

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

REENGROSSED

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

LLS NO. 19-0057.01 Michael Dohr x4347

HOUSE BILL 19-1334

HOUSE SPONSORSHIP

Saine, Bird, Buentello, Duran, Gray, Hooton, Jackson, Kipp, Liston, Michaelson Jenet, Snyder, Titone

SENATE SPONSORSHIP

Marble,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION ON DISSEMINATING AN IMAGE OF A**
102 **SUICIDE OF A MINOR.**

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>.)

The bill prohibits a person from posting or distributing through the use of social media, any website, or other electronic means an image of a minor attempting to commit suicide.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 3rd Reading
May 2, 2019

HOUSE
Amended 2nd Reading
May 1, 2019

1 **SECTION 1.** In Colorado Revised Statutes, **add** part 9 to article
2 7 of title 18 as follows:

3 PART 9
4 UNLAWFUL DISTRIBUTION
5 OF SUICIDE RECORDINGS

6 **18-7-901. Unlawful distribution of a suicide recording -**

7 **definitions - Lil' Von Mercado's law.** (1) A PERSON COMMITS THE
8 OFFENSE OF POSTING AN IMAGE OF SUICIDE OF A MINOR IF THE PERSON
9 INTENTIONALLY POSTS OR DISTRIBUTES THROUGH THE USE OF SOCIAL
10 MEDIA OR ANY WEBSITE, OR DISSEMINATES THROUGH OTHER MEANS, AN
11 IMAGE OF A MINOR ATTEMPTING SUICIDE, DYING BY SUICIDE, OR HAVING
12 DIED BY SUICIDE, WITH THE INTENT TO HARASS, INTIMIDATE, OR COERCE
13 ANY PERSON, AND THE POSTING OR DISTRIBUTION RESULTS IN SERIOUS
14 EMOTIONAL DISTRESS TO ANY PERSON.

15 (2) POSTING AN IMAGE OF SUICIDE AS DESCRIBED IN SUBSECTION
16 (1) OF THIS SECTION OF A MINOR IS A CIVIL INFRACTION AND IS PUNISHABLE
17 BY A PENALTY OF ONE HUNDRED DOLLARS PER VIOLATION, EXCEPT THAT
18 POSTING AN IMAGE OF SUICIDE OF A MINOR IS A CLASS 3 MISDEMEANOR IF
19 THE PERSON WAS THE FIRST OR ORIGINAL PERSON TO POST, DISTRIBUTE, OR
20 DISSEMINATE THE IMAGE.

21 (3) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
22 OTHERWISE REQUIRES:

23 (a) "IMAGE" MEANS A PHOTOGRAPH, FILM, VIDEOTAPE,
24 RECORDING, DIGITAL FILE, OR OTHER REPRODUCTION.

25 (b) "SOCIAL MEDIA" MEANS ANY ELECTRONIC MEDIUM, INCLUDING
26 AN INTERACTIVE COMPUTER SERVICE, TELEPHONE NETWORK, OR DATA
27 NETWORK, THAT ALLOWS USERS TO CREATE, SHARE, AND VIEW

1 USER-GENERATED CONTENT, INCLUDING BUT NOT LIMITED TO VIDEOS,
2 STILL PHOTOGRAPHS, BLOGS, VIDEO BLOGS, PODCASTS, INSTANT
3 MESSAGES, ELECTRONIC MAIL, OR INTERNET WEBSITE PROFILES.

4 (4) IT IS NOT AN OFFENSE UNDER THIS SECTION IF THE POSTING OR
5 DISTRIBUTION OF THE IMAGE IS A FICTIONAL WORK OR A DOCUMENTARY;
6 OR IS RELATED TO A MATTER OF PUBLIC INTEREST OR PUBLIC CONCERN; OR
7 RELATED TO THE REPORTING OF UNLAWFUL CONDUCT; OR THE LAWFUL
8 AND COMMON PRACTICES OF LAW ENFORCEMENT, CRIMINAL REPORTING,
9 LEGAL PROCEEDINGS, OR MEDICAL TREATMENT.

10 (5) THIS SECTION IS KNOWN AS AND MAY BE CITED AS "LIL' VON
11 MERCADO'S LAW".

12 **SECTION 2. Act subject to petition - effective date -**
13 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
14 the expiration of the ninety-day period after final adjournment of the
15 general assembly (August 2, 2019, if adjournment sine die is on May 3,
16 2019); except that, if a referendum petition is filed pursuant to section 1
17 (3) of article V of the state constitution against this act or an item, section,
18 or part of this act within such period, then the act, item, section, or part
19 will not take effect unless approved by the people at the general election
20 to be held in November 2020 and, in such case, will take effect on the
21 date of the official declaration of the vote thereon by the governor.

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