

West's Colorado Revised Statutes Annotated
Title 18. Criminal Code (Refs & Annos)
Article 2. Inchoate Offenses (Refs & Annos)
Part 1. Attempts (Refs & Annos)

C.R.S.A. § 18-2-101

§ 18-2-101. Criminal attempt

Effective: July 1, 2014

[Currentness](#)

(1) A person commits criminal attempt if, acting with the kind of culpability otherwise required for commission of an offense, he engages in conduct constituting a substantial step toward the commission of the offense. A substantial step is any conduct, whether act, omission, or possession, which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense. Factual or legal impossibility of committing the offense is not a defense if the offense could have been committed had the attendant circumstances been as the actor believed them to be, nor is it a defense that the crime attempted was actually perpetrated by the accused.

(2) A person who engages in conduct intending to aid another to commit an offense commits criminal attempt if the conduct would establish his complicity under [section 18-1-603](#) were the offense committed by the other person, even if the other is not guilty of committing or attempting the offense.

(3) It is an affirmative defense to a charge under this section that the defendant abandoned his effort to commit the crime or otherwise prevented its commission, under circumstances manifesting the complete and voluntary renunciation of his criminal intent.

(3.5) Criminal attempt to commit any crime for which a court is required to sentence a defendant for a crime of violence in accordance with [section 18-1.3-406](#) is itself a crime of violence for the purposes of that section.

(4) Criminal attempt to commit a class 1 felony is a class 2 felony; criminal attempt to commit a class 2 felony is a class 3 felony; criminal attempt to commit a class 3 felony is a class 4 felony; criminal attempt to commit a class 4 felony is a class 5 felony; criminal attempt to commit a class 5 or 6 felony is a class 6 felony.

(5) Criminal attempt to commit a felony which is defined by any statute other than one contained in this title and for which no penalty is specifically provided is a class 6 felony.

(6) Criminal attempt to commit a class 1 misdemeanor is a class 2 misdemeanor.

(7) Criminal attempt to commit a misdemeanor other than a class 1 misdemeanor is a class 3 misdemeanor.

(8) Criminal attempt to commit a petty offense is a crime of the same class as the offense itself.

(9) The provisions of subsections (4) to (8) of this section shall not apply to a person who commits criminal attempt to escape. A person who commits criminal attempt to escape shall be punished as provided in [section 18-8-208.1](#).

(10)(a) Except as otherwise provided by law, criminal attempt to commit a level 1 drug felony is a level 2 drug felony; criminal attempt to commit a level 2 drug felony is a level 3 drug felony; criminal attempt to commit a level 3 drug felony is a level 4 drug felony; and criminal attempt to commit a level 4 drug felony is a level 4 drug felony.

(b) Except as otherwise provided by law, criminal attempt to commit a level 1 drug misdemeanor is a level 2 drug misdemeanor; and criminal attempt to commit a level 2 drug misdemeanor is a level 2 drug misdemeanor.

Credits

Amended by Laws 1975, H.B.1203, § 3; Laws 1976, Ex.Sess., H.B.1007, § 2; Laws 1977, H.B.1654, § 4; [Laws 1989, 1st Ex.Sess., S.B.6, § 11](#); [Laws 1995, H.B.95-1070, § 4, eff. July 1, 1995](#); [Laws 2002, Ch. 318, § 182, eff. Oct. 1, 2002](#); [Laws 2013, Ch. 333, § 66, eff. Oct. 1, 2013](#); [Laws 2014, Ch. 391, § 14, eff. July 1, 2014](#).

C. R. S. A. § 18-2-101, CO ST § 18-2-101

Current through legislation effective May 3, 2019 of the 2019 Regular Session. Some statute sections may be more current. See credits for details.