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C.R.S. 18-9-109

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 9. Offenses Against Public Peace, Order, and Decency \(Pts. 1 – 3\)](#) [Part 1. Public Peace and Order \(§§ 18-9-101 – 18-9-125\)](#)

Notice

 This section has more than one version with varying effective dates.

18-9-109. Interference with staff, faculty, or students of educational institutions

- (1) No person shall, on or near the premises or facilities of any educational institution, willfully deny to students, school officials, employees, and invitees:
- (a) Lawful freedom of movement on the premises;
 - (b) Lawful use of the property or facilities of the institution;
 - (c) The right of lawful ingress and egress to the institution's physical facilities.
- (2) No person shall, on the premises of any educational institution or at or in any building or other facility being used by any educational institution, willfully impede the staff or faculty of such institution in the lawful performance of their duties or willfully impede a student of the institution in the lawful pursuit of his educational activities through the use of restraint, abduction, coercion, or intimidation or when force and violence are present or threatened.
- (3) No person shall willfully refuse or fail to leave the property of or any building or other facility used by any educational institution upon being requested to do so by the chief administrative officer, his designee charged with maintaining order on the school premises and in its facilities, or a dean of such educational institution, if such person is committing, threatens to commit, or incites others to commit any act which would disrupt, impair,



institution.

(4) It shall be an affirmative defense that the defendant was exercising his right to lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between an educational institution and its employees, any contractor or subcontractor, or any employee thereof.

(5) Any person who violates any of the provisions of this section, except subsection (6) of this section, commits a class 3 misdemeanor.

(6)

(a) A person shall not knowingly make or convey to another person a credible threat to cause death or to cause bodily injury with a deadly weapon against:

(I) A person the actor knows or believes to be a student, school official, or employee of an educational institution; or

(II) An invitee who is on the premises of an educational institution.

(b) For purposes of this subsection (6), "credible threat" means a threat or physical action that would cause a reasonable person to be in fear of bodily injury with a deadly weapon or death.

(c) A person who violates this subsection (6) commits a class 1 misdemeanor.

(7) For purposes of this section, the premises, facilities, and buildings of an educational institution do not include the private residence of a student who is participating in online instruction, as defined in section 22-1-131 (2).

History

SOURCE:

Source: L. 71: R&RE, p. 468, § 1. **C.R.S. 1963:** § 40-9-109. **L. 73:** P. 539, § 8. **L. 2005:** (5) amended and (6) added, p. 1499, § 4, effective July 1.; **L. 2021:** (HB1059), ch. 200, § 3, effective May 28, 2021.

▼ Annotations

State Notes

ANNOTATION

Subsection (2) is not unconstitutionally vague since it gives fair notice of a reasonably narrow range of prohibited conduct, in terms sufficiently precise so that persons of ordinary intelligence need not speculate as to the conduct that is proscribed. People ex rel. J.P.L., 49 P.3d 1209 (Colo. App. 2002).

The plain language of subsection (2) makes clear that the language requiring proof



or intimidation”, or that “force and violence [were] present or threatened”, applies to both the staff-faculty clause and the student clause. People ex rel. C.A.J., 148 P.3d 436 (Colo. App. 2006).

The clause “on or near the premises or facilities of any educational institution”, as used in subsections (1) and (2), refers to the location of the actor who interferes with the staff, faculty, or students, not the location of the disruption resulting from the act. The statute does not apply if the actor interferes with the staff, faculty, or students while the actor is at a different location—for example, a bomb threat phoned in to a school. People ex rel. C.F., 2012 COA 75, 279 P.3d 1231.

Research References & Practice Aids

Cross references:

For affirmative defenses generally, see §§ 18-1-407, 18-1-710, and 18-1-805.

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