

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

REVISED

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

LLS NO. 15-0305.01 Jennifer Berman x3286

SENATE BILL 15-067

SENATE SPONSORSHIP

Cooke, Garcia

HOUSE SPONSORSHIP

Joshi,

Senate Committees

Judiciary  
Appropriations

House Committees

Judiciary  
Appropriations

A BILL FOR AN ACT

101 CONCERNING AN INCREASE IN THE CLASS OF OFFENSE FOR CERTAIN  
102 ACTS OF ASSAULT AGAINST PERSONS ENGAGED IN PERFORMING  
103 THEIR DUTIES AS EMERGENCY RESPONDERS, AND, IN  
104 CONNECTION 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 increases the class of offense from assault in the third degree to assault in the second degree for the commission of the following acts:

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.*

HOUSE  
Amended 2nd Reading  
May 4, 2015

SENATE  
3rd Reading Unamended  
April 15, 2015

SENATE  
Amended 2nd Reading  
April 14, 2015

- ! Intentionally causing bodily injury to a person whom the actor knows or reasonably should know is an emergency medical care provider and with the intent to prevent the person from performing a lawful duty; and
- ! With the intent to infect, injure, harm, harass, annoy, threaten, or alarm another person whom the actor knows or reasonably should know to be engaged in the performance of his or her duties as a peace officer, a firefighter, an emergency medical care provider, or an emergency medical service provider, causing the person to come in contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or any toxic, caustic, or hazardous material by any means.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-201, **amend** the  
3 introductory portion as follows:

4 **18-3-201. Definitions.** As used in sections 18-3-201 to ~~18-3-203~~  
5 18-3-204, unless the context otherwise requires:

6 **SECTION 2.** In Colorado Revised Statutes, 18-3-203, **amend** (1)  
7 (c) and (1) (f.5) (I) as follows:

8 **18-3-203. Assault in the second degree.** (1) A person commits  
9 the crime of assault in the second degree if:

10 (c) With intent to prevent one whom he or she knows, or should  
11 know, to be a peace officer, firefighter, EMERGENCY MEDICAL CARE  
12 PROVIDER, or emergency medical service provider from performing a  
13 lawful duty, he or she intentionally causes bodily injury to any person; or

14 (g) With intent to cause bodily injury to another person, he OR SHE  
15 causes serious bodily injury to that person or another; OR

16 (h) WITH INTENT TO INFECT, INJURE, OR HARM ANOTHER PERSON  
17 WHOM THE ACTOR KNOWS OR REASONABLY SHOULD KNOW TO BE  
18 ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES AS A PEACE

1 OFFICER, A FIREFIGHTER, AN EMERGENCY MEDICAL CARE PROVIDER, OR AN  
2 EMERGENCY MEDICAL SERVICE PROVIDER, HE OR SHE CAUSES SUCH  
3 PERSON TO COME INTO CONTACT WITH BLOOD, SEMINAL FLUID, URINE,  
4 FECES, SALIVA, MUCUS, VOMIT, OR ANY TOXIC, CAUSTIC, OR HAZARDOUS  
5 MATERIAL BY ANY MEANS, INCLUDING BY THROWING, TOSSING, OR  
6 EXPELLING SUCH FLUID OR MATERIAL.

7

8 **SECTION 3.** In Colorado Revised Statutes, 18-3-204, **amend** (1)  
9 (b); and **repeal** (4) as follows:

10 **18-3-204. Assault in the third degree.** (1) A person commits the  
11 crime of assault in the third degree if:

12 (b) The person, with intent to ~~infect, injure, harm,~~ harass, annoy,  
13 threaten, or alarm another person whom the actor knows or reasonably  
14 should know to be a peace officer, a firefighter, an emergency medical  
15 care provider, or an emergency medical service provider, causes the other  
16 person to come into contact with blood, seminal fluid, urine, feces, saliva,  
17 mucus, vomit, or toxic, caustic, or hazardous material by any means,  
18 including throwing, tossing, or expelling the fluid or material.

19

20 (4) ~~"Emergency medical care provider" means a doctor, intern,~~  
21 ~~nurse, nurse's aid, physician's assistant, ambulance attendant or operator,~~  
22 ~~air ambulance pilot, paramedic, or any other member of a hospital or~~  
23 ~~health care facility staff or security force who is involved in providing~~  
24 ~~emergency medical care at a hospital or health care facility, or in an air~~  
25 ~~ambulance or ambulance as defined in section 25-3.5-103 (1) and (1.5);~~  
26 ~~C.R.S.~~

27 **SECTION 4.** In Colorado Revised Statutes, 18-1.3-501, **amend**

1 (1.5) (b) as follows:

2 **18-1.3-501. Misdemeanors classified - drug misdemeanors and**  
3 **drug petty offenses classified - penalties - definitions.** (1.5) (b) As  
4 used in this section, "peace officer, emergency medical service provider,  
5 emergency medical care provider, or firefighter engaged in the  
6 performance of his or her duties" means a peace officer as described in  
7 section 16-2.5-101, C.R.S., emergency medical service provider as  
8 defined in part 1 of article 3.5 of title 25, C.R.S., emergency medical care  
9 provider as defined by section ~~18-3-204 (4)~~ 18-3-201 (1), or a firefighter  
10 as defined in section 18-3-201 (1.5), who is engaged or acting in or who  
11 is present to engage or act in the performance of a duty, service, or  
12 function imposed, authorized, required, or permitted by law to be  
13 performed by a peace officer, emergency medical service provider,  
14 emergency medical care provider, or firefighter, whether or not the peace  
15 officer, emergency medical service provider, emergency medical care  
16 provider, or firefighter is within the territorial limits of his or her  
17 jurisdiction, if the peace officer, emergency medical service provider,  
18 emergency medical care provider, or firefighter is in uniform or the  
19 person committing an assault upon or offense against or otherwise acting  
20 toward the peace officer, emergency medical service provider, emergency  
21 medical care provider, or firefighter knows or reasonably should know  
22 that the victim is a peace officer, emergency medical service provider,  
23 emergency medical care provider, or firefighter or if the peace officer,  
24 emergency medical service provider, emergency medical care provider,  
25 or firefighter is intentionally assaulted in retaliation for the performance  
26 of his or her official duties.

27 **SECTION 5.** In Colorado Revised Statutes, add 17-18-117 as

1 follows:

2 **17-18-117. Appropriation to comply with section 2-2-703 - SB**  
3 **15-067 - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE  
4 FOLLOWING STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO  
5 IMPLEMENT SENATE BILL 15-067, ENACTED IN 2015:

6 (a) FOR THE 2016-17 STATE FISCAL YEAR, NINE HUNDRED  
7 TWENTY-FOUR THOUSAND SEVEN HUNDRED FIFTY-FIVE DOLLARS IS  
8 APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

9 (b) FOR THE 2017-18 STATE FISCAL YEAR, ONE MILLION TWO  
10 HUNDRED FORTY-TWO THOUSAND FIVE HUNDRED THIRTY-THREE DOLLARS  
11 IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

12 (c) FOR THE 2018-19 STATE FISCAL YEAR, ONE MILLION THREE  
13 HUNDRED THIRTY THOUSAND EIGHT HUNDRED FIVE DOLLARS IS  
14 APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

15 (d) FOR THE 2019-20 STATE FISCAL YEAR, ONE MILLION FOUR  
16 HUNDRED NINETEEN THOUSAND SEVENTY-SIX DOLLARS IS APPROPRIATED  
17 TO THE DEPARTMENT FROM THE GENERAL FUND.

18 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020. \_\_\_\_\_

19 **SECTION 6. Act subject to petition - effective date -**  
20 **applicability.** (1) This act takes effect September 1, 2015; except that,  
21 if a referendum petition is filed pursuant to section 1 (3) of article V of  
22 the state constitution against this act or an item, section, or part of this act  
23 within the ninety-day period after final adjournment of the general  
24 assembly, then the act, item, section, or part will not take effect unless  
25 approved by the people at the general election to be held in November  
26 2016 and, in such case, will take effect on the date of the official  
27 declaration of the vote thereon by the governor.

1           (2) This act applies to offenses committed on or after the effective  
2   date of this act.