

CHAPTER 250

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 11-1105

BY REPRESENTATIVE(S) Acree, Balmer, Barker, Baumgardner, Court, Fields, Holbert, Joshi, Kagan, Kerr J., Looper, Massey, McCann, Priola, Todd, Gardner B., Labuda, Murray, Nikkel, Peniston, Ramirez, Ryden, Schafer S., Scott, Conti, Pace, Vigil, Wilson;
also SENATOR(S) White, Kopp, King S., Tochtrop, Boyd, Jahn, Newell, Roberts, Spence.

AN ACT**CONCERNING ASSAULTS AGAINST MEDICAL CARE PROVIDERS.**

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

SECTION 1. 18-1.3-501 (1.5), Colorado Revised Statutes, is amended to read:

18-1.3-501. Misdemeanors classified - penalties. (1.5) (a) If a defendant is convicted of assault in the third degree pursuant to section 18-3-204 and the victim is a peace officer, emergency medical technician, EMERGENCY MEDICAL CARE PROVIDER, or firefighter engaged in the performance of his or her duties, notwithstanding the provisions of subsection (1) of this section, the court shall sentence the defendant to a term of imprisonment greater than the maximum sentence but no more than twice the maximum sentence authorized for the same crime when the victim is not a peace officer, emergency medical technician, EMERGENCY MEDICAL CARE PROVIDER, or firefighter engaged in the performance of his or her duties. In addition to such term of imprisonment, the court may impose a fine on the defendant pursuant to subsection (1) of this section. AT ANY TIME AFTER SENTENCING AND PRIOR TO THE DISCHARGE OF THE DEFENDANT'S SENTENCE, THE VICTIM MAY REQUEST THAT THE DEFENDANT PARTICIPATE IN RESTORATIVE JUSTICE PRACTICES WITH THE VICTIM. IF THE DEFENDANT ACCEPTS RESPONSIBILITY FOR AND EXPRESSES REMORSE FOR HIS OR HER ACTIONS AND IS WILLING TO REPAIR THE HARM CAUSED BY HIS OR HER ACTIONS, AN INDIVIDUAL RESPONSIBLE FOR THE DEFENDANT'S SUPERVISION SHALL MAKE THE NECESSARY ARRANGEMENTS FOR THE RESTORATIVE JUSTICE PRACTICES REQUESTED BY THE VICTIM.

(b) As used in this section, "peace officer, emergency medical technician, EMERGENCY MEDICAL CARE PROVIDER, or firefighter engaged in the performance

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

of his or her duties" means a peace officer as described in section 16-2.5-101, C.R.S., emergency medical technician as defined in part 1 of article 3.5 of title 25, C.R.S., EMERGENCY MEDICAL CARE PROVIDER AS DEFINED BY SECTION 18-3-204 (4), or a firefighter as defined in section 18-3-201 (1), who is engaged or acting in, or who is present for the purpose of engaging or acting in, the performance of any duty, service, or function imposed, authorized, required, or permitted by law to be performed by a peace officer, emergency medical technician, EMERGENCY MEDICAL CARE PROVIDER, or firefighter, whether or not the peace officer, emergency medical technician, EMERGENCY MEDICAL CARE PROVIDER, or firefighter is within the territorial limits of his or her jurisdiction, if the peace officer, emergency medical technician, EMERGENCY MEDICAL CARE PROVIDER, or firefighter is in uniform or the person committing an assault upon or offense against or otherwise acting toward such peace officer, emergency medical technician, EMERGENCY MEDICAL CARE PROVIDER, or firefighter knows or reasonably should know that the victim is a peace officer, emergency medical technician, EMERGENCY MEDICAL CARE PROVIDER, or firefighter or if the peace officer, emergency medical technician, EMERGENCY MEDICAL CARE PROVIDER, or firefighter is intentionally assaulted in retaliation for the performance of his or her official duties.

SECTION 2. 18-3-204 (1) (b), Colorado Revised Statutes, is amended, and the said 18-3-204 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

18-3-204. Assault in the third degree. (1) A person commits the crime of assault in the third degree if:

(b) The person, with intent to infect, injure, harm, harass, annoy, threaten, or alarm another person whom the actor knows or reasonably should know to be a peace officer, a firefighter, AN EMERGENCY MEDICAL CARE PROVIDER, or an emergency medical technician, causes such other 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 but not limited to throwing, tossing, or expelling such fluid or material.

(4) "EMERGENCY MEDICAL CARE PROVIDER" MEANS A DOCTOR, INTERN, NURSE, NURSE'S AID, PHYSICIAN'S ASSISTANT, AMBULANCE ATTENDANT OR OPERATOR, AIR AMBULANCE PILOT, PARAMEDIC, OR ANY OTHER MEMBER OF A HOSPITAL OR HEALTH CARE FACILITY STAFF OR SECURITY FORCE WHO IS INVOLVED IN PROVIDING EMERGENCY MEDICAL CARE AT A HOSPITAL OR HEALTH CARE FACILITY, OR IN AN AIR AMBULANCE OR AMBULANCE AS DEFINED IN SECTION 25-3.5-103 (1) AND (1.5), C.R.S.

SECTION 3. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect

unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 2, 2011