily injury to ~~any~~ ANOTHER person; or

4 (c.5) With intent to prevent one whom ~~he or she~~ THE PERSON
5 knows, or should know, to be a peace officer, firefighter, or emergency
6 medical service provider from performing a lawful duty, ~~he or she~~ THE
7 PERSON intentionally causes serious bodily injury to ~~any~~ ANOTHER person;
8 or

9 (2) (c) (II) If a defendant is convicted of assault in the second
10 degree pursuant to subsection (1)(b), ~~(1)(c)~~, (1)(c.5), (1)(d), or (1)(g) of
11 this section, the court shall sentence the defendant in accordance with
12 section 18-1.3-406; except that, notwithstanding the provisions of section
13 18-1.3-406, the court is not required to sentence the defendant to the
14 department of corrections for a mandatory term of incarceration.

15 (III) WHEN A DEFENDANT IS CONVICTED OF ASSAULT IN THE
16 SECOND DEGREE PURSUANT TO SUBSECTION (1)(i) OF THIS SECTION AND
17 HAS BEEN PREVIOUSLY CONVICTED OF CHARGES, WHICH WERE
18 SEPARATELY BROUGHT AND TRIED PRIOR TO THE COMMISSION OF THE
19 PRESENT ACT, FOR ASSAULT IN THE SECOND DEGREE PURSUANT TO
20 SUBSECTION (1)(i) OF THIS SECTION, A COURT SHALL SENTENCE THE
21 DEFENDANT IN ACCORDANCE WITH SECTION 18-1.3-406. A PREVIOUS
22 CONVICTION MUST BE SET FORTH IN THE COMPLAINT, INDICTMENT, OR
23 INFORMATION FOR THE PRESENT ACT.

24 **SECTION 3. Act subject to petition - effective date -**
25 **applicability.** (1) This act takes effect September 1, 2026; except that,
26 if a referendum petition is filed pursuant to section 1 (3) of article V of
27 the state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2026 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.

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