

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1059.01 Michael Dohr x4347

SENATE BILL 18-199

SENATE SPONSORSHIP

Priola and Martinez Humenik,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING INCREASING THE PENALTY FOR ASSAULT ON A PEACE
102 OFFICER.

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 increases the penalty level for an assault on a peace officer by one class and requires the court to sentence the defendant to incarceration for at least the maximum sentence and up to 2.5 times the maximum sentence.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-202, **amend**
3 (2)(b); and **add** (2)(a.5) as follows:

4 **18-3-202. Assault in the first degree.** (2) (a.5) IF ASSAULT IN
5 THE FIRST DEGREE IS COMMITTED AGAINST A PEACE OFFICER, IT IS A CLASS
6 2 FELONY, AND THE COURT SHALL SENTENCE THE DEFENDANT TO THE
7 DEPARTMENT OF CORRECTIONS FOR A TERM OF INCARCERATION OF AT
8 LEAST THE MAXIMUM, BUT NOT MORE THAN TWO AND ONE-HALF TIMES
9 THE MAXIMUM, OF THE PRESUMPTIVE RANGE PROVIDED FOR SUCH OFFENSE
10 IN SECTION 18-1.3-401 (1)(a), AS MODIFIED FOR AN EXTRAORDINARY RISK
11 CRIME PURSUANT TO SECTION 18-1.3-401 (10).

12 (b) If assault in the first degree is committed without the
13 circumstances provided in ~~paragraph (a) of this subsection (2)~~
14 SUBSECTION (2)(a) OR (2)(a.5) OF THIS SECTION, it is a class 3 felony.

15 **SECTION 2.** In Colorado Revised Statutes, 18-3-203, **amend**
16 (2)(b); and **add** (2)(a.5) as follows:

17 **18-3-203. Assault in the second degree.** (2) (a.5) IF ASSAULT IN
18 THE SECOND DEGREE IS COMMITTED AGAINST A PEACE OFFICER, IT IS A
19 CLASS 3 FELONY, AND THE COURT SHALL SENTENCE THE DEFENDANT TO
20 THE DEPARTMENT OF CORRECTIONS FOR A TERM OF INCARCERATION OF AT
21 LEAST THE MAXIMUM, BUT NOT MORE THAN TWO AND ONE-HALF TIMES
22 THE MAXIMUM, OF THE PRESUMPTIVE RANGE PROVIDED FOR SUCH OFFENSE
23 IN SECTION 18-1.3-401 (1)(a), AS MODIFIED FOR AN EXTRAORDINARY RISK
24 CRIME PURSUANT TO SECTION 18-1.3-401 (10).

25 (b) If assault in the second degree is committed without the
26 circumstances provided in ~~paragraph (a) of this subsection (2)~~
27 SUBSECTION (2)(a), (2)(a.5), OR (2)(b.5) OF THIS SECTION, it is a class 4

1 felony.

2 **SECTION 3.** In Colorado Revised Statutes, 18-3-204, **amend** (3)
3 as follows:

4 **18-3-204. Assault in the third degree.** (3) Assault in the third
5 degree is a class 1 misdemeanor and is an extraordinary risk crime that is
6 subject to the modified sentencing range specified in section 18-1.3-501
7 (3); EXCEPT THAT, IF THE ASSAULT IN THE THIRD DEGREE IS COMMITTED
8 AGAINST A PEACE OFFICER, IT IS A CLASS 6 FELONY AND THE COURT SHALL
9 SENTENCE THE DEFENDANT TO JAIL FOR A TERM OF INCARCERATION OF AT
10 LEAST THE MAXIMUM, BUT NOT MORE THAN TWO AND ONE-HALF TIMES
11 THE MAXIMUM, OF THE PRESUMPTIVE RANGE PROVIDED FOR SUCH OFFENSE
12 IN SECTION 18-1.3-501 (1)(a), AS MODIFIED FOR AN EXTRAORDINARY RISK
13 CRIME PURSUANT TO SECTION 18-1.3-501 (3).

14 **SECTION 4. Potential appropriation.** Pursuant to section
15 2-2-703, C.R.S., any bill that results in a net increase in periods of
16 imprisonment in state correctional facilities must include an appropriation
17 of money that is sufficient to cover any increased capital construction, any
18 operational costs, and increased parole costs that are the result of the bill
19 for the department of corrections in each of the first five years following
20 the effective date of the bill. Because this act may increase periods of
21 imprisonment, this act may require a five-year appropriation.

22 **SECTION 5. Effective date - applicability.** This act takes effect
23 July 1, 2018, and applies to offenses committed on or after said date.

24 **SECTION 6. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.