

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 11-0006.01 Michael Dohr

HOUSE BILL 11-1105

HOUSE SPONSORSHIP

Acree, Balmer, Barker, Baumgardner, Court, Fields, Holbert, Joshi, Kagan, Kerr J., Looper, Massey, McCann, Priola, Todd

SENATE SPONSORSHIP

White, Kopp, King S., Tochtrop

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ASSAULTS AGAINST MEDICAL CARE PROVIDERS.**

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>.)

Under current law, if a person is convicted of third degree assault and the victim is a peace officer, emergency medical technician, or firefighter, the court must impose a mandatory jail term that exceeds the maximum, but is no more than twice the maximum for a class 1 misdemeanor. The bill adds hospital workers to the category of victims that trigger the enhanced sentencing.

Under current law, it is third degree assault to throw various bodily

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.*

fluids at a peace officer, emergency medical technician, or firefighter. The bill adds hospital workers to that list.

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

2 **SECTION 1.** 18-1.3-501 (1.5), Colorado Revised Statutes, is
3 amended to read:

4 **18-1.3-501. Misdemeanors classified - penalties.** (1.5) (a) If a
5 defendant is convicted of assault in the third degree pursuant to section
6 18-3-204 and the victim is a peace officer, emergency medical technician,
7 MEDICAL CARE PROVIDER, or firefighter engaged in the performance of his
8 or her duties, notwithstanding the provisions of subsection (1) of this
9 section, the court shall sentence the defendant to a term of imprisonment
10 greater than the maximum sentence but no more than twice the maximum
11 sentence authorized for the same crime when the victim is not a peace
12 officer, emergency medical technician, MEDICAL CARE PROVIDER, or
13 firefighter engaged in the performance of his or her duties. In addition to
14 such term of imprisonment, the court may impose a fine on the defendant
15 pursuant to subsection (1) of this section.

16 (b) As used in this section, "peace officer, emergency medical
17 technician, MEDICAL CARE PROVIDER, or firefighter engaged in the
18 performance of his or her duties" means a peace officer as described in
19 section 16-2.5-101, C.R.S., emergency medical technician as defined in
20 part 1 of article 3.5 of title 25, C.R.S., MEDICAL CARE PROVIDER AS
21 DEFINED BY SECTION 18-3-204 (4), or a firefighter as defined in section
22 18-3-201 (1), who is engaged or acting in, or who is present for the
23 purpose of engaging or acting in, the performance of any duty, service, or
24 function imposed, authorized, required, or permitted by law to be
25 performed by a peace officer, emergency medical technician, MEDICAL

1 CARE PROVIDER, or firefighter, whether or not the peace officer,
2 emergency medical technician, MEDICAL CARE PROVIDER, or firefighter
3 is within the territorial limits of his or her jurisdiction, if the peace officer,
4 emergency medical technician, MEDICAL CARE PROVIDER, or firefighter
5 is in uniform or the person committing an assault upon or offense against
6 or otherwise acting toward such peace officer, emergency medical
7 technician, MEDICAL CARE PROVIDER, or firefighter knows or reasonably
8 should know that the victim is a peace officer, emergency medical
9 technician, MEDICAL CARE PROVIDER, or firefighter or if the peace officer,
10 emergency medical technician, MEDICAL CARE PROVIDER, or firefighter
11 is intentionally assaulted in retaliation for the performance of his or her
12 official duties.

13 **SECTION 2.** 18-3-204 (1) (b), Colorado Revised Statutes, is
14 amended, and the said 18-3-204 is further amended BY THE ADDITION
15 OF A NEW SUBSECTION, to read:

16 **18-3-204. Assault in the third degree.** (1) A person commits
17 the crime of assault in the third degree if:

18 (b) The person, with intent to infect, injure, harm, harass, annoy,
19 threaten, or alarm another person whom the actor knows or reasonably
20 should know to be a peace officer, a firefighter, A MEDICAL CARE
21 PROVIDER, or an emergency medical technician, causes such other person
22 to come into contact with blood, seminal fluid, urine, feces, saliva,
23 mucus, vomit, or any toxic, caustic, or hazardous material by any means,
24 including but not limited to throwing, tossing, or expelling such fluid or
25 material.

26 (4) "MEDICAL CARE PROVIDER" MEANS DOCTORS, RESIDENTS,
27 INTERNS, NURSES, NURSES' AIDES, AMBULANCE ATTENDANTS AND

1 OPERATORS, PARAMEDICS, AND MEMBERS OF A HOSPITAL SECURITY FORCE.

2 **SECTION 3. Act subject to petition - effective date.** This act
3 shall take effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part shall not take effect
9 unless approved by the people at the general election to be held in
10 November 2012 and shall take effect on the date of the official
11 declaration of the vote thereon by the governor.