

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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, 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.

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

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.

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

5 **18-3-203. Assault in the second degree.**

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

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

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

17
18 (2)(c)(III) WHEN A DEFENDANT IS CONVICTED OF ASSAULT IN THE
19 SECOND DEGREE PURSUANT TO SUBSECTION (1)(i) OF THIS SECTION AND
20 HAS BEEN PREVIOUSLY CONVICTED OF CHARGES, WHICH WERE
21 SEPARATELY BROUGHT AND TRIED PRIOR TO THE COMMISSION OF THE
22 PRESENT ACT, FOR ASSAULT IN THE SECOND DEGREE PURSUANT TO

1 SUBSECTION (1)(i) OF THIS SECTION, A COURT SHALL SENTENCE THE
2 DEFENDANT IN ACCORDANCE WITH SECTION 18-1.3-406. A PREVIOUS
3 CONVICTION MUST BE SET FORTH IN THE COMPLAINT, INDICTMENT, OR
4 INFORMATION FOR THE PRESENT ACT.

5 **SECTION 2. Act subject to petition - effective date -**
6 **applicability.** (1) This act takes effect September 1, 2026; except that,
7 if a referendum petition is filed pursuant to section 1 (3) of article V of
8 the state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2026 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.

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