

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB26-1281 be amended as follows:

1 Amend printed bill, page 5, strike lines 21 through 27.

2 Page 6, strike lines 1 through 25 and substitute:

3 "SECTION 5. In Colorado Revised Statutes, **amend** 18-3-105 as
4 follows:

5 **18-3-105. Criminally negligent homicide.**

6 (1) (a) ~~Any~~ A person who causes the death of another person ~~by~~
7 ~~conduct amounting to~~ WITH criminal negligence commits criminally
8 negligent homicide. ~~which~~

9 (b) IF A PERSON OPERATES OR DRIVES A MOTOR VEHICLE WITH
10 CRIMINAL NEGLIGENCE AND THE CONDUCT IS THE PROXIMATE CAUSE OF
11 THE DEATH OF ANOTHER PERSON, THE PERSON COMMITS CRIMINALLY
12 NEGLIGENT HOMICIDE.

13 (2) CRIMINALLY NEGLIGENT HOMICIDE is a class 5 felony.

14 **SECTION 6.** In Colorado Revised Statutes, 42-4-239, **repeal**
15 (4)(d) as follows:

16 **42-4-239. Use of a mobile electronic device - definitions -**
17 **penalty.**

18 (4) (d) ~~If the individual's actions are the proximate cause of death~~
19 ~~to another, the individual commits a class 1 misdemeanor traffic offense~~
20 ~~and shall be punished as provided in section 42-4-1701 (3)(a)(H).~~

21 **SECTION 7.** In Colorado Revised Statutes, 42-2-125, **amend** (1)
22 introductory portion and (1)(a) as follows:

23 **42-2-125. Mandatory revocation of license and permit.**

24 (1) The department shall immediately revoke the license or permit
25 of ~~any~~ A driver or minor driver upon receiving a record showing that the
26 driver has:

27 (a) Been convicted of vehicular homicide or vehicular assault as
28 described in sections 18-3-106 and 18-3-205 ~~C.R.S.~~, or of criminally
29 negligent homicide WHILE OPERATING OR DRIVING A MOTOR VEHICLE, as
30 described in ~~section 18-3-105, C.R.S., while driving a motor vehicle~~
31 SECTION 18-3-105 (1)(b);

32 **SECTION 8.** In Colorado Revised Statutes, **amend** 42-2-128 as
33 follows:

34 **42-2-128. Vehicular homicide - criminally negligent homicide**
35 **while operating a motor vehicle - revocation of license.**

36 The department shall revoke the driver's license of ~~any~~ A person
37 convicted of vehicular homicide PURSUANT TO SECTION 18-3-106 OR
38 CRIMINALLY NEGLIGENT HOMICIDE PURSUANT TO SECTION 18-3-105
39 (1)(b), including the driver's license of ~~any~~ A juvenile who has been

1 adjudicated a delinquent upon conduct ~~which~~ THAT would establish the
2 crime of vehicular homicide PURSUANT TO SECTION 18-3-106 OR
3 CRIMINALLY NEGLIGENT HOMICIDE PURSUANT TO SECTION 18-3-105 (1)(b)
4 if committed by an adult.

5 **SECTION 9.** In Colorado Revised Statutes, 42-2-202, **amend**
6 (2)(a)(V) as follows:

7 **42-2-202. Habitual offenders - frequency and type of**
8 **violations.**

9 (2) (a) An habitual offender is a person having three or more
10 convictions of any of the following separate and distinct offenses arising
11 out of separate acts committed within a period of seven years:

12 (V) Vehicular assault or vehicular homicide, or manslaughter or
13 criminally negligent homicide ~~which results from the operation of~~ WHILE
14 OPERATING OR DRIVING a motor vehicle PURSUANT TO SECTION 18-3-105
15 (1)(b), or motor vehicle theft, as ~~such~~ THE offenses are described in title
16 18;

17 **SECTION 10.** In Colorado Revised Statutes, 42-4-1301, **amend**
18 (6)(e) as follows:

19 **42-4-1301. Driving under the influence - driving while**
20 **impaired - driving with excessive alcoholic content - definitions -**
21 **penalties.**

22 (6) (e) **Involuntary blood test - admissibility.** Evidence acquired
23 through an involuntary blood test pursuant to section 42-4-1301.1 (3)
24 ~~shall be~~ IS admissible in ~~any~~ A prosecution for DUI, DUI per se, DWAI,
25 or UDD, and in ~~any~~ A prosecution for criminally negligent homicide
26 WHILE OPERATING OR DRIVING A MOTOR VEHICLE pursuant to ~~section~~
27 ~~18-3-105, C.R.S.~~ SECTION 18-3-105 (1)(b), vehicular homicide pursuant
28 to section 18-3-106 (1)(b), ~~C.R.S.~~, assault in the third degree pursuant to
29 section 18-3-204, ~~C.R.S.~~, or vehicular assault pursuant to section
30 18-3-205 (1)(b). ~~C.R.S.~~

31 **SECTION 11.** In Colorado Revised Statutes, 42-4-1301.1,
32 **amend** (3) as follows:

33 **42-4-1301.1. Expressed consent for the taking of blood, breath,**
34 **urine, or saliva sample - testing - rules - definition.**

35 (3) ~~Any~~ A person who is required to take and to complete, and to
36 cooperate in the completing of, ~~any~~ A test or tests shall cooperate with the
37 person authorized to obtain specimens of ~~such~~ THE person's blood, breath,
38 saliva, or urine, including the signing of any release or consent forms
39 required by ~~any~~ A person, hospital, clinic, or association authorized to
40 obtain ~~such~~ THE specimens. If ~~such~~ A person does not cooperate with the
41 person, hospital, clinic, or association authorized to obtain ~~such~~ THE
42 specimens, including the signing of any release or consent forms, ~~such~~
43 THE PERSON'S noncooperation ~~shall be~~ IS considered a refusal to submit

1 to testing. ~~No~~ A law enforcement officer shall NOT physically restrain ~~any~~
2 A person for the purpose of obtaining a specimen of ~~such~~ THE person's
3 blood, breath, saliva, or urine for testing except when the officer has
4 probable cause to believe that the person has committed criminally
5 negligent homicide WHILE OPERATING OR DRIVING A MOTOR VEHICLE
6 pursuant to ~~section 18-3-105, C.R.S.~~ SECTION 18-3-105 (1)(b), vehicular
7 homicide pursuant to section 18-3-106 (1)(b), ~~C.R.S.~~, assault in the third
8 degree pursuant to section 18-3-204, ~~C.R.S.~~, or vehicular assault pursuant
9 to section 18-3-205 (1)(b), ~~C.R.S.~~, and the person is refusing to take or to
10 complete, or to cooperate in the completing of, any test or tests, then ~~in~~
11 ~~such event~~, the law enforcement officer may require a blood test.".

12 Renumber succeeding sections accordingly.

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