

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 10, 2016  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB16-1264 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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 INFLECTION 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

1 OR HER ARM AROUND THE OTHER PERSON'S NECK WITH SUFFICIENT  
2 PRESSURE TO MAKE BREATHING DIFFICULT OR IMPOSSIBLE AND INCLUDES,  
3 BUT IS NOT LIMITED TO, ANY PRESSURE TO THE THROAT OR WINDPIPE,  
4 WHICH MAY PREVENT OR HINDER BREATHING OR REDUCE INTAKE OF AIR."

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