

CHAPTER 275

CRIMINAL LAW AND PROCEDURE

SENATE BILL 94-202

BY SENATORS Owens, Norton, Bishop, Blickensderfer, Wells, Mutzebaugh, R. Powers, Roberts, Schroeder, and Tebedo;
also REPRESENTATIVES Coffman, Berry, and Allen.

AN ACT

CONCERNING REVISIONS TO THE CRIME OF CRIMINAL EXTORTION.

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

SECTION 1. 18-3-207, Colorado Revised Statutes, 1986 Repl. Vol., is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

18-3-207. Criminal extortion - aggravated extortion. (1) A PERSON COMMITS CRIMINAL EXTORTION IF:

(a) THE PERSON, WITHOUT LEGAL AUTHORITY AND WITH THE INTENT TO INDUCE ANOTHER PERSON AGAINST THAT OTHER PERSON'S WILL TO PERFORM AN ACT OR TO REFRAIN FROM PERFORMING A LAWFUL ACT, MAKES A SUBSTANTIAL THREAT TO CONFINE OR RESTRAIN, CAUSE ECONOMIC HARDSHIP OR BODILY INJURY TO, OR DAMAGE THE PROPERTY OR REPUTATION OF, THE THREATENED PERSON OR ANOTHER PERSON; AND

(b) THE PERSON THREATENS TO CAUSE THE RESULTS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) BY:

(I) PERFORMING OR CAUSING AN UNLAWFUL ACT TO BE PERFORMED; OR

(II) INVOKING ACTION BY A THIRD PARTY, INCLUDING BUT NOT LIMITED TO, THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS, WHOSE INTERESTS ARE NOT SUBSTANTIALLY RELATED TO THE INTERESTS PURSUED BY THE PERSON MAKING THE THREAT.

(2) A PERSON COMMITS AGGRAVATED CRIMINAL EXTORTION IF, IN ADDITION TO

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

THE ACTS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE PERSON THREATENS TO CAUSE THE RESULTS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION BY MEANS OF CHEMICAL, BIOLOGICAL, OR HARMFUL RADIOACTIVE AGENTS, WEAPONS, OR POISON.

(3) FOR THE PURPOSES OF THIS SECTION, "SUBSTANTIAL THREAT" MEANS A THREAT THAT IS REASONABLY LIKELY TO INDUCE A BELIEF THAT THE THREAT WILL BE CARRIED OUT AND IS ONE THAT THREATENS THAT SIGNIFICANT CONFINEMENT, RESTRAINT, INJURY, OR DAMAGE WILL OCCUR.

(4) CRIMINAL EXTORTION, AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, IS A CLASS 4 FELONY. AGGRAVATED CRIMINAL EXTORTION, AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, IS A CLASS 3 FELONY.

SECTION 2. Effective date - applicability. This act shall take effect upon passage and shall apply to acts committed on or after said date.

SECTION 3. 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: May 31, 1994