

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 08-0074.01 Michael Dohr

HOUSE BILL 08-1130

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING COURT ORDERS ALLOWING THE INTERCEPTION OF**
102 **COMMUNICATIONS.**

Bill Summary

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

Permits a district attorney's or the attorney general's designee to apply for a wiretap if the district attorney or attorney general is out of the jurisdiction. Removes the restriction that allows only one extension for an order of a wiretap.

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

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
Am ended 2nd Reading
February 29, 2008

HOUSE
3rd Reading Unam ended
February 6, 2008

HOUSE
2nd Reading Unam ended
February 5, 2008

1 **SECTION 1.** The introductory portion to 16-15-102 (1) (a) and
2 16-15-102 (6), Colorado Revised Statutes, are amended, and the said
3 16-15-102 (1) is further amended BY THE ADDITION OF A NEW
4 PARAGRAPH, to read:

5 **16-15-102. Ex parte order authorizing the interception of wire,**
6 **oral, or electronic communications.** (1) (a) An ex parte order
7 authorizing or approving the interception of any wire, oral, or electronic
8 communication may be issued by any judge of competent jurisdiction of
9 the state of Colorado upon application of the attorney general or a district
10 attorney, OR HIS OR HER DESIGNEE IF THE ATTORNEY GENERAL OR DISTRICT
11 ATTORNEY IS ABSENT FROM HIS OR HER JURISDICTION, showing by
12 affidavit that there is probable cause to believe that evidence will be
13 obtained of the commission of any one of the crimes enumerated in this
14 subsection (1) or that one of said enumerated crimes will be committed:

15 (c) FOR THE PURPOSES OF PARAGRAPH (a) OF THIS SUBSECTION (1):

16 (I) THE DISTRICT ATTORNEY SHALL DESIGNATE THE ASSISTANT
17 DISTRICT ATTORNEY OR THE CHIEF DEPUTY DISTRICT ATTORNEY; AND

18 (II) THE ATTORNEY GENERAL SHALL DESIGNATE EITHER THE CHIEF
19 DEPUTY ATTORNEY GENERAL OR THE DEPUTY ATTORNEY GENERAL OF THE
20 CRIMINAL SECTION OF THE OFFICE OF THE ATTORNEY GENERAL.

21 (6) ~~No~~ AN order entered under this section may NOT authorize or
22 approve the interception of any wire, oral, or electronic communication
23 for any period longer than is necessary to achieve the objective of the
24 authorization nor in any event longer than thirty days. Such thirty-day
25 period begins the first day on which the investigative or law enforcement
26 officer begins to conduct an interception under the order or ten days after
27 the order is entered, whichever occurs earlier. An extension of an order

1 may be granted but only upon application for an extension made in
2 accordance with subsection (2) of this section and the court making the
3 findings required by subsection (4) of this section. The period of ~~the AN~~
4 extension shall be no longer than the authorizing judge deems necessary
5 to achieve the purposes for which it was granted and in no event for
6 longer than thirty days. Every order and EACH extension thereof shall
7 contain a provision that the authorization to intercept shall be executed as
8 soon as practicable, shall be conducted in such a way as to minimize the
9 interception under this section, and must terminate upon attainment of the
10 authorized objective, or in any event in thirty days. No more than one
11 THREE extension EXTENSIONS may be granted for any order entered under
12 this section. In the event that the intercepted communication is in a code
13 or foreign language and an expert in that foreign language or code is not
14 reasonably available during the interception period, minimization may be
15 accomplished as soon as practicable after such interception. An
16 interception made pursuant to this section may be conducted in whole or
17 in part by government personnel or by an individual operating pursuant
18 to a contract with the government and acting under the supervision of an
19 investigative or law enforcement officer authorized to conduct the
20 interception.

21 **SECTION 2. Effective date.** This act shall take effect at 12:01
22 a.m. on the day following the expiration of the ninety-day period after
23 final adjournment of the general assembly that is allowed for submitting
24 a referendum petition pursuant to article V, section 1 (3) of the state
25 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);
26 except that, if a referendum petition is filed against this act or an item,
27 section, or part of this act within such period, then the act, item, section,

- 1 or part, if approved by the people, shall take effect on the date of the
- 2 official declaration of the vote thereon by proclamation of the governor.