

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1215.01 Michael Dohr x4347

SENATE BILL 18-278

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SENATE SPONSORSHIP

Priola and Martinez Humenik,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Finance

House Committees

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A BILL FOR AN ACT

101 CONCERNING INCREASING THE PENALTY FOR ASSAULT ON CERTAIN  
102 FIRST RESPONDERS.

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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 increases the penalty level for a second degree on a peace officer or firefighter by one class.

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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.

1           **SECTION 1.** In Colorado Revised Statutes, 18-3-203, **amend**  
2 (2)(b); and **add** (2)(a.5) as follows:

3           **18-3-203. Assault in the second degree - definition.**

4 (2) (a.5) (I) IF ASSAULT IN THE SECOND DEGREE IS COMMITTED AGAINST  
5 A FIREFIGHTER, AS DEFINED IN SECTION 18-3-201 (1.5), OR A PEACE  
6 OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES,  
7 AND THE PERSON WHO COMMITTED THE ASSAULT IN THE SECOND DEGREE  
8 KNEW OR REASONABLY SHOULD HAVE KNOWN THE PERSON IS A  
9 FIREFIGHTER OR PEACE OFFICER, IT IS A CLASS 3 FELONY.

10           (II) FOR PURPOSES OF THIS SUBSECTION (2)(a.5), "PEACE OFFICER"  
11 MEANS A PEACE OFFICER DESCRIBED IN SECTION 16-2.5-103, 16-2.5-105,  
12 16-2.5-106, 16-2.5-107, 16-2.5-108, 16-2.5-110, 16-2.5-114, 16-2.5-120,  
13 16-2.5-131, 16-2.5-135, 16-2.5-136, 16-2.5-137, 16-2.5-138, 16-2.5-139,  
14 16-2.5-140, 16-2.5-141, 16-2.5-144, 16-2.5-146, 16-2.5-147, 16-2.5-148,  
15 16-2.5-150, OR 16-2.5-151.

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

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

1           **SECTION 3. Effective date - applicability.** This act takes effect  
2 July 1, 2018, and applies to offenses committed on or after said date.

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