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## C.R.S. 18-3-207

### Copy Citation

Statutes current through Chapter 307 of the 2021 Regular Session and effective as of June 23, 2021. The inclusion of the 2021 legislation is not final. It will be final later in 2021 after reconciliation with the official statutes, produced by the Colorado Office of Legislative Legal Services.

[Colorado Revised Statutes Annotated](#) [Title 18. Criminal Code \(Arts. 1 – 26\)](#) [Article 3. Offenses Against the Person \(Pts. 1 – 6\)](#) [Part 2. Assaults \(§§ 18-3-201 – 18-3-209\)](#)

### 18-3-207. Criminal extortion - aggravated extortion

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**(1)** A person commits criminal extortion if:

**(a)** The person, without legal authority and with the intent to induce another person against that other person's will to perform an act or to refrain from performing a lawful act, makes a substantial threat to confine or restrain, cause economic hardship or bodily injury to, or damage the property or reputation of, the threatened person or another person; and

**(b)** The person threatens to cause the results described in paragraph (a) of this subsection (1) by:

**(I)** Performing or causing an unlawful act to be performed; or

**(II)** Invoking action by a third party, including, but not limited to, the state or any of its political subdivisions, whose interests are not substantially related to the interests pursued by the person making the threat.

**(1.5)** A person commits criminal extortion if the person, with the intent to induce another person against that other person's will to give the person money or another item of value, or with the intent to induce another person against that other person's will to perform an act or to refrain from performing a lawful act, threatens to report to law enforcement officials the immigration status of the threatened person or another person.

**(2)** A person commits aggravated criminal extortion if, in addition to the acts described in subsection (1) of this section, the person threatens to cause the results described in paragraph (a) of subsection (1) of this section by means of chemical, biological, or harmful radioactive agents, weapons, or poison.

**(3)** For the purposes of this section, "substantial threat" means a threat that is reasonably likely to induce a belief that the threat will be carried out and is one that threatens that



felony. Aggravated criminal extortion, as described in subsection (2) of this section, is a class 3 felony.

## History

### SOURCE:

**Source:** **L. 71:** R&RE, p. 421, § 1. **C.R.S. 1963:** § 40-3-207. **L. 75:** Entire section amended, p. 618, § 8, effective July 21. **L. 81:** Entire section amended, p. 981, § 4, effective May 13; entire section amended, p. 974, § 8, effective July 1. **L. 82:** (2) amended, p. 623, § 17, effective April 2. **L. 94:** Entire section R&RE, p. 1619, § 1, effective May 31. **L. 2006, 1st Ex. Sess.:** (1.5) added and (4) amended, p. 11, § 1, effective July 31.; **L. 2021:** (HB1057), ch. 158, § 1, effective July 1, 2021.

### ▼ Annotations

## State Notes

## Notes

### Editor's note:

Amendments to this section by House Bill 81-1167 and Senate Bill 81-183 were harmonized.

## ANNOTATION

### Law reviews.

For article, "Criminal Law", which discusses a Tenth Circuit decision dealing with extortion, see 62 Den. U. L. Rev. 153 . For article, "2006 Immigration Legislation in Colorado", see 35 Colo. Law. 79 (Oct. 2006).

**This section is applicable to efforts to collect a legally enforceable debt.** *People v. Rosenberg*, 194 Colo. 423, 572 P.2d 1211 (1978).

**This section and § 18-9-111, which classifies harassment as a misdemeanor, address separate and distinct crimes** and the classification of such offenses have a rational basis in fact and are reasonably related to legitimate government interests. *People v. Czemerynski*, 786 P.2d 1100 (Colo. 1990).



unprotected speech. *Whimbush v. People*, 869 P.2d 1245 (Colo. 1994) (decided prior to 1994 repeal and reenactment).

**Statute is facially overbroad** because it also covers constitutionally protected threats of collective action in support of group demands. *Whimbush v. People*, 869 P.2d 1245 (Colo. 1994) (decided prior to 1994 repeal and reenactment).

**A specific intent requirement does not eliminate overbreadth concerns** when the effect associated with the intent provision, here, to induce another to act against his or her will, encompasses a substantial amount of protected activity. *Whimbush v. People*, 869 P.2d 1245 (Colo. 1994) (decided prior to 1994 repeal and reenactment).

**The trial court must vacate defendant's conviction and sentence for criminal extortion** where the statute requires extensive revision to comply with constitutional requirements and rewriting the statute is more appropriately left to the general assembly rather than to the court. *Whimbush v. People*, 869 P.2d 1245 (Colo. 1994) (decided prior to 1994 repeal and reenactment).

**Subsection (1) does not include within its reach protected speech, and therefore, it is not unconstitutionally overbroad.** The legislature repealed and reenacted this section in 1994 with substantial modifications. Thus, the types of protected speech found to be criminalized under the prior statute are no longer included within the definition of extortion. *People v. Campbell*, 174 P.3d 860 (Colo. App. 2007).

**This section gives sufficient notice of the proscribed conduct and is not unconstitutionally vague.** A person of reasonable intelligence could conclude that phone calls made with the intent to threaten the victim is prohibited. *People v. Czemerynski*, 786 P.2d 1100 (Colo. 1990).

**Indictment did not adequately allege a violation of the threat to confine or restrain element of the criminal extortion charge where** it did not allege that sheriff made a substantial threat to confine or restrain an inmate who was already confined as an inmate. The indictment and the bill of particulars alleged only that sheriff threatened to transfer the inmate to another jail if inmate did not agree to work on sheriff's home. *People v. Gallegos*, 260 P.3d 15 (Colo. App. 2010).

Even if evidence of threatened loss of good time would otherwise have been sufficient to establish a violation of the extortion statute, it cannot cure the absence of such a factual allegation in the indictment or bill of particulars. *People v. Gallegos*, 260 P.3d 15 (Colo. App. 2010).

**The threat of litigation does not constitute criminal extortion.** To prove criminal extortion under subsections (1)(a) and (1)(b)(I), a defendant must have made a threat to commit an unlawful act. *People v. Knox*, 2019 COA 152, — P.3d —.

#### **Applied in**

*People v. Hearty*, 644 P.2d 302 (Colo. 1982).



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