

9.08 - Offenses by or Against Public Officers and Government

Chapter 9.08 - OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

- 9.08.010 Resisting arrest.
- 9.08.020 Obstructing a peace officer or firefighter.
- 9.08.030 Imitating uniform of a police officer.
- 9.08.040 False alarms and false reports.
- 9.08.050 Refusing to aid a police officer.
- 9.08.060 Impersonating a peace officer.
- 9.08.070 Escaping from lawful custody.
- 9.08.080 Aiding or assisting escapes.
- 9.08.090 Failure to obey a lawful order.

9.08.010 Resisting arrest.

A. A person commits the violation of resisting arrest if he knowingly prevents or attempts to prevent a peace officer, acting under color of his official authority, from effecting an arrest of the actor, or another, by:

1. Using or threatening to use physical force or violence against the peace officer or another; or
2. Using any other means which creates a substantial risk of causing bodily injury to the peace officer or another.

B. It is no defense to a prosecution under this section that the peace officer was attempting to make an arrest which in fact was unlawful, if he was acting under color of his official authority, and in attempting to make the arrest he was not resorting to unreasonable or excessive force giving rise to the rights of self defense. A peace officer acts "under color of his official authority" when, in the regular course of assigned duties, he is called upon to make, and does make, a judgment in good faith based upon surrounding facts and circumstances that an arrest should be made by him.

C. The term "peace officer," as used in this section and elsewhere in this chapter, means a police officer in uniform or, if out of uniform, one who has identified himself by exhibiting his credentials as such peace officer to the person whose arrest is attempted. (Ord. 1148-99, 1999; Ord. 347 77, 1977)

9.08.020 Obstructing a peace officer or firefighter.

A. A person commits the violation of obstructing a peace officer or firefighter when, by using or threatening to use violence, force or physical interference, or obstacle, or in any manner, he knowingly obstructs, impairs or hinders the enforcement of the penal law or the preservation of the peace by a peace officer acting under color of his official authority, or knowingly obstructs, impairs or hinders the prevention, control or abatement of fire by a firefighter acting under color of his official authority.

1. To assure that animals used in law enforcement activities are protected from harm, a person commits obstructing a peace officer when, by using or threatening to use violence, force, physical interference, or an obstacle, he or she knowingly obstructs, impairs or hinders any such animal.

B. It is no defense to a prosecution under this section that the peace officer was acting in an illegal manner, if he was acting under color of his official authority as defined in subsection B of section 9.08.010.

C. This section does not apply to obstruction, impairment or hindrance of the making of an arrest. (Ord. 1148-99, 1999; Ord. 779-90, 1990; Ord. 347 77, 1977)

9.08.030 Imitating uniform of a police officer. It is unlawful for any person to counterfeit, imitate, or cause to be counterfeited, imitated, or colorably imitated, the uniform, apparel or insignia of office used by the police department of the city. (Ord. 347 77, 1977)

9.08.040 False alarms and false reports. A person commits false reporting to authorities if:

- A. He knowingly causes a false alarm of fire or other emergency to be transmitted to or within an official or volunteer fire department, ambulance service, or any other government agency which deals with emergencies involving danger to life or property; or
- B. He makes a report or knowingly causes the transmission of a report to law enforcement authorities of a crime or

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other incident within their official concern, when he knows that it did not occur; and

C. He makes a report or knowingly causes the transmission of a report to law enforcement authorities, pretending to furnish information relating to an offense or other incident within their official concern when he knows that he has no such information, or knows that the information is false; or

D. He knowingly provides false identifying information to law enforcement authorities. Identifying information means a persons name, address, birth date, social security number or driver=s license or Colorado identification number. (Ord. 1148-99, 1999: Ord. 347 77, 1977)

9.08.050 Refusing to aid a police officer. A person, eighteen years of age or older, commits the violation of refusing to aid a peace officer when, upon command by a person known to him to be a peace officer, he unreasonably refuses or fails to aid such peace officer in effecting or securing an arrest, or preventing the commission by another of any offense. (Ord. 347 77, 1977)

9.08.060 Impersonating a peace officer. A person who falsely pretends to be a peace officer and performs an act in that pretended capacity commits the violation of impersonating a peace officer. (Ord. 347 77, 1977)

9.08.070 Escaping from lawful custody. A person commits the violation of escape if he escapes or attempts to escape from custody or confinement while under a sentence for a violation of any ordinance or code of the city, or while held for or charged with a violation of any such ordinance or code. (Ord. 347 77, 1977)

9.08.080 Aiding or assisting escapes.

A. Any person who aids, abets or assists another person to escape or attempt to escape from custody or confinement commits the violation of aiding escape.

B. "Escape" is deemed to be a continuing activity commencing with the conception of the design to escape, and continuing until the escapee is returned to custody, or the attempt to escape is thwarted or abandoned. (Ord. 347 77, 1977)

9.08.090 Failure to obey a lawful order.

A. A person commits the offense of failure to obey a lawful order, if he or she knowingly disobeys the lawful or reasonable order of any peace officer or fireman given incident to the discharge of the official duties of such peace officer or fireman when such peace officer or fireman is acting under the color of his or her official authority.

B. It is no defense to prosecution under this section that the peace officer or fireman was acting in an illegal manner, if he or she was acting under the color of his or her official authority as defined in this section.

C. As used in this section, a peace officer or fireman acts under color to official authority when, in the regular course of assigned duties, he or she is called upon to make and does make a judgement in good faith, based upon surrounding facts and circumstances that the order should be made by him or her. (Ord. 1148-99, 1999)

Code Documents



[9.08 - Offenses by or Against Public Officers and Government](#)

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