

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 12-1304

BY REPRESENTATIVE(S) Barker, Brown, Casso, Court, Holbert, Joshi, Kerr A., Kerr J., Liston, Nikkel, Pace, Priola, Stephens, Summers, Vigil, Young, McNulty, Baumgardner, Becker, Bradford, Fischer, Looper, Murray, Schafer S., Soper, Swalm, Todd;
also SENATOR(S) Newell, Cadman, Foster, Jahn, Williams S.

CONCERNING MEASURES TO PREVENT ORGANIZED RETAIL THEFT.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Organized retail theft is a growing criminal enterprise in this state with evolving methods that not only cost business significant revenue but also endanger Colorado citizens that are present during an act of organized retail theft; and

(b) Over \$500 million in goods are stolen from Colorado businesses every year, costing the state nearly \$15 million annually in lost sales tax revenue.

(2) Therefore, it is necessary for the state to bolster the state criminal

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

laws associated with some of the methods used to commit organized retail theft.

SECTION 2. In Colorado Revised Statutes, 18-8-111, **amend** (1) (a) and (2) as follows:

18-8-111. False reporting to authorities. (1) A person commits false reporting to authorities, if:

(a) He OR SHE knowingly:

(I) Causes BY ANY MEANS, INCLUDING BUT NOT LIMITED TO ACTIVATION, a false alarm of fire or other emergency OR A FALSE EMERGENCY EXIT ALARM to SOUND OR TO be transmitted to or within an official or volunteer fire department, ambulance service, LAW ENFORCEMENT AGENCY, or any other government agency which deals with emergencies involving danger to life or property; or

(II) PREVENTS BY ANY MEANS, INCLUDING BUT NOT LIMITED TO DEACTIVATION, A LEGITIMATE FIRE ALARM, EMERGENCY EXIT ALARM, OR OTHER EMERGENCY ALARM FROM SOUNDING OR FROM BEING TRANSMITTED TO OR WITHIN AN OFFICIAL OR VOLUNTEER FIRE DEPARTMENT, AMBULANCE SERVICE, LAW ENFORCEMENT AGENCY, OR ANY OTHER GOVERNMENT AGENCY THAT DEALS WITH EMERGENCIES INVOLVING DANGER TO LIFE OR PROPERTY; OR

(2) False reporting to authorities is a class 3 misdemeanor; EXCEPT THAT IF IT IS COMMITTED IN VIOLATION OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AND COMMITTED DURING THE COMMISSION OF ANOTHER CRIMINAL OFFENSE, IT IS A CLASS 2 MISDEMEANOR.

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

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

(a) "Theft detection deactivating device" means any tool, instrument, mechanism, or other article adapted, designed, engineered, used, or operated to inactivate, incapacitate, or remove a theft detection device without

authorization. "THEFT DETECTION DEACTIVATING DEVICE" INCLUDES, BUT IS NOT LIMITED TO, JUMPER WIRES, WIRE CUTTERS, AND ELECTRONIC ARTICLE SURVEILLANCE REMOVAL DEVICES.

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

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.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO