

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0510.01 Jerry Barry x4341

HOUSE BILL 19-1115

HOUSE SPONSORSHIP

Liston, Buck, Catlin, Landgraf, Larson

SENATE SPONSORSHIP

Fields, Gardner

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A CLARIFICATION OF VICTIMS OF AN ASSAULT WHILE IN**
102 **A DETENTION FACILITY.**

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 adds to the definition of an "emergency medical care provider" a person providing emergency care at a detention facility. It then adds emergency medical care providers to the list of potential victims of assault in the first or second degree under certain circumstances.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

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

4 **18-3-201. Definitions.** As used in sections 18-3-201 to 18-3-204,
5 unless the context otherwise requires:

6 (1) "Emergency medical care provider" means a doctor, intern,
7 nurse, nurse's aide, physician's assistant, ambulance attendant or operator,
8 air ambulance pilot, paramedic, or any other member of a hospital or
9 health care facility staff or security force who is involved in providing
10 emergency medical care at a hospital or health care facility; ~~or~~ in an air
11 ambulance or ambulance as defined in section 25-3.5-103 (1) and (1.5);
12 ~~C.R.S.~~ OR IN A DETENTION FACILITY AS DEFINED IN SECTION 18-8-203 (3).

13 (2) "Peace officer, firefighter, ~~or~~ emergency medical service
14 provider, OR EMERGENCY MEDICAL CARE PROVIDER engaged in the
15 performance of his or her duties" means a peace officer, as described in
16 section 16-2.5-101, ~~C.R.S.~~, a firefighter, ~~or~~ an emergency medical service
17 provider, OR AN EMERGENCY MEDICAL CARE PROVIDER who is engaged or
18 acting in, or who is present for the purpose of engaging or acting in, the
19 performance of any duty, service, or function imposed, authorized,
20 required, or permitted by law to be performed by a peace officer,
21 firefighter, ~~or~~ emergency medical service provider, OR EMERGENCY
22 MEDICAL CARE PROVIDER whether or not the peace officer, firefighter, ~~or~~
23 emergency medical service provider, OR EMERGENCY MEDICAL CARE
24 PROVIDER is within the territorial limits of his or her jurisdiction, if the
25 peace officer, firefighter, ~~or~~ emergency medical service provider, OR
26 EMERGENCY MEDICAL CARE PROVIDER is in uniform or the person

1 committing an assault upon or offense against or otherwise acting toward
2 the peace officer, firefighter, ~~or~~ emergency medical service provider, OR
3 EMERGENCY MEDICAL CARE PROVIDER knows or reasonably should know
4 that the victim is a peace officer, firefighter, ~~or~~ emergency medical
5 service provider, OR EMERGENCY MEDICAL CARE PROVIDER. For the
6 purposes of this subsection (2) and this part 2, the term "peace officer"
7 includes county enforcement personnel designated pursuant to section
8 29-7-101 (3). ~~C.R.S.~~

9 **SECTION 2.** In Colorado Revised Statutes, 18-3-202, **amend**
10 (1)(e) as follows:

11 **18-3-202. Assault in the first degree.** (1) A person commits the
12 crime of assault in the first degree if:

13 (e) With intent to cause serious bodily injury upon the person of
14 a peace officer, firefighter, ~~or~~ emergency medical service provider, OR
15 EMERGENCY MEDICAL CARE PROVIDER, he or she threatens with a deadly
16 weapon a peace officer, firefighter, ~~or~~ emergency medical service
17 provider, OR EMERGENCY MEDICAL CARE PROVIDER engaged in the
18 performance of his or her duties, and the offender knows or reasonably
19 should know that the victim is a peace officer, firefighter, ~~or~~ emergency
20 medical service provider, OR EMERGENCY MEDICAL CARE PROVIDER acting
21 in the performance of his or her duties; or

22 **SECTION 3.** In Colorado Revised Statutes, 18-3-203, **amend**
23 (1)(f) as follows:

24 **18-3-203. Assault in the second degree.** (1) A person commits
25 the crime of assault in the second degree if:

26 (f) While lawfully confined or in custody, he or she knowingly
27 and violently applies physical force against the person of a peace officer,

1 firefighter, ~~or~~ emergency medical service provider, OR EMERGENCY
2 MEDICAL CARE PROVIDER engaged in the performance of his or her duties,
3 or a judge of a court of competent jurisdiction, or an officer of said court,
4 or, while lawfully confined or in custody as a result of being charged with
5 or convicted of a crime or as a result of being charged as a delinquent
6 child or adjudicated as a delinquent child, he or she knowingly and
7 violently applies physical force against a person engaged in the
8 performance of his or her duties while employed by, or under contract
9 with a detention facility, as defined in section 18-8-203 (3), or while
10 employed by the division in the department of human services responsible
11 for youth services and who is a youth services counselor or is in the youth
12 services worker classification series, and the person committing the
13 offense knows or reasonably should know that the victim is a peace
14 officer, firefighter, ~~or~~ emergency medical service provider, OR
15 EMERGENCY MEDICAL CARE PROVIDER engaged in the performance of his
16 or her duties, or a judge of a court of competent jurisdiction, or an officer
17 of said court, or a person engaged in the performance of his or her duties
18 while employed by, or under contract with a detention facility or while
19 employed by the division in the department of human services responsible
20 for youth services. A sentence imposed pursuant to this ~~paragraph (f)~~
21 ~~shall~~ SUBSECTION (1)(f) MUST be served in the department of corrections
22 and ~~shall~~ MUST run consecutively with any sentences being served by the
23 offender; except that, if the offense is committed against a person
24 employed by the division in the department of human services responsible
25 for youth services, the court may grant probation or a suspended sentence
26 in whole or in part, and the sentence may run concurrently or
27 consecutively with any sentences being served. A person who participates

1 in a work release program, a furlough, or any other similar authorized
2 supervised or unsupervised absence from a detention facility, as defined
3 in section 18-8-203 (3), and who is required to report back to the
4 detention facility at a specified time is deemed to be in custody.

5 **SECTION 4. Effective date - applicability.** This act takes effect
6 July 1, 2019, and applies to offenses committed on or after said date.

7 **SECTION 5. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.