



*C.R.S. 18-3-102*

COLORADO REVISED STATUTES

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TITLE 18. CRIMINAL CODE  
ARTICLE 3. OFFENSES AGAINST THE PERSON  
PART 1. HOMICIDE AND RELATED OFFENSES

C.R.S. 18-3-102 (2011)

18-3-102. Murder in the first degree

(1) A person commits the crime of murder in the first degree if:

(a) After deliberation and with the intent to cause the death of a person other than himself, he causes the death of that person or of another person; or

(b) Acting either alone or with one or more persons, he or she commits or attempts to commit arson, robbery, burglary, kidnapping, sexual assault as prohibited by [section 18-3-402](#), sexual assault in the first or second degree as prohibited by [section 18-3-402](#) or [18-3-403](#) as those sections existed prior to July 1, 2000, or a class 3 felony for sexual assault on a child as provided in [section 18-3-405 \(2\)](#), or the crime of escape as provided in [section 18-8-208](#), and, in the course of or in furtherance of the crime that he or she is committing or attempting to commit, or of immediate flight therefrom, the death of a person, other than one of the participants, is caused by anyone; or

(c) By perjury or subornation of perjury he procures the conviction and execution of any innocent person; or

(d) Under circumstances evidencing an attitude of universal malice manifesting extreme indifference to the value of human life generally, he knowingly engages in conduct which creates a grave risk of death to a person, or persons, other than himself, and thereby causes the death of another; or

(e) He or she commits unlawful distribution, dispensation, or sale of a controlled substance to a person under the age of eighteen years on school grounds as provided in [section 18-18-407 \(2\)](#), and the death of such person is caused by the use of such controlled substance; or

(f) The person knowingly causes the death of a child who has not yet attained twelve years of age and the person committing the offense is one in a position of trust with respect to the victim.

(2) It is an affirmative defense to a charge of violating subsection (1) (b) of this

section that the defendant:

- (a) Was not the only participant in the underlying crime; and
  - (b) Did not commit the homicidal act or in any way solicit, request, command, importune, cause, or aid the commission thereof; and
  - (c) Was not armed with a deadly weapon; and
  - (d) Had no reasonable ground to believe that any other participant was armed with such a weapon, instrument, article, or substance; and
  - (e) Did not engage himself in or intend to engage in and had no reasonable ground to believe that any other participant intended to engage in conduct likely to result in death or serious bodily injury; and
  - (f) Endeavored to disengage himself from the commission of the underlying crime or flight therefrom immediately upon having reasonable grounds to believe that another participant is armed with a deadly weapon, instrument, article, or substance, or intended to engage in conduct likely to result in death or serious bodily injury.
- (3) Murder in the first degree is a class 1 felony.
- (4) The statutory privilege between patient and physician and between husband and wife shall not be available for excluding or refusing testimony in any prosecution for the crime of murder in the first degree as described in paragraph (f) of subsection (1) of this section.

TITLE 18. CRIMINAL CODE  
ARTICLE 12. OFFENSES RELATING TO FIREARMS AND WEAPONS  
PART 1. FIREARMS AND WEAPONS - GENERAL

C.R.S. 18-12-102 (2011)

18-12-102. Possessing a dangerous or illegal weapon - affirmative defense

- (1) As used in this section, the term "dangerous weapon" means a firearm silencer, machine gun, short shotgun, short rifle, or ballistic knife.
- (2) As used in this section, the term "illegal weapon" means a blackjack, gas gun, metallic knuckles, gravity knife, or switchblade knife.
- (3) A person who knowingly possesses a dangerous weapon commits a class 5 felony. Each subsequent violation of this subsection (3) by the same person shall be a class 4 felony.
- (4) A person who knowingly possesses an illegal weapon commits a class 1 misdemeanor.
- (5) It shall be an affirmative defense to the charge of possessing a dangerous weapon, or to the charge of possessing an illegal weapon, that the person so

accused was a peace officer or member of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of his duties, or that said person has a valid permit and license for possession of such weapon.