

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0006.01 Richard Sweetman x4333

HOUSE BILL 19-1022

HOUSE SPONSORSHIP

Sandridge,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

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.**

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 physical force against an intruder under certain conditions to include owners, managers, and employees of a business.

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, 18-1-704.5, **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 OR
17 OWNER, MANAGER, OR EMPLOYEE reasonably believes that ~~such~~ THE other
18 person might use any physical force, no matter how slight, against any
19 occupant OF THE DWELLING OR OWNER, MANAGER, OR EMPLOYEE OF THE
20 PLACE OF BUSINESS.

21 (3) Any occupant of a dwelling AND ANY OWNER, MANAGER, OR
22 EMPLOYEE OF A PLACE OF BUSINESS using physical force, including deadly
23 physical force, in accordance with ~~the provisions of~~ subsection (2) of this
24 section ~~shall be~~ IS immune from criminal prosecution for the use of such
25 force.

26 (4) Any occupant of a dwelling AND ANY OWNER, MANAGER, OR
27 EMPLOYEE OF A PLACE OF BUSINESS using physical force, including deadly

1 physical force, in accordance with ~~the provisions of~~ subsection (2) of this
2 section ~~shall be~~ IS immune from any civil liability for injuries or death
3 resulting from the use of such force.

4 **SECTION 2.** In Colorado Revised Statutes, 18-1-704, **amend** (2)
5 introductory portion as follows:

6 **18-1-704. Use of physical force in defense of a person.**

7 (2) EXCEPT AS DESCRIBED IN SECTION 18-1-704.5, deadly physical force
8 may be used only if a person reasonably believes a lesser degree of force
9 is inadequate and:

10 **SECTION 3.** In Colorado Revised Statutes, **amend** 18-1-705 as
11 follows:

12 **18-1-705. Use of physical force in defense of premises.** A

13 person in possession or control of any building, realty, or other premises,
14 or a person who is licensed or privileged to be thereon, is justified in
15 using reasonable and appropriate physical force upon another person
16 when and to the extent that it is reasonably necessary to prevent or
17 terminate what he OR SHE reasonably believes to be the commission or
18 attempted commission of an unlawful trespass by the other person in or
19 upon the building, realty, or premises. However, he OR SHE may use
20 deadly PHYSICAL force only in defense of himself OR HERSELF or another
21 as described in section 18-1-704, AS AUTHORIZED IN SECTION 18-1-704.5,
22 or when he OR SHE reasonably believes it necessary to prevent what he OR
23 SHE reasonably believes to be an attempt by the trespasser to commit first
24 degree arson.

25 **SECTION 4.** In Colorado Revised Statutes, **amend** 18-1-706 as
26 follows:

27 **18-1-706. Use of physical force in defense of property.** A

1 person is justified in using reasonable and appropriate physical force upon
2 another person when and to the extent that he OR SHE reasonably believes
3 it necessary to prevent what he OR SHE reasonably believes to be an
4 attempt by the other person to commit theft, criminal mischief, or
5 criminal tampering involving property, but he OR SHE may use deadly
6 physical force under these circumstances only in defense of himself OR
7 HERSELF or another as described in ~~section 18-1-704~~ SECTIONS 18-1-704
8 AND 18-1-704.5.

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