

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 18-1076.01 Richard Sweetman x4333

**SENATE BILL 18-185**

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**SENATE SPONSORSHIP**

**Smallwood,**

**HOUSE SPONSORSHIP**

**Everett,**

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**Senate Committees**  
Judiciary

**House Committees**

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**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.**

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**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.

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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.

SENATE  
2nd Reading Unamended  
March 28, 2018

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.