

## CHAPTER 289

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**CRIMINAL LAW AND PROCEDURE**


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**HOUSE BILL 04-1003**

BY REPRESENTATIVE(S) McCluskey, Borodkin, Boyd, Butcher, Carroll, Coleman, Frangas, Jahn, Merrifield, Paccione, Romanoff, Stengel, Hall, Johnson R., and Marshall;  
 also SENATOR(S) Johnson S., Arnold, Evans, Gordon, Groff, Grossman, Hanna, Keller, Nichol, Reeves, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

**AN ACT**

**CONCERNING LAWS RELATED TO THE IMPERSONATION OF A PEACE OFFICER, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** 18-8-112, Colorado Revised Statutes, is amended to read:

**18-8-112. Impersonating a peace officer.** (1) A person who falsely pretends to be a peace officer and performs an act in that pretended capacity commits impersonating a peace officer. ~~which is a class 1 misdemeanor.~~

(2) IMPERSONATING A PEACE OFFICER IS A CLASS SIX FELONY.

**SECTION 2.** Part 2 of article 4 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**42-4-238. Blue and red lights - illegal use or possession.** (1) A PERSON SHALL NOT BE IN ACTUAL PHYSICAL CONTROL OF A VEHICLE, EXCEPT AN AUTHORIZED EMERGENCY VEHICLE AS DEFINED IN SECTION 42-1-102(6), THAT THE PERSON KNOWS CONTAINS A LAMP OR DEVICE THAT IS DESIGNED TO DISPLAY, OR THAT IS CAPABLE OF DISPLAYING IF AFFIXED OR ATTACHED TO THE VEHICLE, A RED OR BLUE LIGHT VISIBLE DIRECTLY IN FRONT OF THE CENTER OF THE VEHICLE.

(2) IT SHALL BE AN AFFIRMATIVE DEFENSE THAT THE DEFENDANT WAS:

(a) A PEACE OFFICER AS DESCRIBED IN SECTION 16-2.5-101, C.R.S.; OR

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

(b) IN ACTUAL PHYSICAL CONTROL OF A VEHICLE EXPRESSLY AUTHORIZED BY A CHIEF OF POLICE OR SHERIFF TO CONTAIN A LAMP OR DEVICE THAT IS DESIGNED TO DISPLAY, OR THAT IS CAPABLE OF DISPLAYING IF AFFIXED OR ATTACHED TO THE VEHICLE, A RED OR BLUE LIGHT VISIBLE FROM DIRECTLY IN FRONT OF THE CENTER OF THE VEHICLE; OR

(c) A MEMBER OF A VOLUNTEER FIRE DEPARTMENT OR A VOLUNTEER AMBULANCE SERVICE WHO POSSESSES A PERMIT FROM THE FIRE CHIEF OF THE FIRE DEPARTMENT OR CHIEF EXECUTIVE OFFICER OF THE AMBULANCE SERVICE THROUGH WHICH THE VOLUNTEER SERVES TO OPERATE A VEHICLE PURSUANT TO SECTION 42-4-222 (1)(b); OR

(d) A VENDOR WHO EXHIBITS, SELLS, OR OFFERS FOR SALE A LAMP OR DEVICE DESIGNED TO DISPLAY, OR THAT IS CAPABLE OF DISPLAYING, IF AFFIXED OR ATTACHED TO THE VEHICLE, A RED OR BLUE LIGHT.

(3) A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR.

**SECTION 3. Repeal.** 29-5-102, Colorado Revised Statutes, is repealed.

**SECTION 4. Repeal.** 42-4-220 (3) (b), Colorado Revised Statutes, is repealed as follows:

**42-4-220. Motorized bicycles - motor-driven cycles - lighting equipment - department control - use and operation.** (3) (b) ~~No person shall equip, drive, or move any vehicle or equipment upon any highway with any lamp or device thereon capable of displaying a red or blue light visible from directly in front of the center thereof. This section shall not apply to any vehicle upon which such lights visible from the front are expressly authorized or required by this article.~~

**SECTION 5.** 42-4-222 (1), Colorado Revised Statutes, is amended to read:

**42-4-222. Volunteer firefighters - volunteer ambulance attendants - special lights and alarm systems.** (1) (a) All members of volunteer fire departments regularly attached to the fire departments organized within incorporated towns, ~~and~~ COUNTIES, cities, and fire protection districts and all members of a volunteer ambulance service regularly attached to a volunteer ambulance service within an area which the ambulance service would be reasonably expected to serve may have their private automobiles equipped with a signal lamp or a combination of signal lamps capable of displaying flashing, oscillating, or rotating red lights visible to the front and rear at five hundred feet in normal sunlight. In addition to the red light, flashing, oscillating, or rotating signal lights may be used that emit white or white in combination with red lights. At least one of such signal lamps or combination of signal lamps shall be mounted on the top of the automobile. Said automobiles may be equipped with audible signal systems such as sirens, whistles, or bells. Said lights, together with any signal systems authorized by this subsection (1), may be used only when a member of a fire department is responding to or attending a fire alarm or other emergency or when a member of an ambulance service is responding to an emergency requiring the member's services. Neither such lights nor such signals shall be used for any other purpose than those set forth in this subsection (1). If used for any other purpose, such use shall constitute a violation of this subsection (1), and the violator

commits a class B traffic infraction.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), A MEMBER OF A VOLUNTEER FIRE DEPARTMENT OR A VOLUNTEER AMBULANCE SERVICE MAY EQUIP HIS OR HER PRIVATE AUTOMOBILE WITH THE EQUIPMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) ONLY AFTER RECEIVING A PERMIT FOR THE EQUIPMENT FROM THE FIRE CHIEF OF THE FIRE DEPARTMENT OR CHIEF EXECUTIVE OFFICER OF THE AMBULANCE SERVICE THROUGH WHICH THE VOLUNTEER SERVES.

**SECTION 6.** Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**17-1-151. Appropriation to comply with section 2-2-703.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 04-1003, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF ONE HUNDRED FIFTY-TWO THOUSAND EIGHT HUNDRED DOLLARS (\$152,800).

(b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SIXTY-ONE THOUSAND TWO HUNDRED DOLLARS (\$61,200).

(c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SIXTY-ONE THOUSAND TWO HUNDRED DOLLARS (\$61,200).

(d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SIXTY-ONE THOUSAND TWO HUNDRED DOLLARS (\$61,200).

(e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SIXTY-ONE THOUSAND TWO HUNDRED DOLLARS (\$61,200).

**SECTION 7. Capital construction appropriation - legislative intent.** (1) In addition to any other appropriation, there is hereby appropriated, out of the moneys

in the general fund not otherwise appropriated, to the capital construction fund created in section 24-75-302, C.R.S., the sum of one hundred fifty two thousand eight hundred dollars (\$152,800) to be used for purposes consistent with part 3 of article 75 of title 24, C.R.S.

(2) It is the intent of the general assembly that the general fund appropriation for the implementation of this act shall be derived from savings generated from the implementation of the provisions of S.B. 04-231, as enacted during the second regular session of the sixty-fourth general assembly.

**SECTION 8. Effective date - applicability.** (1) This act shall take effect July 1, 2004, and shall apply to offenses committed on or after said date; except that sections 1, 6, and 7 of this act shall only take effect if S.B. 04-231 is enacted at the second regular session of the sixty-fourth general assembly and becomes law.

**SECTION 9. 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 25, 2004