

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 26-1290

BY REPRESENTATIVE(S) Hartsook and Duran, Boesenecker, Caldwell, Clifford, Flanell, Gonzalez R., Keltie, Lieder, Richardson, Rutinel, Slaugh, Weinberg, Woog, McCluskie;  
also SENATOR(S) Roberts and Frizell, Bright, Carson, Catlin, Kirkmeyer, Kolker, Lindstedt, Liston, Pelton B., Pelton R., Simpson, Wallace, Zamora Wilson, Coleman.

CONCERNING THE CRIMINAL OFFENSE OF ASSAULT, AND, IN CONNECTION THEREWITH, CLARIFYING SENTENCING.

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

**SECTION 1.** In Colorado Revised Statutes, 18-3-203, **amend** (1)(c), (1)(c.5); and **add** (2)(c)(III) as follows:

**18-3-203. Assault in the second degree.**

(1) A person commits the crime of assault in the second degree if:

(c) With intent to prevent one whom ~~he or she~~ THE PERSON knows, or should know, to be a peace officer, firefighter, emergency medical care provider, or emergency medical service provider from performing a lawful

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

duty, ~~he or she~~ THE PERSON intentionally causes bodily injury to ~~any~~ ANOTHER person; or

(c.5) With intent to prevent one whom ~~he or she~~ THE PERSON knows, or should know, to be a peace officer, firefighter, or emergency medical service provider from performing a lawful duty, ~~he or she~~ THE PERSON intentionally causes serious bodily injury to ~~any~~ ANOTHER person; or

(2) (c) (III) WHEN A DEFENDANT IS CONVICTED OF ASSAULT IN THE SECOND DEGREE PURSUANT TO SUBSECTION (1)(i) OF THIS SECTION AND HAS BEEN PREVIOUSLY CONVICTED OF CHARGES, WHICH WERE SEPARATELY BROUGHT AND TRIED PRIOR TO THE COMMISSION OF THE PRESENT ACT, FOR ASSAULT IN THE SECOND DEGREE PURSUANT TO SUBSECTION (1)(i) OF THIS SECTION, A COURT SHALL SENTENCE THE DEFENDANT IN ACCORDANCE WITH SECTION 18-1.3-406. A PREVIOUS CONVICTION MUST BE SET FORTH IN THE COMPLAINT, INDICTMENT, OR INFORMATION FOR THE PRESENT ACT.

**SECTION 2. Act subject to petition - effective date - applicability.** (1) This act takes effect September 1, 2026; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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James Rashad Coleman, Sr.  
PRESIDENT OF  
THE SENATE

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Vanessa Reilly  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Esther van Mourik  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO