

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

April 14, 2026  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB26-1281 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 5, after line 20 insert:

2 "SECTION 5. 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 6.** In Colorado Revised Statutes, 42-4-239, **repeal**  
14 (4)(d) as follows:

15 **42-4-239. Use of a mobile electronic device - definitions -**  
16 **penalty.**

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

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

22 **42-2-125. Mandatory revocation of license and permit.**

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

26 (a) Been convicted of vehicular homicide or vehicular assault as  
27 described in sections 18-3-106 and 18-3-205 ~~C.R.S.~~; or of criminally

1 negligent homicide WHILE OPERATING OR DRIVING A MOTOR VEHICLE, as  
2 described in ~~section 18-3-105, C.R.S., while driving a motor vehicle~~  
3 SECTION 18-3-105 (1)(b);

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

6 **42-2-128. Vehicular homicide - criminally negligent homicide**  
7 **while operating a motor vehicle - revocation of license.**

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

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

18 **42-2-202. Habitual offenders - frequency and type of**  
19 **violations.**

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

23 (V) Vehicular assault or vehicular homicide, or manslaughter or  
24 criminally negligent homicide ~~which results from the operation of~~ WHILE  
25 OPERATING OR DRIVING a motor vehicle PURSUANT TO SECTION 18-3-105  
26 (1)(b), or motor vehicle theft, as ~~such~~ THE offenses are described in title  
27 18;

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

30 **42-4-1301. Driving under the influence - driving while**  
31 **impaired - driving with excessive alcoholic content - definitions -**  
32 **penalties.**

33 (6)(e) **Involuntary blood test - admissibility.** Evidence acquired  
34 through an involuntary blood test pursuant to section 42-4-1301.1 (3)  
35 ~~shall be~~ IS admissible in ~~any~~ A prosecution for DUI, DUI per se, DWAI,  
36 or UDD, and in ~~any~~ A prosecution for criminally negligent homicide  
37 WHILE OPERATING OR DRIVING A MOTOR VEHICLE pursuant to ~~section~~  
38 ~~18-3-105, C.R.S.~~ SECTION 18-3-105 (1)(b), vehicular homicide pursuant  
39 to section 18-3-106 (1)(b), ~~C.R.S.~~; assault in the third degree pursuant to  
40 section 18-3-204, ~~C.R.S.~~; or vehicular assault pursuant to section  
41 18-3-205 (1)(b). ~~C.R.S.~~

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

1           **42-4-1301.1. Expressed consent for the taking of blood, breath,**  
2 **urine, or saliva sample - testing - rules - definition.**

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

23 Renumber succeeding sections accordingly.

24 Page 5, line 22, strike "and (1.7)".

25 Page 5, strike lines 23 and 24 and substitute:

26           **"18-3-106. Vehicular homicide - definitions."**

27 Page 6, strike lines 21 through 25.

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