

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0776.01 Owen Hatch x2698

HOUSE BILL 25-1227

HOUSE SPONSORSHIP

Hartsook,

SENATE SPONSORSHIP

Frizell,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MODIFYING ASSAULT IN THE SECOND DEGREE.

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>.)

Current law makes it a felony to assault an emergency medical care provider while they are performing emergency medical care. The bill expands the statute to make it a felony to assault an emergency medical care provider while they are providing any function related to medical care.

The bill lowers the mental state required for conviction from intentionally causes bodily injury to knowingly causes bodily injury for the crime of preventing certain public servants from performing a lawful

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

duty.

Current case law holds that the general assembly has not clarified whether second degree assault by strangulation could be charged as crime of violence subject to mandatory incarceration. The bill clarifies that strangulation by means of a deadly weapon, including a person's body parts, may be charged as crime of violence subject to mandatory incarceration. The bill requires the prosecution to allege and prove beyond a reasonable doubt that the defendant used a deadly weapon while committing second degree assault by strangulation.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-201, **amend** the
3 introductory portion and (1) as follows:

4 **18-3-201. Definitions.** As used in ~~sections 18-3-201~~ THIS SECTION
5 AND SECTIONS 18-3-202 to 18-3-204, unless the context otherwise
6 requires:

7 (1) "Emergency medical care provider" means a doctor, intern,
8 nurse, ~~nurse's~~ NURSE aide, ~~physician's~~ PHYSICIAN assistant, ambulance
9 attendant or operator, air ambulance pilot, paramedic, or any other
10 member of a hospital or health-care facility staff or security force who is
11 involved in providing ~~emergency~~ ANY FUNCTION RELATED TO medical
12 care at a hospital or health-care facility, or in an air ambulance or
13 ambulance as defined in section 25-3.5-103. ~~(1) and (1.5), C.R.S.~~

14 **SECTION 2.** In Colorado Revised Statutes, 18-3-203, **amend**
15 (1)(c), (1)(c.5), and (2)(c)(II); and **add** (2)(c)(III) as follows:

16 **18-3-203. Assault in the second degree.** (1) A person commits
17 the crime of assault in the second degree if:

18 (c) With intent to prevent one whom ~~he or she~~ A PERSON knows,
19 or should know, to be a peace officer, firefighter, emergency medical care
20 provider, or emergency medical service provider from performing a

1 lawful duty, ~~he or she intentionally~~ THE PERSON KNOWINGLY causes
2 bodily injury to ~~any~~ ANOTHER person; or

3 (c.5) With intent to prevent one whom ~~he or she~~ A PERSON knows,
4 or should know, to be a peace officer, firefighter, or emergency medical
5 service provider from performing a lawful duty, ~~he or she~~ THE PERSON
6 intentionally causes serious bodily injury to ~~any~~ ANOTHER person; or

7 (2) (c) (II) If a defendant is convicted of assault in the second
8 degree pursuant to subsection (1)(b), ~~(1)(c)~~, (1)(c.5), (1)(d), or (1)(g) of
9 this section, the court shall sentence the defendant in accordance with
10 section 18-1.3-406; except that, notwithstanding the provisions of section
11 18-1.3-406, the court is not required to sentence the defendant to the
12 department of corrections for a mandatory term of incarceration.

13 (III) IF A DEFENDANT IS CONVICTED OF ASSAULT IN THE SECOND
14 DEGREE PURSUANT TO SUBSECTION (1)(i) OF THIS SECTION AND A DEADLY
15 WEAPON IS USED, THE COURT SHALL SENTENCE THE DEFENDANT IN
16 ACCORDANCE WITH SECTION 18-1.3-406. A BODY PART MAY CONSTITUTE
17 A DEADLY WEAPON. THE ITEM, INCLUDING A BODY PART, MUST BE
18 SPECIFICALLY ALLEGED AS A DEADLY WEAPON AND PROVEN TO BE A
19 DEADLY WEAPON BEYOND A REASONABLE DOUBT.

20 **SECTION 3. Act subject to petition - effective date -**
21 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
22 the expiration of the ninety-day period after final adjournment of the
23 general assembly; except that, if a referendum petition is filed pursuant
24 to section 1 (3) of article V of the state constitution against this act or an
25 item, section, or part of this act within such period, then the act, item,
26 section, or part will not take effect unless approved by the people at the
27 general election to be held in November 2026 and, in such case, will take

1 effect on the date of the official declaration of the vote thereon by the
2 governor.

3 (2) This act applies to offenses committed on or after September
4 1, 2025, or if this act takes effect after approved by the people at the
5 general election to be held in November 2026, this act applies to offenses
6 committed on or after the effective date of this act.