



LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

Colorado Fact Sheet

Obstructing Government Operations

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state and local officials. Below is more information on Colorado's relevant law.

Colorado Criminal Code, § 18-8-102, Obstructing Government Operations

(1) A person commits obstructing government operations if he intentionally obstructs, impairs, or hinders the performance of a governmental function by a public servant, by using or threatening to use violence, force, or physical interference or obstacle.


(2) It shall be an affirmative defense that:

- (a) The obstruction, impairment, or hindrance was of unlawful action by a public servant; or
- (b) The obstruction, impairment, or hindrance was of the making of an arrest; or
- (c) The obstruction, impairment, or hindrance of a governmental function was by lawful activities in connection with a labor dispute with the government.

(3) Obstructing government operations is a class 3 misdemeanor.

Relevant Definitions

Colorado Criminal Code, §18-1-901, Definitions



"Government" includes the United States, any state, county, municipality, or other political unit, any branch, department, agency, or subdivision of any of the foregoing, and any corporation or other entity established by law to carry out any governmental function.

"Governmental function" includes any activity which a public servant is legally authorized to undertake on behalf of government.

"Public servant" means any officer or employee of government, whether elected or appointed, and any person participating as an advisor, consultant, process server, or otherwise in performing a governmental function, but the term does not include witnesses.

Penalties

Colorado Criminal Code, § 18-1.3-501, Misdemeanors Classified

This is a class three misdemeanor. Up to 6 months imprisonment and \$50-\$750 fine.

Summary

A person obstructs government operations if he intentionally obstructs, impairs, or hinders the performance of a governmental function by a public servant, by using or threatening to use violence, force, or physical interference or obstacle. "Government" includes municipalities or other political units. A "public servant" refers to any officer or employee of government and any person who otherwise performs a governmental function.

Template for Notifying Violators

Below is a sample template for notifying individuals regarding their conduct relative to the code.

Colorado Criminal Code § 18-8-102 prohibits the obstructing of government operations. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email to Dr. X, the Secretary of Health for Colorado threatening her if she continued to implement the state's required use of masks.] ***This may constitute a violation of § 18-8-102. If convicted, you face a fine of up to \$750 and imprisonment up to 6 months.***

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*