

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0345.01 Jerry Barry x4341

HOUSE BILL 16-1080

HOUSE SPONSORSHIP

Foote and Landgraf,

SENATE SPONSORSHIP

Cooke and Johnston, Newell

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ASSAULT BY STRANGULATION.

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://www.leg.state.co.us/billsummaries>.)

The bill adds intentionally causing serious bodily injury through strangulation as a means of committing the crime of first degree assault and intentionally causing bodily injury through strangulation as a means of committing second degree assault. The bill designates the new means of second degree assault as an extraordinary risk crime increasing the maximum presumptive sentence range.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-202, **add** (1) (g)
3 as follows:

4 **18-3-202. Assault in the first degree.** (1) A person commits the
5 crime of assault in the first degree if:

6 (g) WITH THE INTENT TO CAUSE SERIOUS BODILY INJURY, HE OR
7 SHE IMPEDES OR RESTRICTS THE BREATHING OR CIRCULATION OF THE
8 BLOOD OF ANOTHER PERSON BY APPLYING PRESSURE TO THE NECK OR BY
9 BLOCKING THE NOSE OR MOUTH OF THE OTHER PERSON AND THEREBY
10 CAUSES SERIOUS BODILY INJURY.

11 **SECTION 2.** In Colorado Revised Statutes, 18-3-203, **amend** (1)
12 (h) and (2) (c) (I); and **add** (1) (i) as follows:

13 **18-3-203. Assault in the second degree.** (1) A person commits
14 the crime of assault in the second degree if:

15 (h) With intent to infect, injure, or harm another person whom the
16 actor knows or reasonably should know to be engaged in the performance
17 of his or her duties as a peace officer, a firefighter, an emergency medical
18 care provider, or an emergency medical service provider, he or she causes
19 such person to come into contact with blood, seminal fluid, urine, feces,
20 saliva, mucus, vomit, or any toxic, caustic, or hazardous material by any
21 means, including by throwing, tossing, or expelling such fluid or material;
22 OR

23 (i) WITH THE INTENT TO CAUSE BODILY INJURY, HE OR SHE
24 IMPEDES OR RESTRICTS THE BREATHING OR CIRCULATION OF THE BLOOD
25 OF ANOTHER PERSON BY APPLYING PRESSURE TO THE NECK OR BY
26 BLOCKING THE NOSE OR MOUTH OF THE OTHER PERSON AND THEREBY
27 CAUSES BODILY INJURY.

1 (2) (c) (I) If a defendant is convicted of assault in the second
2 degree pursuant to paragraph (b), (c.5), (d), ~~or~~ (g), OR (i) of subsection (1)
3 of this section or paragraph (b.5) of this subsection (2), except with
4 respect to sexual assault or sexual assault in the first degree as it existed
5 prior to July 1, 2000, the court shall sentence the defendant in accordance
6 with the provisions of section 18-1.3-406. A defendant convicted of
7 assault in the second degree pursuant to paragraph (b.5) of this subsection
8 (2) with respect to sexual assault or sexual assault in the first degree as it
9 existed prior to July 1, 2000, shall be sentenced in accordance with
10 section 18-1.3-401 (8) (e) or (8) (e.5).

11 **SECTION 3.** In Colorado Revised Statutes, 18-1.3-401, **amend**
12 (10) (b) (XVI) and (10) (b) (XVII); and **add** (10) (b) (XVIII) as follows:

13 **18-1.3-401. Felonies classified - presumptive penalties.**
14 (10) (b) Crimes that present an extraordinary risk of harm to society shall
15 include the following:

16 (XVI) A class 3 felony offense of human trafficking for
17 involuntary servitude, as described in section 18-3-503; ~~and~~

18 (XVII) A class 3 felony offense of human trafficking for sexual
19 servitude, as described in section 18-3-504; AND

20 (XVIII) ASSAULT IN THE SECOND DEGREE, AS DESCRIBED IN
21 SECTION 18-3-203 (1) (i).

22 **SECTION 4. Potential appropriation.** Pursuant to section
23 2-2-703, C.R.S., any bill that results in a net increase in periods of
24 imprisonment in state correctional facilities must include an appropriation
25 of money that is sufficient to cover any increased capital construction and
26 operational costs for the first five fiscal years in which there is a fiscal
27 impact. Because this act may increase periods of imprisonment, this act

1 may require a five-year appropriation.

2 **SECTION 5. Effective date - applicability.** This act takes effect
3 July 1, 2016, and applies to offenses committed on or after said date.

4 **SECTION 6. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.