

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0291.01 Jerry Barry x4341

HOUSE BILL 13-1014

HOUSE SPONSORSHIP

Levy,

SENATE SPONSORSHIP

King,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE TAKING OF NEWSPAPERS.

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>.)

The bill moves the crime of newspaper theft from part 4 of article 4 of title 18 entitled "Theft" to part 3 of article 9 of title 18 entitled "Offenses Involving Communications" and renames it interference with lawful distribution of newspapers. The bill makes a conforming amendment to the companion civil action.

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.

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

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

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

5 **18-9-314. Interference with lawful distribution of newspapers.**

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

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

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

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

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

26 (3) AS USED IN THIS SECTION:

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

1 NEWSPAPER.

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

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

9 (4) NOTWITHSTANDING ANY OTHER REMEDIES PROVIDED UNDER
10 THIS SECTION, THE NEWSPAPER PUBLISHER WHO IS THE VICTIM OF
11 INTERFERENCE WITH LAWFUL DISTRIBUTION OF NEWSPAPERS, AN
12 ADVERTISER WHO PLACED AN ADVERTISEMENT IN THE NEWSPAPER, OR A
13 NEWSPAPER READER WHO REGULARLY READS THE NEWSPAPER SHALL
14 HAVE A PRIVATE CIVIL RIGHT OF ACTION AS PROVIDED IN SECTION
15 13-21-123, C.R.S., AGAINST THE PERSON OR PERSONS WHO ACTED IN
16 VIOLATION OF SUBSECTION (1) OF THIS SECTION.

17 (5) THIS SECTION SHALL NOT APPLY TO A PERSON WHO, WITH THE
18 AUTHORITY OR PERMISSION OF THE PERSON WHO POSSESSES REAL OR
19 PERSONAL PROPERTY, REMOVES OR DISPOSES OF NEWSPAPERS THAT HAVE
20 BEEN DEPOSITED IN OR LEFT ON THAT PROPERTY WITHOUT THE AUTHORITY
21 OR PERMISSION OF THE PERSON WHO POSSESSES THE REAL OR PERSONAL
22 PROPERTY.

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

25 **13-21-123. Civil liability for interference with lawful**
26 **distribution of newspapers.** Notwithstanding any other remedies
27 provided under this section, a newspaper publisher who is the victim of

1 ~~newspaper theft~~ INTERFERENCE WITH LAWFUL DISTRIBUTION OF
2 NEWSPAPERS as described in ~~section 18-4-419~~ SECTION 18-9-314, C.R.S.,
3 or who had compensatory newspapers stolen, an advertiser who placed an
4 advertisement in a newspaper that was subject to ~~newspaper theft~~
5 INTERFERENCE WITH LAWFUL DISTRIBUTION OF NEWSPAPERS or a
6 compensatory newspaper that was stolen, or a newspaper reader who
7 regularly reads a newspaper subject to ~~newspaper theft~~ INTERFERENCE
8 WITH LAWFUL DISTRIBUTION OF NEWSPAPERS or a compensatory
9 newspaper that was stolen shall have a private civil right of action against
10 the party who stole the newspapers. In any such action, the newspaper
11 publisher shall be entitled to actual damages, a civil penalty of ten dollars
12 for each newspaper obtained in violation of ~~section 18-4-419~~ SECTION
13 18-9-314, C.R.S., and attorney fees and costs, and the advertiser or
14 newspaper reader shall be entitled to actual damages and attorney fees
15 and costs.

16 **SECTION 4. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2014 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.