

# **Bond Case Briefs**

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## **IMMUNITY - COLORADO**

### **Hice v. Giron**

**Supreme Court of Colorado - February 20, 2024 - P.3d - 2024 WL 677222 - 2024 CO 9**

Following chase that police officer began before activating his vehicle's emergency lights, and which ended with vehicle colliding into van, fatally injuring van's driver and passenger, relatives and estate representatives of driver and passenger brought wrongful death action against officer and town.

Defendants asserted immunity defense under the Colorado Governmental Immunity Act (CGIA). The District Court dismissed on the basis of immunity. Relatives and estate representatives appealed. The Court of Appeals reversed, finding that defendants were not entitled to immunity because officer did not activate his lights and siren for the entire time he exceeded speed limit. The Supreme Court granted certiorari review.

The Supreme Court held that:

- To waive immunity under the CGIA, a minimal causal connection was required between fatal injuries and officer's failure to use lights and siren;
- Officer did not violate traffic code without privilege so as to waive immunity under the CGIA;
- Statute providing CGIA immunity "only when" making use of audible or visual signals did not require officer to use lights or sirens as soon as he began speeding; and
- Any statutory discretion afforded police officer not to use lights and siren did not mandate that officer waived immunity under the CGIA.