

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0777.01 Jerry Barry x4341

HOUSE BILL 16-1464

HOUSE SPONSORSHIP

Pabon,

SENATE SPONSORSHIP

Martinez Humenik,

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A CIVIL ACTION FOR THE TAKING OF NEWSPAPERS.

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>.)

In 2013, a private right of action for taking newspapers was repealed. The private right of action is reestablished.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 13-21-123.5 as

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.

1 follows:

2 **13-21-123.5. Civil liability for interference with lawful**
3 **distribution of newspapers.** (1) NOTWITHSTANDING ANY OTHER
4 REMEDIES PROVIDED UNDER THIS ARTICLE, THE FOLLOWING PERSONS HAVE
5 A PRIVATE RIGHT OF ACTION AGAINST A PERSON WHO INTERFERES WITH
6 THE LAWFUL DISTRIBUTION OF NEWSPAPERS AS DESCRIBED IN SECTION
7 18-9-314, C.R.S., OR WHO STEALS A NEWSPAPER:

8 (a) THE PUBLISHER OF THE NEWSPAPER;

9 (b) AN ADVERTISER WHO PLACED AN ADVERTISEMENT IN THE
10 NEWSPAPER; OR

11 (c) A READER OF THE NEWSPAPER.

12 (2) IN ANY ACTION BROUGHT PURSUANT TO THIS SECTION:

13 (a) A PREVAILING PLAINTIFF IS ENTITLED TO ACTUAL DAMAGES
14 AND COSTS; AND

15 (b) A PREVAILING PUBLISHER, IN ADDITION TO ACTUAL DAMAGES,
16 IS ENTITLED TO A CIVIL PENALTY OF TEN DOLLARS FOR EACH NEWSPAPER
17 OBTAINED IN VIOLATION OF SECTION 18-9-314, C.R.S.

18 **SECTION 2.** In Colorado Revised Statutes, 18-9-314, **amend** (4)
19 as follows:

20 **18-9-314. Interference with lawful distribution of newspapers**
21 **- definitions.** (4) Notwithstanding any other remedies provided under
22 this section, the newspaper publisher who is the victim of interference
23 with lawful distribution of newspapers, an advertiser who placed an
24 advertisement in the newspaper, or a newspaper reader who regularly
25 reads the newspaper shall have a private civil right of action as provided
26 in ~~section 13-21-123~~ SECTION 13-21-123.5, C.R.S., against the person or
27 persons who acted in violation of subsection (1) of this section.

1 **SECTION 3. Effective date - applicability.** This act takes effect
2 July 1, 2016, and applies to causes of action arising on or after said date.

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