

CHAPTER 327

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 16-1080

BY REPRESENTATIVE(S) Foote and Landgraf, Becker K., Court, Duran, Esgar, Fields, Hamner, Lontine, McCann, Mitsch Bush, Pabon, Pettersen, Primavera, Roupe, Ryden, Saine, Singer, Winter, Young, Hullinghorst, Carver;
also SENATOR(S) Cooke and Johnston, Newell, Aguilar, Heath, Kefalas, Kerr, Martinez Humenik, Merrifield, Roberts.

AN ACT

CONCERNING ASSAULT BY STRANGULATION, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 18-3-202, **add** (1) (g) as follows:

18-3-202. Assault in the first degree. (1) A person commits the crime of assault in the first degree if:

(g) WITH THE INTENT TO CAUSE SERIOUS BODILY INJURY, HE OR SHE APPLIES SUFFICIENT PRESSURE TO IMPEDE OR RESTRICT THE BREATHING OR CIRCULATION OF THE BLOOD OF ANOTHER PERSON BY APPLYING SUCH PRESSURE TO THE NECK OR BY BLOCKING THE NOSE OR MOUTH OF THE OTHER PERSON AND THEREBY CAUSES SERIOUS BODILY INJURY.

SECTION 2. In Colorado Revised Statutes, 18-3-203, **amend** (1) (h); and **add** (1) (i) as follows:

18-3-203. Assault in the second degree. (1) A person commits the crime of assault in the second degree if:

(h) With intent to infect, injure, or harm another person whom the actor knows or reasonably should know to be engaged in the performance of his or her duties as a peace officer, a firefighter, an emergency medical care provider, or an emergency medical service provider, he or she causes such person to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or any toxic, caustic, or hazardous material by any means, including by throwing, tossing, or expelling such

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

fluid or material; OR

(i) WITH THE INTENT TO CAUSE BODILY INJURY, HE OR SHE APPLIES SUFFICIENT PRESSURE TO IMPEDE OR RESTRICT THE BREATHING OR CIRCULATION OF THE BLOOD OF ANOTHER PERSON BY APPLYING SUCH PRESSURE TO THE NECK OR BY BLOCKING THE NOSE OR MOUTH OF THE OTHER PERSON AND THEREBY CAUSES BODILY INJURY.

SECTION 3. In Colorado Revised Statutes, 18-1.3-401, **amend** (10) (b) (XVI) and (10) (b) (XVII); and **add** (10) (b) (XVIII) as follows:

18-1.3-401. Felonies classified - presumptive penalties. (10) (b) Crimes that present an extraordinary risk of harm to society shall include the following:

(XVI) A class 3 felony offense of human trafficking for involuntary servitude, as described in section 18-3-503; **and**

(XVII) A class 3 felony offense of human trafficking for sexual servitude, as described in section 18-3-504; **AND**

(XVIII) ASSAULT IN THE SECOND DEGREE, AS DESCRIBED IN SECTION 18-3-203 (1) (i).

SECTION 4. In Colorado Revised Statutes, **add** 17-18-123 as follows:

17-18-123. Appropriation to comply with section 2-2-703 - H.B. 16-1080 - repeal. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 16-1080, ENACTED IN 2016:

(a) FOR THE 2017-18 STATE FISCAL YEAR, FORTY-THREE THOUSAND SEVEN HUNDRED TWENTY-SEVEN DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND;

(b) FOR THE 2018-19 STATE FISCAL YEAR, EIGHTY-SEVEN THOUSAND FOUR HUNDRED FIFTY-FOUR DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND;

(c) FOR THE 2019-20 STATE FISCAL YEAR, ONE HUNDRED THIRTY-ONE THOUSAND ONE HUNDRED EIGHTY-ONE DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND; **AND**

(d) FOR THE 2020-21 STATE FISCAL YEAR, ONE HUNDRED SEVENTY THOUSAND NINE HUNDRED DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 5. Effective date - applicability. This act takes effect July 1, 2016, and applies to offenses committed on or after said date.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 10, 2016