Tampering with a public transportation facility with the intent to cause damage, malfunction, or nonfunction is a crime. The bill amends the crime of endangering public transportation to include the intent to steal material or remove material from the public transportation facility as additional ways to commit the crime. The bill clarifies that endangering public transportation applies to both freight and passenger trains.
The bill creates the crime of endangering utility transmission if someone tampers with a utility transmission facility with the intent to cause damage, malfunction, nonfunction, theft, or unauthorized removal of material. The crime is a class 3 felony.

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

SECTION 1. In Colorado Revised Statutes, 18-9-115, amend (1) (a), (3), (4), and (5); and add (1.5) and (4.5) as follows:

18-9-115. Endangering public transportation and utility transmission. (1) A person commits endangering public transportation if such person:

(a) Tampers with a facility of public transportation with intent to cause any damage, malfunction, or nonfunction, theft, or unauthorized removal of material which would result in the creation of a substantial risk of death or serious bodily injury to anyone; or

(1.5) A PERSON COMMITS ENDANGERING UTILITY TRANSMISSION IF SUCH PERSON TAMPERS WITH A FACILITY OF UTILITY TRANSMISSION WITH INTENT TO CAUSE ANY DAMAGE, MALFUNCTION, NONFUNCTION, THEFT, OR UNAUTHORIZED REMOVAL OF MATERIAL WHICH WOULD:

(a) INTERRUPT PERFORMANCE OF UTILITY TRANSMISSION; OR

(b) RESULT IN A CREATION OF A SUBSTANTIAL RISK OF DEATH OR SERIOUS BODILY INJURY TO ANYONE.

(3) "Public conveyance" includes a passenger or freight train, airplane, bus, truck, car, boat, tramway, gondola, lift, elevator, escalator, or other device intended, designed, adapted, and used for the public carriage of persons or property.

(4) "Facility of public transportation" includes a public
conveyance and any area, structure, or device which is designed, adapted, and used to support, guide, control, permit, or facilitate the movement, starting, stopping, takeoff, landing, or servicing of a public conveyance or the loading or unloading of passengers, freight, or goods.

(4.5) "FACILITY OF UTILITY TRANSMISSION" INCLUDES ANY AREA, STRUCTURE, OR DEVICE THAT IS DESIGNED, ADOPTED, OR USED TO SUPPORT, GUIDE, CONTROL, PERMIT, OR FACILITATE TRANSMISSION OF:

(a) ELECTRICAL ENERGY IN EXCESS OF THIRTY THOUSAND VOLTS;

OR

(b) WATER, LIQUID FUEL, OR GASEOUS FUEL BY PIPELINE.

(5) Endangering public transportation OR ENDANGERING UTILITY TRANSMISSION is a class 3 felony.

SECTION 2. Potential appropriation. Pursuant to section 2-2-703, Colorado Revised Statutes, any bill that results in a net increase in periods of imprisonment in the state correctional facilities must include an appropriation of moneys that is sufficient to cover any increased capital construction and operational costs for the first five fiscal years in which there is a fiscal impact. Because this act may increase periods of imprisonment, this act may require a five-year appropriation.

SECTION 3. Effective date - applicability. This act takes effect July 1, 2014, and applies to offenses committed on or after said date.

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