

**HB-1048 "Use of Deadly Physical Force against a Business Intruder"**

The Colorado Fraternal Order of Police represents thousands of line officers across Colorado. Our membership is primarily the men and women who work the streets and enforce the laws of the state. Our position in support of HB-1048 is offered from their perspective.

The Colorado Fraternal Order of Police supports amending current statute extending the right to use deadly force against an unlawful intruder to include owners, managers, and employees of businesses under the same set of legal circumstances currently in place for dwellings. HB-1048 will extend immunity from prosecution to business owners, managers and employees who kill or injure anyone who unlawfully enters the business if reasonable belief exists that the intruder will commit a crime and will use physical force against the business person.

In 1985 the Colorado State Legislature codified the "Castle Doctrine" with the enactment of CRS 18-1-704.5 authorizing the use of any degree of force, including deadly force, by any occupant of a dwelling in defense of oneself if the occupant reasonably believes the intruder will commit a crime and will use physical force, no matter how slight against the occupant. The law provides that any person utilizing force under the components of the statute shall be immune from prosecution.

In recent years legislative efforts have been made to extend this statute to include places of business. These efforts have not been successful. Many of the same opposition arguments from 1985 have been expressed as reasons for rejecting previous attempts to broaden the current statute.

Opposition arguments to the original enactment expressed warnings over unintended consequences and the potential abuse that may result. In the 27 years since its enactment the law has been tested many times.

All of the fears and warnings concerning abuse of the law never materialized. For all intents and purposes the law has worked as it was intended. We have no reason to believe that extending current statute to cover places of business will see any different results.

One of the most compelling opposition arguments offered is that under existing Colorado law persons have the right to use any reasonable degree of force against another person under a variety of specific legal circumstances which warrant self-defense. That application of self-defense is based on reasonable belief that an event is occurring, or is about to occur, that would require force in defense of oneself or another.

We do not disagree with that argument in regards to the ability to legally use force in appropriate circumstances. However we believe that it was the legislative intent of this body 27 years ago, when it enacted 18-1-704.5, not to further victimize the victim with exposure to potential criminal prosecution for actions taken in defense of themselves and others.

We strongly support the principal of that legislative intent, and believe that each Coloradan has the right to feel safe and to be immune from criminal prosecution for the use of such force and any civil liability for injuries or death to the criminal perpetrator resulting from the use of such force.

Citizens have a right to expect and feel they are safe in their homes and places of business. We believe that every American has an inherent constitutional right to keep and bear arms; but that right carries with it great responsibility. It is the responsibility of each one of us to ensure we do not abuse that right.

The Colorado Fraternal Order of Police believes that as an owner, manager, or employee of a place of business you should be afforded the right to protect yourself in your place of business against another person when that other person has made an unlawful entry into your business, provided the force is reasonable and appropriate.

Extending the provisions of current law to places of business will not allow a business owner to use deadly force for trivial purposes, but only in self-defense, if an intrusion was occurring or the owner reasonably believes he or she is in real peril. HB-1048 does not provide an avenue to escape prosecution for using force other than under the specific circumstances. For that and the other reasons listed above the Colorado Fraternal Order of Police urges passage of HB-1048.

