

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

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

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 Unam ended
March 9, 2012

HOUSE
2nd Reading Unam ended
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
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, 18-9-106, **amend** (1)
15 (f) and (3) (c); and **add** (1) (g) as follows:

16 **18-9-106. Disorderly conduct.** (1) A person commits disorderly
17 conduct if he or she intentionally, knowingly, or recklessly:

18 (f) Not being a peace officer, displays a deadly weapon, displays
19 any article used or fashioned in a manner to cause a person to reasonably
20 believe that the article is a deadly weapon, or represents verbally or
21 otherwise that he or she is armed with a deadly weapon in a public place
22 in a manner calculated to alarm; OR

23 (g) CAUSES A FIRE ALARM OR AN EXIT ALARM TO SOUND OR AN
24 ALARM TO BE ACTIVATED OR DEACTIVATED OR PREVENTS A FIRE ALARM
25 FROM SOUNDING.

26 (3) (c) An offense under paragraph (e), ~~or~~ (f), OR (g) of subsection
27 (1) of this section is a class 2 misdemeanor.

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

3 **18-4-417. Unlawful acts - theft detection devices.** (2) As used
4 in this section:

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

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

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