

House Judiciary

04/14/2026

HB26-1281 Homicide Criminal Offenses

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
<p>JEANY RUSH</p> <p>Against themselves</p>	<p>TO: HOUSE JUDICIARY</p> <p>RE: HB26-1281 HOMICIDE CRIMINAL OFFENSES</p> <p>SPONSORS: M CARTER, C ESPENOZA, M WEISSMAN, N HINRICHSEN</p> <p>FROM: JEANY RUSH, COLORADO CONSTITUENT 4-14-26</p> <p>VOTE: NO</p> <p>FOLKS:</p> <p>Upon rereading the bill, what I am seeing here is a Diluting of crimes that already exist, or a rebranding of crimes and moving them down lower in the ladder of Felony Severity!</p> <p>How is causing "Death of More than one person" any different than causing "Death of One Person"? They are both dead!</p> <p>I would ask you if you consulted with judges, but the problem is we now have judges in Colorado who don't know how to dispense actual criminal constitutional laws, and in fact violate them regularly. Examples abound in how many rapists, murderers, and other criminals are allowed to be released on bond, while other people are not even allowed bond, even when they have not committed a violent crime. Example: Nico Fracis in Denver was nearly killed when shot, and the shooter is out on bond. Example would be Tina Peters, who preserved federal election records to show fraud, not allowed out on bond to appeal. But the Governor's good friend Lewis, gets out on probation with same no. felonies. Talk about blind justice, and skewed justice. When you have such partisan judicial decision making, you no longer have justice anyway.</p> <p>Aggravated vehicular homicide by operating a vehicle in a reckless manner etc., and convicted twice of driving under influence, gets second degree?</p> <p>"Accountability for deaths caused by drivers in Colorado requires a fuller range of defined crimes & penalties for differences in mental state?" Again, the victim is still dead as a doornail.</p>

	<p>And it gets better! Adding more paper trails, changes to the already crazy judicial system, and well more backdoor escape from penalty for real criminals. THIS REMINDS ME OF THE BILL IN WHICH YOU ALL VOTED FOR THE BILL TO ALLOW CHILD RAPISTS OUT ON PROBATION! WHY NOT, WHAT’S THE HARM IN ANOTHER KID OR TWO TO GET RAPED BY THE SAME PERSON? BUT THIS IS SO VERY IMPORTANT, FOR YOU TO WASTE TAX DOLLARS CREATING ANOTHER PAPER TRAIL, WHILE PUSHING SAFETY CLAUSE: GO AWAY VOTERS, YOU DON’T GET TO VOTE ON THIS EITHER.</p>
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04/14/2026 Upon Adjournment

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ROCKY MOUNTAIN
victim law center

April 14, 2026

House Judiciary Committee
Colorado General Assembly
200 E. Colfax Avenue
Denver, CO 80203
Submitted electronically only

Re: HB26-1281—Homicide Criminal Offenses (oppose)

Dear Mr. Chairman and Committee Members:

Rocky Mountain Victim Law Center (RMvIc) is a non-profit law firm that provides free legal services to crime victims in Colorado, primarily by working to protect their privacy and VRA rights in criminal cases. Over the past 15 years, RMvIc has worked with thousands of crime victims across Colorado, including many family members of homicide victims.

As written, HB26-1281 would produce outcomes where penalties for extreme indifference homicide vary based on factors entirely unrelated to an offender's conduct. The outcome would be solely based on arbitrary factors of the offender's victim or victims. This is inequitable and undermines fairness and consistency in sentencing and in offender accountability. For example:

- In a school shooting, first degree murder charges could be filed for the death of an 11-year-old child, but charges for their 12-year-old classmate who was also killed would be second degree murder.
- In a mass shooting where only one person was killed, the charge would be second degree murder, but if more than one person was killed, it would be first degree murder.
- Similarly, in a mass shooting, if only one person was killed and one person sustained serious bodily injury, it would be second degree murder, but if even one additional victim has serious bodily injuries, it would be first degree murder.
- If an emergency medical provider was killed, charges would be first degree murder, but if it was someone with another type of job, like a teacher, it would be second degree murder.

Surely this is not the kind of de-valuation of human life Colorado could ever support, nor one that anyone should ever need to explain to the family members of a homicide victim whose life the legislature deemed less worthy than that of other victims simply because an offender did not kill enough victims, seriously injure enough victims, or that their child was too old, or their family member did not have the "right" kind of profession that would warrant the highest level of accountability.

HB26-1281 devalues the lives of homicide victims, and because of that, we are strongly opposed. Colorado has a robust history of honoring the lives and rights of crime victims, and this bill is antithetical to that. Colorado's VRA clearly states that "the full and voluntary cooperation of victims of and witnesses to crimes with state and local law enforcement agencies as to such crimes is imperative for the general effectiveness and well-being of the criminal justice system." C.R.S. § 24-4.1-301. And that the rights of victims should be "honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protection afforded criminal defendants." C.R.S. § 24-4.1-301. This legislative intent of the VRA is clear.

The VRA also affords crime victims with "the right to be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the entirety of the criminal justice process." C.R.S. § 24-4.1-302.5(1)(a). However, HB26-1281 specifically violates this right by structuring the severity of charges on arbitrarily defined types of victims, and not the conduct of offenders. The concept of extreme indifference has historically been grounded in the equal value of all human life. Creating distinctions that result in different consequences for offenders depending on the characteristics of the victim is fundamentally inconsistent with that principle and one that RMvlc cannot support. Every victim, regardless of age, how many victims are created, or their type of employment deserves equal treatment and justice under the law.

In a state that has, unfortunately, been faced with a shocking number of mass tragedies and school shootings, it is imperative that prosecutors have access to every tool and charge possible, which includes extreme indifference homicide. Seeking to hinder those options by placing different values on the lives of different homicide victims is morally reprehensible, manifestly unjust, and inconsistent with Colorado's values and laws.

RMvlc is aware of longstanding efforts to address extreme indifference homicide in our state. However, this is not the way to do it. The Colorado Commission on Criminal and Juvenile Justice, including its Sentencing Reform Task Force, worked on the issue, as have many others. A change in law that so directly impacts the families of homicide victims demands robust collaboration, meaningful stakeholder engagement, and deliberate consideration, yet these elements are clearly absent from this bill. RMvlc has repeatedly expressed its willingness to participate in this process; however, aside from a single opportunity to comment on a draft, it has not been included in the substantive stakeholder engagement that the families of Colorado homicide victims deserve.

Respectfully, I ask you to oppose HB26-1281 and, in doing so, to recognize that the life of every homicide victim in Colorado has equal value.

Thank you,



Emily Tofte Nestaval, MSW
Executive Director
Rocky Mountain Victim Law Center