



Legal Terms and Common Definitions

The Difference Between Civil and Criminal Charges and Cases

- Criminal offenses are considered to be crimes against the state, and are prosecuted by the state instead of the victim of the crime.
 - o Criminal cases may involve jail time and/or fines.
- Civil cases are cases brought by the wronged individual, and the individual must file that case as a plaintiff.
 - o Civil cases generally only result in monetary damages or orders for the offending party to do or not do something (like restraining orders).
- The same conduct can lead to both criminal and civil trials.

Criminal Hate Crimes in Colorado

- Overview: Colorado has taken broad measures to combat hate crimes, examples of which include graffiti of slurs on property, assault accompanied by slurs, and other general conduct that is based in biases.
- To report a hate crime based off these definitions, contact local authorities or call 911.
- Bias-motivated crimes:
 - o A person commits a bias-motivated crime if, with the intent to intimidate or harass another person based on their actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, or sexual orientation, does one of the following:
 - Knowingly causes bodily injury to another person; OR
 - By words or conduct, knowingly places another person in fear of *imminent* lawless action directed at that person or that person's property, and such words or conduct are likely to produce personal injury or property damage; OR
 - Knowingly causes damage to or destruction of property of another person.
 - o (Colo. Rev. Stat. § 18-9-121)
- Bias-motivated harassment:
 - o A person commits harassment with the intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, national origin, disability or sexual orientation.

- o (Colo. Rev. Stat. § 18-9-121)

Federal Hate Crimes (National)

- The Department of Justice enforces federal hate crimes laws that cover certain crimes committed on the basis of race, color, religion, national origin, sexual orientation, gender, gender identity, or disability. The Department of Justice began prosecuting federal hate crimes cases after the enactment of the Civil Rights Act of 1968. The information below explains current federal hate crimes laws.
- To report federal hate crimes, contact the local FBI office. Generally, this should be pursued if the victim is a business owner, or a fundamental right has been interfered with due to the crime, such as practice of religion, the right to travel between states, employment rights, or the use of public facilities.
- The Shepard Byrd Act
 - o The Shepard Byrd Act makes it a federal crime to willfully cause bodily injury, or attempt to do so using a dangerous weapon, because of the victim's actual or perceived race, color, religion, or national origin. The Act also covers crimes committed because of the actual or perceived religion, national origin, sexual orientation, gender, gender identity, or disability of any person, if the crime affected interstate or foreign commerce or occurred within federal special maritime or territorial jurisdiction.
 - To affect commerce, this includes any crime damaging to businesses dealing in interstate commerce.
- Criminal Interference with Right to Fair Housing
 - o This statute makes it a crime to use or threaten to use force to interfere with housing rights because of the victim's race, color, religion, sex, disability, familial status, or national origin.
- Damage to Religious Property, Church Arson Prevention Act
 - o This statute prohibits the intentional defacement, damage, or destruction of religious real property because of the religious nature of the property, where the crime affects interstate or foreign commerce, or because of the race, color, or ethnic characteristics of the people associated with the property. The statute also criminalizes the intentional obstruction by force, or threat of force, of any person in the enjoyment of that person's free exercise of religious beliefs.
- Violent Interference with Federally Protected Rights
 - o This statute makes it a crime to use or threaten to use force to willfully interfere with a person's participation in a federally protected activity because of race, color, religion, or national origin. Federally protected activities include public education, employment, jury service, travel, or the enjoyment of public accommodations. Under this statute, it is also a crime to use or threaten to use force against those who are assisting and supporting others in participating in these federally protected activities.

- Conspiracy Against Rights
 - o This statute makes it unlawful for two or more persons to conspire to injure, threaten, or intimidate a person in any state, territory, or district in the free exercise or enjoyment of any right or privilege secured to the individual by the U.S. Constitution or the laws of the U.S.

Menacing Law in Colorado

- Overview: Colorado refers to threats or threatening actions as menacing. This also includes attempted assault, where someone tries to harm another but fails for one reason or another.
- Menacing is using actions or threats to knowingly place – or attempt to place – another person in fear of imminent serious bodily injury. In other words, an attempted assault.
 - o Occurs when a person, by threat or physical action, knowingly places or attempts to place another person in fear of imminent serious bodily injury.
 - This includes using items designed to look like and displayed as deadly weapons, such as toy knives or replica firearms, in addition to verbal or physical claims that someone is armed with a deadly weapon.
 - o Examples include:
 - Holding a clenched fist up to someone’s face as if a punch is incoming
 - Throwing a heavy object in the person’s direction
 - Threatening to beat up a person if the person doesn’t move out of the way immediately.
 - o (Colo. Rev. Stat. § 18-3-206.)

Criminal Assault in Colorado

- Overview: Criminal Assault occurs when someone causes another person serious bodily injury. If someone harms another, it will be classified as an assault, as broken down by the following degrees.
- First Degree Assault
 - o Occurs when a person
 - intentionally causes serious bodily injury, often by use or threat of a use of a deadly weapon;
 - acts in an extremely risky way that causes serious bodily harm even if there is no intention to injury;
 - intentionally causes serious injury to an on-duty official that the defendant knows is on-duty, and the defendant threatens the victim with a deadly weapon.
 - o (Colo. Rev. Stat. § § 18-3-202, 18-1.3-401, 18-1.3-406.)
- Second Degree Assault
 - o Occurs when a person:

- intentionally causes bodily injury to another person by means of a deadly weapon;
 - intentionally causes serious bodily injury with no deadly weapon;
 - intentionally causes bodily injury to a peace officer or other protected employee to prevent him or her from performing his or her duties;
 - recklessly causes serious bodily injury to another person by means of a deadly weapon or dangerous substance;
 - causes an on duty official to come into contact with bodily fluids or a toxic chemical, and the person intends to harm that person; OR
 - intentionally causes serious bodily injury to another person.
- o (Colo. Rev. Stat. § § 18-3-203, 18-1.3-401, 18-1.3-406.)
- Third Degree Assault
 - o Occurs when a person
 - knowingly, recklessly, or through criminal negligence causes bodily injury to another person by means of a deadly weapon; OR
 - knowingly threaten, annoy, harass or injure a peace officer or other protected employee with a dangerous substance.
 - o (Colo. Rev. Stat. § 18-3-204.)
- **GENERAL ASSAULT DEFINITIONS:**
 - o A deadly weapon is anything that can cause lethal harm to a person (baseball bat, gun, knife, cars, and even often bare hands).
 - o Negligence is failing to conform one's conduct to a reasonable standard of care to others.
 - o Criminal negligence is being negligent to a reckless degree.