

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chairman of Committee

March 5, 2003  
Date

Committee on Information & Technology.

After consideration on the merits, the Committee recommends the following:

HB03-1303 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, after line 1, insert the following:
- 2           **"SECTION 1. Legislative declaration.** (1) The general  
3 assembly hereby finds, determines, and declares that:
- 4           (a) Since the original enactment, in 1971, of statutes criminalizing  
5 the theft of telecommunication services, communications technology has  
6 undergone continual and far-reaching changes;
- 7           (b) The last significant revision of these statutes occurred in 1997,  
8 with the advent of cellular telephones;
- 9           (c) In the intervening six years, a host of new wireless devices as  
10 well as an entire new industry, the internet service provider industry, have  
11 developed, so that it may truly be said that a new world of technology has  
12 come on line;
- 13           (d) Almost simultaneously with each such development, thieves  
14 have adapted the new technology to threaten the financial health of  
15 communication service providers, the privacy of consumers, and the  
16 security of on-line commerce; and



1 (e) Therefore, it is necessary once again to revisit and refine  
2 Colorado's statutes dealing with criminal conduct that employs  
3 communications technology.

4 (2) The purpose of this act is to update this state's approach to  
5 telecommunications crime by broadening technical definitions where  
6 necessary, increasing penalties where appropriate, and addressing the  
7 phenomenon of malicious "hacking". This act is not intended to punish  
8 innocent users."

9 Renumber succeeding sections accordingly.

10 Page 3, line 10, strike "SYSTEM" and substitute "DEVICE".

11 Page 5, line 12, before "COMMUNICATION", insert "A";

12 line 18, strike "COMMUNICATION providers." and substitute "providers A  
13 COMMUNICATION SERVICE PROVIDER."

14 Page 6, line 4, after "COMMUNICATION", insert "SERVICE";

15 line 5, after "COMMUNICATION", insert "SERVICE".

16 Page 7, line 1, after "COMMUNICATION", insert "SERVICE";

17 line 18, after "COMMUNICATION", insert "SERVICE".

18 Page 8, line 3, strike "SERVICE OR TO" and substitute the following:

19 "SERVICE;

20 (II) To";

21 line 7, strike "(II)" and substitute "(III)";

22 line 11, strike "(III)" and substitute "(IV)".



\* H B 1 3 0 3 C . 0 0 1 \*

- 1 Page 9, line 5, strike "UNDER" and substitute "WITH";
- 2 line 6, strike "CIRCUMSTANCES EVIDENCING";
- 3 line 8, strike "SECTION," and substitute "SECTION; OR";
- 4 strike lines 9 through 13.
- 5 Page 11, line 12, before "COMMUNICATION", insert "ANY";
- 6 line 21, before "COMMUNICATION", insert "ANY";
- 7 line 22, before "COMMUNICATION", insert "ANY".
- 8 Page 12, strike lines 9 through 16 and substitute the following:
- 9           "(e) (8) Each violation of this subsection (4), including each  
10 ~~instance of intercepting signals or of creating a cloned cellular phone,~~  
11 ~~shall be~~ SECTION, AND EACH DAY OF A CONTINUING VIOLATION, SHALL  
12 CONSTITUTE a separate offense."
- 13 Page 13, line 25, before "COMMUNICATION", insert "ANY".
- 14 Page 16, strike line 23 and substitute "CIVIL proceeding or action arising  
15 ~~out of or under~~ BASED ON AN ALLEGED VIOLATION OF section 18-9-309.  
16 ~~(2) or (3):~~".
- 17 Page 18, line 13, strike "COURT, NOT THE JURY," and substitute "COURT";
- 18 strike lines 22 through 27.
- 19 Strike pages 19 through 21.
- 20 Page 22, strike lines 1 through 18;
- 21 strike lines 19 through 24 and substitute the following:
- 22           "**SECTION 4. Effective date - applicability.** (1) This act shall



1 take effect at 12:01 a.m. on the day following the expiration of the  
2 ninety-day period after final adjournment of the general assembly that is  
3 allowed for submitting a referendum petition pursuant to article V,  
4 section 1 (3) of the state constitution; except that, if a referendum petition  
5 is filed against this act or an item, section, or part of this act within such  
6 period, then the act, item, section, or part, if approved by the people, shall  
7 take effect on the date of the official declaration of the vote thereon by  
8 proclamation of the governor.

9 (2) The provisions of this act shall apply to offenses committed  
10 on or after the applicable effective date of this act."

\*\* \*\*\* \*\* \*\*\* \*\*

