

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0342.02 Jerry Barry x4341

SENATE BILL 17-035

SENATE SPONSORSHIP

Sonnenberg,

HOUSE SPONSORSHIP

(None),

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING TAMPERING WITH EQUIPMENT ASSOCIATED WITH OIL**
102 **AND GAS GATHERING OPERATIONS.**

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://leg.colorado.gov>.)

There is a current crime of tampering with equipment associated with oil or gas gathering operations. The bill includes placing another at risk of death or serious bodily injury as part of the crime and increases the penalty from a class 2 misdemeanor to a class 6 felony.

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

2 **SECTION 1. Legislative declaration - intent.** (1) The general
3 assembly finds and declares that:

4 (a) Tampering with equipment used in oil or gas gathering could
5 create a catastrophic incident that would place people in danger of death
6 or serious bodily injury;

7 (b) Although there is a crime for tampering with equipment
8 associated with oil or gas gathering operations, people continue to break
9 into enclosed areas, break locks, and adjust valves on oil or gas gathering
10 equipment;

11 (c) Most people who are arrested for such activity are only
12 charged with second or third degree trespass, either a class 3
13 misdemeanor or a class 1 petty offense;

14 (d) Some people who have been convicted of such crimes brag
15 about their actions and post videos of their actions; and

16 (e) People do not realize that they are placing themselves and
17 others in danger when they tamper with this equipment.

18 (2) The purpose of this act is to:

19 (a) Educate people of the danger and risks of tampering with
20 equipment used in oil or gas gathering operations; and

21 (b) Increase the penalty for such actions to deter the commission
22 of future actions.

23 **SECTION 2.** In Colorado Revised Statutes, **amend** 18-4-506.3
24 as follows:

25 **18-4-506.3. Tampering with equipment associated with oil or**
26 **gas gathering operations - penalty.** (1) Any person who in any manner
27 knowingly destroys, breaks, removes, or otherwise tampers with or

1 attempts to destroy, break, remove, or otherwise tamper with any
2 equipment associated with oil or gas gathering operations OR PLACES
3 ANOTHER IN DANGER OF DEATH OR SERIOUS BODILY INJURY commits a
4 class ~~2 misdemeanor~~ 6 FELONY.

5 (2) Any person who in any manner, without the consent of the
6 owner or operator, knowingly alters, obstructs, interrupts, or interferes
7 with or attempts to alter, obstruct, interrupt, or interfere with the action
8 of any equipment used or associated with oil or gas gathering operations
9 OR PLACES ANOTHER IN DANGER OF DEATH OR SERIOUS BODILY INJURY
10 commits a class ~~2 misdemeanor~~ 6 FELONY.

11 (3) THE CRIMINAL PENALTY PROVIDED IN THIS SECTION DOES NOT
12 PRECLUDE THE VICTIM FROM SEEKING ANY OTHER REMEDIES OTHERWISE
13 AVAILABLE UNDER LAW.

14 **SECTION 3. Potential appropriation.** Pursuant to section
15 2-2-703, C.R.S., any bill that results in a net increase in periods of
16 imprisonment in state correctional facilities must include an appropriation
17 of money that is sufficient to cover any increased capital construction and
18 operational costs for the first five fiscal years in which there is a fiscal
19 impact. Because this act may increase periods of imprisonment, this act
20 may require a five-year appropriation.

21 **SECTION 4. Act subject to petition - effective date -**
22 **applicability.** (1) This act takes effect September 1, 2017; except that,
23 if a referendum petition is filed pursuant to section 1 (3) of article V of
24 the state constitution against this act or an item, section, or part of this act
25 within the ninety-day period after final adjournment of the general
26 assembly, then the act, item, section, or part will not take effect unless
27 approved by the people at the general election to be held in November

1 2018 and, in such case, will take effect on the date of the official
2 declaration of the vote thereon by the governor.

3 (2) This act applies to offenses committed on or after the
4 applicable effective date of this act.