

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1076.01 Richard Sweetman x4333

SENATE BILL 18-185

SENATE SPONSORSHIP

Smallwood,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE USE OF DEADLY PHYSICAL FORCE AGAINST A PERSON
102 WHO HAS MADE AN ILLEGAL ENTRY INTO A PLACE OF BUSINESS.

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 extends the right to use deadly force against an intruder under certain conditions to include owners, managers, and employees of a business.

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

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

1 **SECTION 1.** In Colorado Revised Statutes, 18-1-704.5, **amend**
2 (1), (2), (3), and (4) as follows:

3 **18-1-704.5. Use of deadly physical force against an intruder.**

4 (1) The general assembly hereby recognizes that the citizens of Colorado
5 have a right to expect absolute safety within their ~~own homes~~ DWELLINGS
6 AND PLACES OF BUSINESS.

7 (2) Notwithstanding the provisions of section 18-1-704, any
8 occupant of a dwelling AND ANY OWNER, MANAGER, OR EMPLOYEE OF A
9 PLACE OF BUSINESS is justified in using any degree of physical force,
10 including deadly physical force, against another person when that other
11 person has made an unlawful entry into the dwelling OR PLACE OF
12 BUSINESS, and when the occupant OR THE OWNER, MANAGER, OR
13 EMPLOYEE has a reasonable belief that such other person has committed
14 a crime in the dwelling OR PLACE OF BUSINESS in addition to the uninvited
15 entry, or is committing or intends to commit a crime against a person or
16 property in addition to the uninvited entry, and when the occupant
17 reasonably believes that ~~such~~ THE other person might use any physical
18 force, no matter how slight, against any occupant OF THE DWELLING OR
19 PLACE OF BUSINESS.

20 (3) Any occupant of a dwelling AND ANY OWNER, MANAGER, OR
21 EMPLOYEE OF A PLACE OF BUSINESS using physical force, including deadly
22 physical force, in accordance with the provisions of subsection (2) of this
23 section ~~shall be~~ IS immune from criminal prosecution for the use of such
24 force.

25 (4) Any occupant of a dwelling AND ANY OWNER, MANAGER, OR
26 EMPLOYEE OF A PLACE OF BUSINESS using physical force, including deadly
27 physical force, in accordance with the provisions of subsection (2) of this

1 section shall be IS immune from any civil liability for injuries or death
2 resulting from the use of such force.

3 **SECTION 2.** In Colorado Revised Statutes, **amend** 18-1-705 as
4 follows:

5 **18-1-705. Use of physical force in defense of premises.** A
6 person in possession or control of any building, realty, or other premises,
7 or a person who is licensed or privileged to be thereon, is justified in
8 using reasonable and appropriate physical force upon another person
9 when and to the extent that it is reasonably necessary to prevent or
10 terminate what he OR SHE reasonably believes to be the commission or
11 attempted commission of an unlawful trespass by the other person in or
12 upon the building, realty, or premises. However, he OR SHE may use
13 deadly force only in defense of himself OR HERSELF or another as
14 described in ~~section 18-1-704~~ SECTIONS 18-1-704 AND 18-1-704.5, or
15 when he OR SHE reasonably believes it necessary to prevent what he OR
16 SHE reasonably believes to be an attempt by the trespasser to commit first
17 degree arson.

18 **SECTION 3.** In Colorado Revised Statutes, **amend** 18-1-706 as
19 follows:

20 **18-1-706. Use of physical force in defense of property.** A
21 person is justified in using reasonable and appropriate physical force upon
22 another person when and to the extent that he OR SHE reasonably believes
23 it necessary to prevent what he OR SHE reasonably believes to be an
24 attempt by the other person to commit theft, criminal mischief, or
25 criminal tampering involving property, but he OR SHE may use deadly
26 physical force under these circumstances only in defense of himself OR
27 HERSELF or another as described in ~~section 18-1-704~~ SECTIONS 18-1-704

1 AND 18-1-704.5.

2 **SECTION 4. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.