

**Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

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.*

SENATE  
Am ended 2nd Reading  
April 24, 2012

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 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 AND COMMITTED DURING THE COMMISSION OF  
8 ANOTHER CRIMINAL OFFENSE, IT IS A CLASS 2 MISDEMEANOR.

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

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

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

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

27 **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.