

CHAPTER 148

CRIMINAL LAW AND PROCEDURE

SENATE BILL 24-108

BY SENATOR(S) Priola and Baisley, Marchman, Cutter, Ginal, Kirkmeyer, Michaelson Jenet;
also REPRESENTATIVE(S) Parenti and Weinberg, Titone, Bird, Boesenecker, Clifford, Jodeh, Kipp, Lukens, Snyder.

AN ACT

CONCERNING A PROHIBITION ON AFFILIATING WITH A PUBLIC SAFETY RADIO NETWORK WITHOUT AUTHORIZATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 18-8-118 as follows:

18-8-118. Unlawful affiliation with a public safety radio network - penalty - definitions. (1)(a) A PERSON WHO KNOWINGLY AFFILIATES WITH A PUBLIC SAFETY RADIO NETWORK WITHOUT AUTHORIZATION FROM THE NETWORK'S AUTHORIZING ENTITY COMMITS UNLAWFUL AFFILIATION WITH A PUBLIC SAFETY RADIO NETWORK.

(b) UNLAWFUL AFFILIATION WITH A PUBLIC SAFETY RADIO NETWORK IS A CLASS 2 MISDEMEANOR.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "AFFILIATE" MEANS TRANSMITTING OR RECEIVING A SIGNAL ON A RADIO NETWORK, INCLUDING THROUGH THE USE OF CLONING EQUIPMENT. "AFFILIATE" DOES NOT INCLUDE LISTENING TO RADIO NETWORK COMMUNICATIONS BY USE OF A PASSIVE LISTENING DEVICE, INCLUDING A SCANNER, THAT DOES NOT TRANSMIT A SIGNAL TO THE PUBLIC SAFETY RADIO NETWORK.

(b) "AUTHORIZING ENTITY" MEANS A STATE OR LOCAL DEPARTMENT, AGENCY, OR OTHER ENTITY THAT CAN AUTHORIZE AFFILIATION WITH A PUBLIC SAFETY RADIO NETWORK.

(c) "CLONING EQUIPMENT" MEANS ANY INSTRUMENT, APPARATUS, EQUIPMENT, COMPUTER HARDWARE, COMPUTER SOFTWARE, OPERATING PROCEDURE OR CODE,

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

OR DEVICE, WHETHER USED SEPARATELY OR IN COMBINATION, THAT IS DESIGNED OR ADAPTED AND IS USED, IS INTENDED TO BE USED, OR IS CAPABLE OF BEING USED TO TRANSMIT OR RECEIVE SIGNALS ON A PUBLIC SAFETY RADIO NETWORK WITHOUT AUTHORIZATION FROM AN AUTHORIZING ENTITY.

(d) "PUBLIC SAFETY AGENCY" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-32-3501.

(e) "PUBLIC SAFETY RADIO NETWORK" MEANS A PUBLIC SAFETY COMMUNICATION SYSTEM THAT FACILITATES COMMUNICATION BETWEEN PUBLIC SAFETY AGENCIES AND THAT IS OPERATED BY THE DEPARTMENT OF PUBLIC SAFETY OR A LOCAL GOVERNMENT. "PUBLIC SAFETY RADIO NETWORK" INCLUDES A RADIO FREQUENCY, RADIO CHANNEL, OR RADIO TALK-GROUP THAT IS USED BY A PUBLIC SAFETY AGENCY.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 1, 2024