

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 11-0006.01 Michael Dohr

HOUSE BILL 11-1105

HOUSE SPONSORSHIP

Acree, Balmer, Barker, Baumgardner, Court, Fields, Holbert, Joshi, Kagan, Kerr J., Looper, Massey, McCann, Priola, Todd

SENATE SPONSORSHIP

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House Committees
Judiciary

Senate Committees
Health and Human Services
Judiciary

A BILL FOR AN ACT

101 **CONCERNING ASSAULTS AGAINST MEDICAL CARE PROVIDERS.**

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>.)

Under current law, if a person is convicted of third degree assault and the victim is a peace officer, emergency medical technician, or firefighter, the court must impose a mandatory jail term that exceeds the maximum, but is no more than twice the maximum for a class 1 misdemeanor. The bill adds hospital workers to the category of victims that trigger the enhanced sentencing.

Under current law, it is third degree assault to throw various bodily

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.

SENATE
3rd Reading Unamended
May 9, 2011

SENATE
Amended 2nd Reading
May 6, 2011

HOUSE
3rd Reading Unamended
February 9, 2011

HOUSE
Amended 2nd Reading
February 8, 2011

fluids at a peace officer, emergency medical technician, or firefighter. The bill adds hospital workers to that list.

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

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

4 **18-1.3-501. Misdemeanors classified - penalties.** (1.5) (a) If a
5 defendant is convicted of assault in the third degree pursuant to section
6 18-3-204 and the victim is a peace officer, emergency medical technician,
7 **EMERGENCY MEDICAL** CARE PROVIDER, or firefighter engaged in the
8 performance of his or her duties, notwithstanding the provisions of
9 subsection (1) of this section, the court shall sentence the defendant to a
10 term of imprisonment greater than the maximum sentence but no more
11 than twice the maximum sentence authorized for the same crime when the
12 victim is not a peace officer, emergency medical technician, **EMERGENCY**
13 **MEDICAL** CARE PROVIDER, or firefighter engaged in the performance of his
14 or her duties. In addition to such term of imprisonment, the court may
15 impose a fine on the defendant pursuant to subsection (1) of this section.

16 AT ANY TIME AFTER SENTENCING AND PRIOR TO THE DISCHARGE OF THE
17 DEFENDANT'S SENTENCE, THE VICTIM MAY REQUEST THAT THE DEFENDANT
18 PARTICIPATE IN RESTORATIVE JUSTICE PRACTICES WITH THE VICTIM. IF
19 THE DEFENDANT ACCEPTS RESPONSIBILITY FOR AND EXPRESSES REMORSE
20 FOR HIS OR HER ACTIONS AND IS WILLING TO REPAIR THE HARM CAUSED BY
21 HIS OR HER ACTIONS, AN INDIVIDUAL RESPONSIBLE FOR THE DEFENDANT'S
22 SUPERVISION SHALL MAKE THE NECESSARY ARRANGEMENTS FOR THE
23 RESTORATIVE JUSTICE PRACTICES REQUESTED BY THE VICTIM.

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

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

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

25 **18-3-204. Assault in the third degree.** (1) A person commits
26 the crime of assault in the third degree if:

27 (b) The person, with intent to infect, injure, harm, harass, annoy,

1 threaten, or alarm another person whom the actor knows or reasonably
2 should know to be a peace officer, a firefighter, AN EMERGENCY MEDICAL
3 CARE PROVIDER, or an emergency medical technician, causes such other
4 person to come into contact with blood, seminal fluid, urine, feces, saliva,
5 mucus, vomit, or any toxic, caustic, or hazardous material by any means,
6 including but not limited to throwing, tossing, or expelling such fluid or
7 material.

8 (4) "EMERGENCY MEDICAL CARE PROVIDER" MEANS A DOCTOR,
9 INTERN, NURSE, NURSE'S AID, PHYSICIAN'S ASSISTANT, AMBULANCE
10 ATTENDANT OR OPERATOR, AIR AMBULANCE PILOT, PARAMEDIC, OR ANY
11 OTHER MEMBER OF A HOSPITAL OR HEALTH CARE FACILITY STAFF OR
12 SECURITY FORCE WHO IS INVOLVED IN PROVIDING EMERGENCY MEDICAL
13 CARE AT A HOSPITAL OR HEALTH CARE FACILITY, OR IN AN AIR
14 AMBULANCE OR AMBULANCE AS DEFINED IN SECTION 25-3.5-103 (1) AND
15 (1.5), C.R.S.

16 **SECTION 3. Act subject to petition - effective date.** This act
17 shall take effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part shall not take effect
23 unless approved by the people at the general election to be held in
24 November 2012 and shall take effect on the date of the official
25 declaration of the vote thereon by the governor.