

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 26-0317.03 Owen Hatch x2698

SENATE BILL 26-072

SENATE SPONSORSHIP

Carson and Snyder,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING CRIMINAL PENALTIES RELATED TO**
102 **ASSAULTIVE CONDUCT WITH A MOTOR VEHICLE, AND, IN**
103 **CONNECTION THEREWITH, ADDING THE CONDUCT OF CAUSING**
104 **THE DEATH OF ANOTHER PERSON WITH A MOTOR VEHICLE TO**
105 **THE CRIME OF CRIMINALLY NEGLIGENT HOMICIDE.**

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://leg.colorado.gov>.)

The bill clarifies the conduct by which a person can commit criminally negligent homicide to include proximately causing the death

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

of another person while operating or driving a motor vehicle with criminal negligence. The bill increases the penalty for causing the death of another person while simultaneously driving a motor vehicle and using an electronic mobile device. Offenses categorized as vehicular homicide or vehicular assault are added to the list of crimes of violence.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 18-3-105 as
3 follows:

4 **18-3-105. Criminally negligent homicide.**

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

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

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

13 == ===== ==
14 **SECTION 2.** 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)(II).~~

21 **SECTION 3.** 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.**

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

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

9 **SECTION 4.** In Colorado Revised Statutes, **amend** 42-2-128 as
10 follows:

11 **42-2-128. Vehicular homicide - criminally negligent homicide**
12 **while operating a motor vehicle - revocation of license.**

13 The department shall revoke the driver's license of ~~any~~ A person
14 convicted of vehicular homicide PURSUANT TO SECTION 18-3-106 OR
15 CRIMINALLY NEGLIGENT HOMICIDE PURSUANT TO SECTION 18-3-105
16 (1)(b), including the driver's license of ~~any~~ A juvenile who has been
17 adjudicated a delinquent upon conduct ~~which~~ THAT would establish the
18 crime of vehicular homicide PURSUANT TO SECTION 18-3-106 OR
19 CRIMINALLY NEGLIGENT HOMICIDE PURSUANT TO SECTION 18-3-105 (1)(b)
20 if committed by an adult.

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

23 **42-2-202. Habitual offenders - frequency and type of**
24 **violations.**

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

1 (V) Vehicular assault or vehicular homicide, or manslaughter or
2 criminally negligent homicide ~~which results from the operation of~~ WHILE
3 OPERATING OR DRIVING a motor vehicle PURSUANT TO SECTION 18-3-105
4 (1)(b), or motor vehicle theft, as ~~such~~ THE offenses are described in title
5 18;

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

8 **42-4-1301. Driving under the influence - driving while**
9 **impaired - driving with excessive alcoholic content - definitions -**
10 **penalties.**

11 (6)(e) **Involuntary blood test - admissibility.** Evidence acquired
12 through an involuntary blood test pursuant to section 42-4-1301.1 (3)
13 ~~shall be~~ IS admissible in ~~any~~ A prosecution for DUI, DUI per se, DWAI,
14 or UDD, and in ~~any~~ A prosecution for criminally negligent homicide
15 WHILE OPERATING OR DRIVING A MOTOR VEHICLE pursuant to ~~section~~
16 ~~18-3-105, C.R.S.~~ SECTION 18-3-105 (1)(b), vehicular homicide pursuant
17 to section 18-3-106 (1)(b), ~~C.R.S.~~, assault in the third degree pursuant to
18 section 18-3-204, ~~C.R.S.~~, or vehicular assault pursuant to section
19 18-3-205 (1)(b). ~~C.R.S.~~

20 **SECTION 7.** In Colorado Revised Statutes, 42-4-1301.1, **amend**
21 (3) as follows:

22 **42-4-1301.1. Expressed consent for the taking of blood, breath,**
23 **urine, or saliva sample - testing - rules - definition.**

24 (3) ~~Any~~ A person who is required to take and to complete, and to
25 cooperate in the completing of, ~~any~~ A test or tests shall cooperate with the
26 person authorized to obtain specimens of ~~such~~ THE person's blood, breath,
27 saliva, or urine, including the signing of any release or consent forms

1 required by ~~any~~ A person, hospital, clinic, or association authorized to
2 obtain ~~such~~ THE specimens. If ~~such~~ A person does not cooperate with the
3 person, hospital, clinic, or association authorized to obtain ~~such~~ THE
4 specimens, including the signing of any release or consent forms, ~~such~~
5 THE PERSON'S noncooperation ~~shall be~~ IS considered a refusal to submit
6 to testing. ~~No~~ A law enforcement officer shall NOT physically restrain ~~any~~
7 A person for the purpose of obtaining a specimen of ~~such~~ THE person's
8 blood, breath, saliva, or urine for testing except when the officer has
9 probable cause to believe that the person has committed criminally
10 negligent homicide WHILE OPERATING OR DRIVING A MOTOR VEHICLE
11 pursuant to ~~section 18-3-105, C.R.S.~~ SECTION 18-3-105 (1)(b), vehicular
12 homicide pursuant to section 18-3-106 (1)(b), ~~C.R.S.~~, assault in the third
13 degree pursuant to section 18-3-204, ~~C.R.S.~~, or vehicular assault pursuant
14 to section 18-3-205 (1)(b), ~~C.R.S.~~, and the person is refusing to take or to
15 complete, or to cooperate in the completing of, any test or tests, then ~~in~~
16 ~~such event~~, the law enforcement officer may require a blood test.

17 **SECTION 8. Act subject to petition - effective date -**
18 **applicability.** (1) This act takes effect September 1, 2026; except that,
19 if a referendum petition is filed pursuant to section 1 (3) of article V of
20 the state constitution against this act or an item, section, or part of this act
21 within the ninety-day period after final adjournment of the general
22 assembly, then the act, item, section, or part will not take effect unless
23 approved by the people at the general election to be held in November
24 2026 and, in such case, will take effect on the date of the official
25 declaration of the vote thereon by the governor.

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