

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 26-072

BY SENATOR(S) Carson and Snyder, Frizell, Kirkmeyer, Marchman, Mullica, Pelton B., Roberts, Simpson, Coleman;  
also REPRESENTATIVE(S) Espenoza and Marshall, Boesenecker, Duran, Gonzalez R., Lieder, Paschal, Richardson, Soper, McCluskie.

CONCERNING INCREASING CRIMINAL PENALTIES RELATED TO ASSAULTIVE CONDUCT WITH A MOTOR VEHICLE, AND, IN CONNECTION THEREWITH, ADDING THE CONDUCT OF CAUSING THE DEATH OF ANOTHER PERSON WITH A MOTOR VEHICLE TO THE CRIME OF CRIMINALLY NEGLIGENT HOMICIDE.

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

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

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

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

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

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

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

**SECTION 2.** In Colorado Revised Statutes, 42-4-239, **repeal** (4)(d) as follows:

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

~~(4) (d) If the individual's actions are the proximate cause of death to another, the individual commits a class 1 misdemeanor traffic offense and shall be punished as provided in section 42-4-1701 (3)(a)(II).~~

**SECTION 3.** In Colorado Revised Statutes, 42-2-125, **amend** (1) introductory portion and (1)(a) as follows:

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

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

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

**SECTION 4.** In Colorado Revised Statutes, **amend** 42-2-128 as follows:

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

The department shall revoke the driver's license of ~~any~~ A person convicted of vehicular homicide PURSUANT TO SECTION 18-3-106 OR

CRIMINALLY NEGLIGENT HOMICIDE PURSUANT TO SECTION 18-3-105 (1)(b), including the driver's license of ~~any~~ A juvenile who has been adjudicated a delinquent upon conduct ~~which~~ THAT would establish the crime of vehicular homicide PURSUANT TO SECTION 18-3-106 OR CRIMINALLY NEGLIGENT HOMICIDE PURSUANT TO SECTION 18-3-105 (1)(b) if committed by an adult.

**SECTION 5.** In Colorado Revised Statutes, 42-2-202, **amend** (2)(a)(V) as follows:

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

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

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

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

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

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

**SECTION 7.** In Colorado Revised Statutes, 42-4-1301.1, **amend** (3) as follows:

**42-4-1301.1. Expressed consent for the taking of blood, breath,**

**urine, or saliva sample - testing - rules - definition.**

(3) ~~Any~~ A person who is required to take and to complete, and to cooperate in the completing of, ~~any~~ A test or tests shall cooperate with the person authorized to obtain specimens of ~~such~~ THE person's blood, breath, saliva, or urine, including the signing of any release or consent forms required by ~~any~~ A person, hospital, clinic, or association authorized to obtain ~~such~~ THE specimens. If ~~such~~ A person does not cooperate with the person, hospital, clinic, or association authorized to obtain ~~such~~ THE specimens, including the signing of any release or consent forms, ~~such~~ THE PERSON'S noncooperation ~~shall be~~ IS considered a refusal to submit to testing. ~~No~~ A law enforcement officer shall NOT physically restrain ~~any~~ A person for the purpose of obtaining a specimen of ~~such~~ THE person's blood, breath, saliva, or urine for testing except when the officer has probable cause to believe that the person has committed criminally negligent homicide WHILE OPERATING OR DRIVING A MOTOR VEHICLE pursuant to ~~section 18-3-105, C.R.S.~~ SECTION 18-3-105 (1)(b), vehicular homicide pursuant to section 18-3-106 (1)(b), ~~C.R.S.~~, assault in the third degree pursuant to section 18-3-204, ~~C.R.S.~~, or vehicular assault pursuant to section 18-3-205 (1)(b), ~~C.R.S.~~, and the person is refusing to take or to complete, or to cooperate in the completing of, any test or tests, then ~~in such event~~, the law enforcement officer may require a blood test.

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

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

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James Rashad Coleman, Sr.  
PRESIDENT OF  
THE SENATE

\_\_\_\_\_  
Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

\_\_\_\_\_  
Esther van Mourik  
SECRETARY OF  
THE SENATE

\_\_\_\_\_  
Vanessa Reilly  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO