

HB1115 L.006

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB15-1115 be amended as follows:

1. Amend printed bill; page 2, strike lines 2 through 22 and substitute:

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

4 (a) Emerging technologies that are developed for a wide variety
5 of public and private purposes will pose many public policy issues for the
6 general assembly to resolve in the near future; and

7 (b) Foremost among these issues is the threat to individual privacy
8 that is posed by a person who misuses an emerging technology to
9 observe, monitor, or record a person or a person's property without his or
10 her authorization.

11 (2) Now, therefore, the general assembly declares that because
12 existing statutory language does not adequately address emerging
13 technologies and their potential misuse, it is appropriate for the general
14 assembly to create a new offense to punish persons who misuse emerging
15 technologies to invade the privacy of other people.

16 **SECTION 2.** In Colorado Revised Statutes, **add 18-7-802** as
17 follows:

18 **18-7-802. Criminal invasion of privacy by use of emerging**
19 **technology - penalty.** (1) EXCEPT AS DESCRIBED IN SUBSECTION (2) OF
20 THIS SECTION, A PERSON COMMITS CRIMINAL INVASION OF PRIVACY BY USE
21 OF EMERGING TECHNOLOGY IF HE OR SHE KNOWINGLY USES ANY
22 ARTIFICIAL, MECHANICAL, OR ELECTRONIC DEVICE TO CAPTURE ANY
23 PHOTOGRAPH, SOUND RECORDING, OR OTHER PHYSICAL IMPRESSION OF A
24 PERSON UNDER CIRCUMSTANCES IN WHICH THE PERSON HAS A
25 REASONABLE EXPECTATION OF PRIVACY.

26 (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO A PEACE
27 OFFICER OR AN EMPLOYEE OR OTHER AGENT OF A FEDERAL, STATE, OR
28 LOCAL GOVERNMENT AGENCY ACTING IN HIS OR HER OFFICIAL CAPACITY.

29 (3) CRIMINAL INVASION OF PRIVACY BY USE OF EMERGING
30 TECHNOLOGY IS A CLASS 1 MISDEMEANOR.

31 **SECTION 3. Act subject to petition - effective date.** This act".

- 32 Strike pages 3 through 7.

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