

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 09-0996.01 Julie Pelegrin

SENATE BILL 09-284

SENATE SPONSORSHIP

Newell, Morse, Shaffer B., Boyd, Foster, Hodge

HOUSE SPONSORSHIP

Levy,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF A LAW ENFORCEMENT OFFICER**
102 **UNDER SPECIFIED CIRCUMSTANCES TO PREVENT A PERSON FROM**
103 **COMMUNICATING WITH SOMEONE OTHER THAN A PEACE**
104 **OFFICER.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Allows a supervising representative of a law enforcement agency (representative) to order a communications or internet access provider employee to cut, reroute, or divert telephone lines or intercept cellular or digital signals if the representative has probable cause to believe that a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 2nd Reading
April 21, 2009

person is holding a hostage or has barricaded himself or herself in a structure or motor vehicle and is armed and a danger to himself, herself, or others.

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

2 **SECTION 1.** 18-9-312, Colorado Revised Statutes, is amended
3 to read:

4 **18-9-312. Hostages or armed person in geographical area -**
5 **telephone, electronic, cellular, or digital communications.**

6 (1) (a) Notwithstanding the provisions of sections 18-9-302 to 18-9-311,
7 any supervising representative of a law enforcement agency ~~who has~~
8 ~~probable cause to believe that one or more hostages are being held in the~~
9 ~~geographical area in which he has jurisdiction~~ shall have the authority to
10 order a previously designated telephone company security employee OF
11 A COMMUNICATIONS OR INTERNET ACCESS PROVIDER to arrange, TO
12 THE EXTENT THE NECESSARY TECHNOLOGY IS REASONABLY AVAILABLE TO
13 THE PROVIDER, to cut, reroute, or divert telephone lines OR CELLULAR OR
14 DIGITAL COMMUNICATIONS SIGNALS IF THE SUPERVISING REPRESENTATIVE
15 HAS PROBABLE CAUSE TO BELIEVE THAT:

16 (I) A PERSON HAS TAKEN ONE OR MORE OTHER PERSONS HOSTAGE
17 AND IS HOLDING THE HOSTAGES IN THE GEOGRAPHICAL AREA IN WHICH
18 THE SUPERVISING REPRESENTATIVE HAS JURISDICTION; OR

19 (II) A PERSON HAS BARRICADED HIMSELF OR HERSELF IN A
20 STRUCTURE OR A MOTOR VEHICLE WITHIN THE GEOGRAPHICAL AREA IN
21 WHICH THE SUPERVISING REPRESENTATIVE HAS JURISDICTION AND THE
22 SUPERVISING REPRESENTATIVE HAS A REASONABLE BELIEF THAT THE
23 PERSON IS ARMED WITH A DEADLY WEAPON OR EXPLOSIVE DEVICE AND
24 POSES A DANGER TO HIMSELF OR HERSELF OR OTHERS.

1 (b) THE SUPERVISING REPRESENTATIVE OF A LAW ENFORCEMENT
2 AGENCY MAY ORDER THE CUTTING, REROUTING, OR DIVERTING OF
3 TELEPHONE LINES OR CELLULAR OR DIGITAL COMMUNICATIONS SIGNALS
4 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) ONLY for the
5 purpose of preventing telephone OR OTHER ELECTRONIC, CELLULAR, OR
6 DIGITAL communication by the ~~holder of such hostages~~ HOSTAGE HOLDER
7 OR THE ARMED PERSON with any person other than a peace officer or a
8 person authorized by the peace officer. THE COMMUNICATIONS OR
9 INTERNET ACCESS PROVIDER SHALL RESTORE THE NORMAL OPERATIONS OF
10 THE TELEPHONE LINES OR CELLULAR OR DIGITAL COMMUNICATIONS
11 SIGNALS AS SOON AS PRACTICABLE FOLLOWING RESOLUTION OF THE
12 EXIGENT CIRCUMSTANCES.

13 (2) The serving ~~telephone company~~ COMMUNICATIONS OR
14 INTERNET ACCESS PROVIDER within the geographical area of a law
15 enforcement agency shall designate a ~~telephone company~~ security official
16 EMPLOYED BY THE PROVIDER and an alternate to provide all required
17 assistance to law enforcement officials to carry out the purposes of this
18 section.

19 (3) Good faith reliance on an order by any supervising
20 representative of a law enforcement agency shall constitute a complete
21 defense to any action brought against a ~~telephone company~~
22 COMMUNICATIONS OR INTERNET ACCESS PROVIDER or any of its employees
23 or agents in connection with actions taken under this section. A
24 COMMUNICATIONS OR INTERNET ACCESS PROVIDER AND ITS EMPLOYEES OR
25 AGENTS SHALL NOT BE LIABLE IN ANY CIVIL ACTION TO ANY PERSON OR
26 ENTITY FOR INJURIES, DEATH, OR LOSS TO ANY PERSON OR PROPERTY
27 INCURRED AS A RESULT OF ANY ACT OR OMISSION RESULTING FROM,

1 CONNECTED WITH, OR INCIDENTAL TO COMPLIANCE WITH THIS SECTION.

2 **SECTION 2. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.