

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0785.01 Michael Dohr x4347

HOUSE BILL 12-1304

HOUSE SPONSORSHIP

Barker,

SENATE SPONSORSHIP

Newell,

House Committees
Economic and Business Development

Senate Committees
Business, Labor and Technology

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PREVENT ORGANIZED RETAIL THEFT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

If a person causes a fire or exit alarm to go off or deactivates an alarm, that conduct is an act of disorderly conduct and will be penalized as a class 2 misdemeanor. The definition of a "theft detection deactivating device" and "theft detection shielding device" are expanded.

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.*

HOUSE
3rd Reading Unamended
March 9, 2012

HOUSE
2nd Reading Unamended
March 2, 2012

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Organized retail theft is a growing criminal enterprise in this
5 state with evolving methods that not only cost business significant
6 revenue but also endanger Colorado citizens that are present during an act
7 of organized retail theft; and

8 (b) Over \$500 million in goods are stolen from Colorado
9 businesses every year, costing the state nearly \$15 million annually in lost
10 sales tax revenue.

11 (2) Therefore, it is necessary for the state to bolster the state
12 criminal laws associated with some of the methods used to commit
13 organized retail theft.

14 **SECTION 2. In Colorado Revised Statutes, 18-8-111, amend (1)**

15 **(a) and (2) as follows:**

16 **18-8-111. False reporting to authorities.** (1) A person commits
17 **false reporting to authorities, if:**

18 **(a) He OR SHE knowingly:**

19 **(I) Causes BY ANY MEANS, INCLUDING BUT NOT LIMITED TO**
20 **ACTIVATION, a false alarm of fire or other emergency OR A FALSE**
21 **EMERGENCY EXIT ALARM to SOUND OR TO be transmitted to or within an**
22 **official or volunteer fire department, ambulance service, LAW**
23 **ENFORCEMENT AGENCY, or any other government agency which deals**
24 **with emergencies involving danger to life or property; or**

25 **(II) PREVENTS BY ANY MEANS, INCLUDING BUT NOT LIMITED TO**
26 **DEACTIVATION, A LEGITIMATE FIRE ALARM, EMERGENCY EXIT ALARM, OR**
27 **OTHER EMERGENCY ALARM FROM SOUNDING OR FROM BEING**

1 TRANSMITTED TO OR WITHIN AN OFFICIAL OR VOLUNTEER FIRE
2 DEPARTMENT, AMBULANCE SERVICE, LAW ENFORCEMENT AGENCY, OR ANY
3 OTHER GOVERNMENT AGENCY THAT DEALS WITH EMERGENCIES
4 INVOLVING DANGER TO LIFE OR PROPERTY; OR

5 (2) False reporting to authorities is a class 3 misdemeanor; EXCEPT
6 THAT IF IT IS COMMITTED IN VIOLATION OF PARAGRAPH (a) OF SUBSECTION
7 (1) OF THIS SECTION, IT IS A CLASS 2 MISDEMEANOR.

8 **SECTION 3.** In Colorado Revised Statutes, 18-4-417, **amend** (2)
9 (a) and (2) (c) as follows:

10 **18-4-417. Unlawful acts - theft detection devices.** (2) As used
11 in this section:

12 (a) "Theft detection deactivating device" means any tool,
13 instrument, mechanism, or other article adapted, designed, engineered,
14 used, or operated to inactivate, incapacitate, or remove a theft detection
15 device without authorization. "THEFT DETECTION DEACTIVATING DEVICE"
16 INCLUDES, BUT IS NOT LIMITED TO, JUMPER WIRES, WIRE CUTTERS, AND
17 ELECTRONIC ARTICLE SURVEILLANCE REMOVAL DEVICES.

18 (c) "Theft detection shielding device" means any tool, instrument,
19 mechanism, or article adapted, designed, engineered, used, or operated to
20 avoid detection by a theft detection device during the commission of an
21 offense involving theft. "Theft detection shielding device" includes, but
22 is not limited to, ~~any laminated or coated sack or container that is capable~~
23 ~~of avoiding detection by a theft detection device~~ FOIL LINED OR
24 OTHERWISE MODIFIED CLOTHING, BAGS, PURSES, OR CONTAINERS CAPABLE
25 OF AND FOR THE SOLE PURPOSE OF AVOIDING DETECTION DEVICES.

26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.