

HB1264_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB16-1264 be amended as follows:

1 Amend printed bill, page 2, strike lines 2 through 17 and substitute:

2 "SECTION 1. In Colorado Revised Statutes, 18-1-707, add (2.5)
3 as follows:

4 18-1-707. Use of physical force in making an arrest or in
5 preventing an escape - definitions. (2.5) (a) A PEACE OFFICER IS
6 JUSTIFIED IN USING A CHOKEHOLD UPON ANOTHER PERSON FOR THE
7 PURPOSES SPECIFIED IN SUBSECTION (1) OF THIS SECTION ONLY WHEN HE
8 OR SHE REASONABLY BELIEVES THAT IT IS NECESSARY:

9 (I) TO DEFEND HIMSELF OR HERSELF OR A THIRD PERSON FROM
10 WHAT HE OR SHE REASONABLY BELIEVES TO BE THE USE OR IMMINENT USE
11 OF DEADLY PHYSICAL FORCE OR INFLICTION OF SERIOUS BODILY INJURY;
12 OR

13 (II) TO EFFECT AN ARREST, OR TO PREVENT THE ESCAPE FROM
14 CUSTODY, OF A PERSON WHOM HE OR SHE REASONABLY BELIEVES:

15 (A) HAS COMMITTED OR ATTEMPTED TO COMMIT A FELONY
16 INVOLVING OR THREATENING THE USE OF A DEADLY WEAPON; OR

17 (B) IS ATTEMPTING TO ESCAPE BY THE USE OF DEADLY FORCE; OR

18 (C) INDICATES, EXCEPT THROUGH A MOTOR VEHICLE, THAT HE OR
19 SHE IS LIKELY TO ENDANGER HUMAN LIFE OR TO INFLICT SERIOUS BODILY
20 INJURY TO ANOTHER UNLESS HE OR SHE IS APPREHENDED WITHOUT DELAY.

21 (b) FOR THE PURPOSES OF THIS SUBSECTION, "CHOKEHOLD" MEANS
22 A METHOD BY WHICH A PERSON HOLDS ANOTHER PERSON BY PUTTING HIS
23 OR HER ARM AROUND THE OTHER PERSON'S NECK WITH SUFFICIENT
24 PRESSURE TO MAKE BREATHING DIFFICULT OR IMPOSSIBLE AND INCLUDES,
25 BUT IS NOT LIMITED TO, ANY PRESSURE TO THE THROAT OR WINDPIPE,
26 WHICH MAY PREVENT OR HINDER BREATHING OR REDUCE INTAKE OF AIR."

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