

## CHAPTER 257

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**CRIMINAL LAW AND PROCEDURE**

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**SENATE BILL 05-068**

BY SENATOR(S) Tapia, Anderson, Dyer, Fitz-Gerald, Gordon, Groff, Hanna, Kester, Tochtrop, Tupa, Veiga, and Windels;  
also REPRESENTATIVE(S) Butcher, Berens, Boyd, Coleman, Jahn, Kerr, McGihon, Stafford, and Soper.

**AN ACT**

**CONCERNING ASSAULTS ON MENTAL HEALTH PROFESSIONALS BY PERSONS COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES UNDER THE PROVISIONS OF ARTICLE 8 OF TITLE 16, COLORADO REVISED STATUTES.**

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

**SECTION 1.** 18-1.3-501, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**18-1.3-501. Misdemeanors classified - penalties.** (1.7) (a) IF A DEFENDANT IS CONVICTED OF ASSAULT IN THE THIRD DEGREE PURSUANT TO SECTION 18-3-204 OR RECKLESS ENDANGERMENT PURSUANT TO SECTION 18-3-208 AND THE VICTIM IS A MENTAL HEALTH PROFESSIONAL EMPLOYED BY OR UNDER CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES, NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE COURT MAY SENTENCE THE DEFENDANT TO A TERM OF IMPRISONMENT GREATER THAN THE MAXIMUM SENTENCE BUT NOT MORE THAN TWICE THE MAXIMUM SENTENCE AUTHORIZED FOR THE CRIME WHEN THE VICTIM IS NOT A MENTAL HEALTH PROFESSIONAL EMPLOYED BY OR UNDER CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES. IN ADDITION TO A TERM OF IMPRISONMENT, THE COURT MAY IMPOSE A FINE ON THE DEFENDANT PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(b) "MENTAL HEALTH PROFESSIONAL" MEANS A MENTAL HEALTH PROFESSIONAL AS DEFINED IN SECTION 16-8-202 (6), C.R.S., A PERSON LICENSED AS A NURSE PURSUANT TO PART 1 OF ARTICLE 38 OF TITLE 12, C.R.S., A NURSE AIDE CERTIFIED PURSUANT TO PART 1 OF ARTICLE 38.1 OF TITLE 12, C.R.S., AND A PSYCHIATRIC TECHNICIAN LICENSED PURSUANT TO PART 1 OF ARTICLE 42 OF TITLE 12, C.R.S.

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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.*

**SECTION 2. Effective date - applicability.** This act shall take effect July 1, 2005, and shall apply to offenses 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: June 2, 2005