

NOTE: The governor signed this measure on 2/27/2013.

An Act

HOUSE BILL 13-1014

BY REPRESENTATIVE(S) Levy, Conti, Fields, Gardner, Hullinghorst, McLachlan, Murray, Pabon, Rosenthal, Schafer, Scott, Waller, Wright, Young;
also SENATOR(S) King.

CONCERNING THE TAKING OF NEWSPAPERS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **repeal** 18-4-419.

SECTION 2. In Colorado Revised Statutes, **add** 18-9-314 as follows:

18-9-314. Interference with lawful distribution of newspapers.

(1) A PERSON COMMITS THE OFFENSE OF INTERFERENCE WITH LAWFUL DISTRIBUTION OF NEWSPAPERS WHEN THAT PERSON OBTAINS OR EXERTS UNAUTHORIZED CONTROL OVER MORE THAN FIVE COPIES OF AN EDITION OF A NEWSPAPER FROM A NEWSPAPER DISTRIBUTION CONTAINER OWNED OR LEASED BY THE NEWSPAPER PUBLISHER WITH THE INTENT TO PREVENT OTHER INDIVIDUALS FROM READING THAT EDITION OF THE NEWSPAPER. CONTROL IS UNAUTHORIZED IF THERE IS A NOTICE ON THE NEWSPAPER OR ON THE NEWSPAPER DISTRIBUTION CONTAINER THAT POSSESSION OF MORE THAN

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

FIVE COPIES WITH INTENT TO PREVENT OTHER INDIVIDUALS FROM READING THAT EDITION OF THE NEWSPAPER IS ILLEGAL.

(2) INTERFERENCE WITH LAWFUL DISTRIBUTION OF NEWSPAPERS IS AN UNCLASSIFIED MISDEMEANOR AND SHALL BE PUNISHED BY A FINE OF:

(a) UP TO ONE THOUSAND DOLLARS IF THE NUMBER OF NEWSPAPERS INVOLVED WAS ONE HUNDRED OR FEWER OR THE NUMBER OF NEWSPAPERS INVOLVED WAS NOT DETERMINED;

(b) UP TO TWO THOUSAND FIVE HUNDRED DOLLARS IF THE NUMBER OF NEWSPAPERS INVOLVED WAS MORE THAN ONE HUNDRED AND FEWER THAN FIVE HUNDRED;

(c) UP TO FIVE THOUSAND DOLLARS IF THE NUMBER OF NEWSPAPERS INVOLVED WAS FIVE HUNDRED OR MORE.

(3) AS USED IN THIS SECTION:

(a) "EDITION OF A NEWSPAPER" MEANS A SINGLE PRESS RUN OF A NEWSPAPER.

(b) "NEWSPAPER" MEANS A PERIODICAL THAT INCLUDES NEWS, EDITORIALS, OPINION, FEATURES, OR OTHER MATTERS OF PUBLIC INTEREST DISTRIBUTED ON A COMPLIMENTARY BASIS. "NEWSPAPER" INCLUDES ANY STUDENT PERIODICAL DISTRIBUTED AT ANY INSTITUTION OF HIGHER EDUCATION.

(c) "PERIODICAL" MEANS A PUBLICATION PRODUCED ON A REGULAR INTERVAL.

(4) NOTWITHSTANDING ANY OTHER REMEDIES PROVIDED UNDER THIS SECTION, THE NEWSPAPER PUBLISHER WHO IS THE VICTIM OF INTERFERENCE WITH LAWFUL DISTRIBUTION OF NEWSPAPERS, AN ADVERTISER WHO PLACED AN ADVERTISEMENT IN THE NEWSPAPER, OR A NEWSPAPER READER WHO REGULARLY READS THE NEWSPAPER SHALL HAVE A PRIVATE CIVIL RIGHT OF ACTION AS PROVIDED IN SECTION 13-21-123, C.R.S., AGAINST THE PERSON OR PERSONS WHO ACTED IN VIOLATION OF SUBSECTION (1) OF THIS SECTION.

(5) THIS SECTION SHALL NOT APPLY TO A PERSON WHO, WITH THE

AUTHORITY OR PERMISSION OF THE PERSON WHO POSSESSES REAL OR PERSONAL PROPERTY, REMOVES OR DISPOSES OF NEWSPAPERS THAT HAVE BEEN DEPOSITED IN OR LEFT ON THAT PROPERTY WITHOUT THE AUTHORITY OR PERMISSION OF THE PERSON WHO POSSESSES THE REAL OR PERSONAL PROPERTY.

SECTION 3. In Colorado Revised Statutes, **amend** 13-21-123 as follows:

13-21-123. Civil liability for interference with lawful distribution of newspapers. Notwithstanding any other remedies provided under this section, a newspaper publisher who is the victim of ~~newspaper theft~~ INTERFERENCE WITH LAWFUL DISTRIBUTION OF NEWSPAPERS as described in ~~section 18-4-419~~ SECTION 18-9-314, C.R.S., or who had compensatory newspapers stolen, an advertiser who placed an advertisement in a newspaper that was subject to ~~newspaper theft~~ INTERFERENCE WITH LAWFUL DISTRIBUTION OF NEWSPAPERS or a compensatory newspaper that was stolen, or a newspaper reader who regularly reads a newspaper subject to ~~newspaper theft~~ INTERFERENCE WITH LAWFUL DISTRIBUTION OF NEWSPAPERS or a compensatory newspaper that was stolen shall have a private civil right of action against the party who stole the newspapers. In any such action, the newspaper publisher shall be entitled to actual damages, a civil penalty of ten dollars for each newspaper obtained in violation of ~~section 18-4-419~~ SECTION 18-9-314, C.R.S., and attorney fees and costs, and the advertiser or newspaper reader shall be entitled to actual damages and attorney fees and costs.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

John P. Morse
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO