

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0345.01 Jerry Barry x4341

HOUSE BILL 16-1080

HOUSE SPONSORSHIP

Foote and Landgraf,

SENATE SPONSORSHIP

Cooke and Johnston, Newell

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ASSAULT BY STRANGULATION, AND, IN CONNECTION**
102 **THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill adds intentionally causing serious bodily injury through strangulation as a means of committing the crime of first degree assault and intentionally causing bodily injury through strangulation as a means of committing second degree assault. The bill designates the new means of second degree assault as an extraordinary risk crime increasing the maximum presumptive sentence range.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-202, **add** (1)(g)
3 as follows:

4 **18-3-202. Assault in the first degree.** (1) A person commits the
5 crime of assault in the first degree if:

6 (g) WITH THE INTENT TO CAUSE SERIOUS BODILY INJURY, HE OR
7 SHE APPLIES SUFFICIENT PRESSURE TO IMPEDE OR RESTRICT THE
8 BREATHING OR CIRCULATION OF THE BLOOD OF ANOTHER PERSON BY
9 APPLYING SUCH PRESSURE TO THE NECK OR BY BLOCKING THE NOSE OR
10 MOUTH OF THE OTHER PERSON AND THEREBY CAUSES SERIOUS BODILY
11 INJURY.

12 **SECTION 2.** In Colorado Revised Statutes, 18-3-203, **amend** (1)
13 (h) and (2) (c) (I); and **add** (1) (i) as follows:

14 **18-3-203. Assault in the second degree.** (1) A person commits
15 the crime of assault in the second degree if:

16 (h) With intent to infect, injure, or harm another person whom the
17 actor knows or reasonably should know to be engaged in the performance
18 of his or her duties as a peace officer, a firefighter, an emergency medical
19 care provider, or an emergency medical service provider, he or she causes
20 such person to come into contact with blood, seminal fluid, urine, feces,
21 saliva, mucus, vomit, or any toxic, caustic, or hazardous material by any
22 means, including by throwing, tossing, or expelling such fluid or material;
23 OR

24 (i) WITH THE INTENT TO CAUSE BODILY INJURY, HE OR SHE APPLIES
25 SUFFICIENT PRESSURE TO IMPEDE OR RESTRICT THE BREATHING OR
26 CIRCULATION OF THE BLOOD OF ANOTHER PERSON BY APPLYING SUCH

1 PRESSURE TO THE NECK OR BY BLOCKING THE NOSE OR MOUTH OF THE
2 OTHER PERSON AND THEREBY CAUSES BODILY INJURY.

3 (2) (c) (I) If a defendant is convicted of assault in the second
4 degree pursuant to paragraph (b), (c.5), (d), ~~or~~ (g), OR (i) of subsection (1)
5 of this section or paragraph (b.5) of this subsection (2), except with
6 respect to sexual assault or sexual assault in the first degree as it existed
7 prior to July 1, 2000, the court shall sentence the defendant in accordance
8 with the provisions of section 18-1.3-406. A defendant convicted of
9 assault in the second degree pursuant to paragraph (b.5) of this subsection
10 (2) with respect to sexual assault or sexual assault in the first degree as it
11 existed prior to July 1, 2000, shall be sentenced in accordance with
12 section 18-1.3-401 (8) (e) or (8) (e.5).

13 **SECTION 3.** In Colorado Revised Statutes, 18-1.3-401, **amend**
14 (10) (b) (XVI) and (10) (b) (XVII); and **add** (10) (b) (XVIII) as follows:

15 **18-1.3-401. Felonies classified - presumptive penalties.**

16 (10) (b) Crimes that present an extraordinary risk of harm to society shall
17 include the following:

18 (XVI) A class 3 felony offense of human trafficking for
19 involuntary servitude, as described in section 18-3-503; ~~and~~

20 (XVII) A class 3 felony offense of human trafficking for sexual
21 servitude, as described in section 18-3-504; AND

22 (XVIII) ASSAULT IN THE SECOND DEGREE, AS DESCRIBED IN
23 SECTION 18-3-203 (1) (i).

24 **SECTION 4.** In Colorado Revised Statutes, **add** 17-18-122 as
25 follows:

26 **17-18-122. Appropriation to comply with section 2-2-703 -**
27 **H.B. 16-1080 - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE

1 FOLLOWING STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO
2 IMPLEMENT HOUSE BILL 16-1080, ENACTED IN 2016:

3 (a) FOR THE 2017-18 STATE FISCAL YEAR, FORTY-THREE
4 THOUSAND SEVEN HUNDRED TWENTY-SEVEN DOLLARS IS APPROPRIATED
5 TO THE DEPARTMENT FROM THE GENERAL FUND;

6 (b) FOR THE 2018-19 STATE FISCAL YEAR, EIGHTY-SEVEN
7 THOUSAND FOUR HUNDRED FIFTY-FOUR DOLLARS IS APPROPRIATED TO THE
8 DEPARTMENT FROM THE GENERAL FUND;

9 (c) FOR THE 2019-20 STATE FISCAL YEAR, ONE HUNDRED THIRTY-
10 ONE THOUSAND ONE HUNDRED EIGHTY-ONE DOLLARS IS APPROPRIATED TO
11 THE DEPARTMENT FROM THE GENERAL FUND; AND

12 (d) FOR THE 2020-21 STATE FISCAL YEAR, ONE HUNDRED SEVENTY
13 THOUSAND NINE HUNDRED DOLLARS IS APPROPRIATED TO THE
14 DEPARTMENT FROM THE GENERAL FUND.

15 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2021.

16 **SECTION 5. Effective date - applicability.** This act takes effect
17 July 1, 2016, and applies to offenses committed on or after said date.

18 **SECTION 6. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.