

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
9/12/24

BILL 4

LLS NO. 25-0250.01 Clare Haffner x6137

INTERIM COMMITTEE BILL

Cell Phone Connectivity Interim Study Committee

BILL TOPIC: Telecommunications Infrastructure Theft Deterrence

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO DETER THEFT OF TELECOMMUNICATIONS**
102 **INFRASTRUCTURE.**

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/>.)

Cell Phone Connectivity Interim Study Committee. Section 1 of the bill prohibits a local government from adopting or enforcing an ordinance, resolution, or building code provision that:

- Prohibits the use of a fenced perimeter security alarm system at the site of critical telecommunications infrastructure (telecommunications site);

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

- Imposes any excessive installation or operational requirements for a fenced perimeter security alarm system located at a telecommunications site; or
- Requires a permit for the installation or use of a fenced perimeter security alarm system at a telecommunications site that is in addition to any permit generally required for the installation or use of other alarm systems.

The bill defines a fenced perimeter security alarm system as an alarm system that includes a battery-charged fence that, when contacted, causes the alarm system to transmit a signal to the property owner, a monitoring company authorized by the property owner, or law enforcement. The bill permits a local government to inspect a battery-charged fence that is located at a telecommunications site.

Under current law, there are requirements for certain sellers and purchasers of commodity metals or detached catalytic converters. **Section 2** subjects certain sellers and purchasers of fiber-optic cables or telecommunications infrastructure materials to these current requirements. In addition, **section 2** broadens current requirements by requiring fingerprinting of certain sellers and requiring that the sellers be at least 16 years of age and not have been convicted of certain crimes.

Section 3 enhances the penalties for first degree criminal tampering in the case of a person who commits first degree criminal tampering by tampering with critical telecommunications infrastructure.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 5.8 to title
3 9 as follows:

4 **ARTICLE 5.8**

5 **Fenced Perimeter Security Alarm Systems for**
6 **Telecommunications Sites**

7 **9-5.8-101. Definitions.** AS USED IN THIS ARTICLE 5.8, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "ALARM SYSTEM" MEANS A NEW OR AN EXISTING SYSTEM THAT
10 INCLUDES ONE OR MORE MONITORED DEVICES THAT CAN, IF THERE IS AN
11 INTRUSION ON REAL PROPERTY, TRANSMIT A SIGNAL TO THE PROPERTY
12 OWNER, A MONITORING COMPANY AUTHORIZED BY THE PROPERTY OWNER,

1 OR LAW ENFORCEMENT SO THAT THE OWNER OR LAW ENFORCEMENT CAN
2 RESPOND TO THE INTRUSION.

3 (2) "BATTERY-CHARGED FENCE" MEANS A FENCE THAT IS
4 CONNECTED TO AN ALARM SYSTEM AND TO ANCILLARY COMPONENTS OR
5 EQUIPMENT AND THAT:

6 (a) AT THE TIME THE FENCE IS INSTALLED, HAS AN ENERGIZER
7 POWERED BY A TWELVE-VOLT COMMERCIAL STORAGE BATTERY THAT
8 MEETS THE STANDARDS SET FORTH BY THE INTERNATIONAL
9 ELECTROTECHNICAL COMMISSION STANDARD 60335-2-76;

10 (b) IS ENCLOSED ON THE OUTSIDE ONLY BY A NONELECTRIC
11 PERIMETER FENCE OR WALL THAT IS NOT LESS THAN FIVE FEET IN HEIGHT;

12 (c) IS THE TALLER OF:

13 (I) TEN FEET IN HEIGHT; OR

14 (II) TWO FEET TALLER THAN THE HEIGHT OF THE NONELECTRIC
15 PERIMETER FENCE OR WALL; AND

16 (d) IS MARKED WITH CONSPICUOUS WARNING SIGNS THAT ARE
17 LOCATED ON THE FENCE AT NOT MORE THAN THIRTY-FOOT INTERVALS AND
18 THAT READ: "WARNING: ELECTRIC FENCE".

19 (3) "CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE" HAS THE
20 SAME MEANING AS SET FORTH IN SECTION 24-33.5-1624 (1)(a).

21 (4) "FENCED PERIMETER SECURITY ALARM SYSTEM" MEANS AN
22 ALARM SYSTEM THAT INCLUDES A BATTERY-CHARGED FENCE THAT, WHEN
23 CONTACTED, CAUSES THE ALARM SYSTEM TO TRANSMIT A SIGNAL TO THE
24 PROPERTY OWNER, A MONITORING COMPANY AUTHORIZED BY THE
25 PROPERTY OWNER, OR LAW ENFORCEMENT.

26 (5) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME RULE
27 COUNTY, CITY AND COUNTY, OR CITY.

1 (6) "TELECOMMUNICATIONS SITE" MEANS A SITE AT WHICH
2 CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE IS LOCATED.

3 **9-5.8-102. Local regulation - limitations.** (1) A LOCAL
4 GOVERNMENT SHALL NOT ADOPT OR ENFORCE AN ORDINANCE,
5 RESOLUTION, OR BUILDING CODE PROVISION THAT:

6 (a) PROHIBITS THE USE OF A FENCED PERIMETER SECURITY ALARM
7 SYSTEM AT A TELECOMMUNICATIONS SITE;

8 (b) IMPOSES ANY INSTALLATION OR OPERATIONAL REQUIREMENTS
9 FOR A FENCED PERIMETER SECURITY ALARM SYSTEM LOCATED AT A
10 TELECOMMUNICATIONS SITE THAT EXCEED OR ARE INCONSISTENT WITH
11 THE INSTALLATION OR OPERATIONAL REQUIREMENTS GENERALLY
12 REQUIRED FOR OTHER ALARM SYSTEMS AND THE REQUIRED
13 CHARACTERISTICS OF A BATTERY-CHARGED FENCE SPECIFIED IN SECTION
14 9-5.8-101 (2); OR

15 (c) REQUIRES A PERMIT FOR THE INSTALLATION OR USE OF A
16 FENCED PERIMETER SECURITY ALARM SYSTEM AT A
17 TELECOMMUNICATIONS SITE THAT IS IN ADDITION TO ANY PERMIT
18 GENERALLY REQUIRED FOR THE INSTALLATION OR USE OF OTHER ALARM
19 SYSTEMS.

20 (2) A LOCAL GOVERNMENT MAY, AS PART OF OR IN ADDITION TO
21 ANY OTHER INSPECTION THAT IT GENERALLY REQUIRES FOR AN ALARM
22 SYSTEM, INSPECT A BATTERY-CHARGED FENCE THAT IS LOCATED AT A
23 TELECOMMUNICATIONS SITE TO VERIFY THAT THE ALARM SYSTEM HAS THE
24 REQUIRED CHARACTERISTICS OF A BATTERY-CHARGED FENCE SPECIFIED IN
25 SECTION 9-5.8-101 (2).

26 **SECTION 2.** In Colorado Revised Statutes, 18-13-111, **amend**
27 (1)(a), (1)(b) introductory portion, (1)(c), (1)(d), (1.3)(a) introductory

1 portion, (1.3)(a)(I), (1.3)(a)(III), (1.3)(b), (1.5), (2), (4), and (8)(d); and
2 **add** (1)(b.5) and (8)(g) as follows:

3 **18-13-111. Purchases of commodity metals, detached catalytic**
4 **converters, fiber-optic cables, or telecommunications infrastructure**
5 **materials - violations - commodity metals theft task force - creation**
6 **- composition - reports - legislative declaration - definitions - repeal.**

7 (1) (a) Except as otherwise provided in subsection (3) of this section,
8 every owner, keeper, or proprietor of a junk shop, junk store, salvage
9 yard, or junk cart or other vehicle and every collector of or dealer in junk,
10 salvage, or other secondhand property shall keep a book or register
11 detailing all transactions involving commodity metals, ~~or~~ detached
12 catalytic converters, FIBER-OPTIC CABLES, OR TELECOMMUNICATIONS
13 INFRASTRUCTURE MATERIALS.

14 (b) The owner, keeper, proprietor, collector, or dealer shall record
15 the identification of a seller of commodity metals, ~~or~~ detached catalytic
16 converters, FIBER-OPTIC CABLES, OR TELECOMMUNICATIONS
17 INFRASTRUCTURE MATERIALS in the book or register and the method by
18 which the seller verified the seller's identity. The seller shall verify the
19 seller's identity by one of the following:

20 (b.5) THE SELLER SHALL ALLOW THE OWNER, KEEPER, PROPRIETOR,
21 COLLECTOR, OR DEALER TO TAKE THE SELLER'S FINGERPRINT TO BE USED
22 ONLY FOR IDENTIFICATION PURPOSES BY THE OWNER, KEEPER,
23 PROPRIETOR, COLLECTOR, OR DEALER OR FOR INVESTIGATION PURPOSES BY
24 A LAW ENFORCEMENT AGENCY. THE OWNER, KEEPER, PROPRIETOR,
25 COLLECTOR, OR DEALER SHALL INCLUDE THE FINGERPRINT IN THE BOOK OR
26 REGISTER.

27 (c) The owner, keeper, proprietor, collector, or dealer shall require

1 the seller of a commodity metal, or detached catalytic converter,
2 FIBER-OPTIC CABLE, OR TELECOMMUNICATIONS INFRASTRUCTURE
3 MATERIAL to provide for the book or register:

4 (I) A signed affidavit, sworn and affirmed under penalty of law,
5 that the seller is the owner of the commodity metal, or detached catalytic
6 converter, FIBER-OPTIC CABLE, OR TELECOMMUNICATIONS
7 INFRASTRUCTURE MATERIAL, or is otherwise entitled to sell the
8 commodity metal, or detached catalytic converter, FIBER-OPTIC CABLE, OR
9 TELECOMMUNICATIONS INFRASTRUCTURE MATERIAL; IS AT LEAST SIXTEEN
10 YEARS OF AGE; AND HAS NOT BEEN CONVICTED OF A CRIME INVOLVING THE
11 THEFT, CONVERSION, OR SALE OF ANY OF THE ITEMS DESCRIBED IN THIS
12 SECTION. The owner, keeper, proprietor, collector, or dealer shall provide
13 the affidavit form to the seller.

14 (II) The license plate number and description of the vehicle or
15 conveyance, if any, in which the commodity metal, or detached catalytic
16 converter, FIBER-OPTIC CABLE, OR TELECOMMUNICATIONS
17 INFRASTRUCTURE MATERIAL was delivered.

18 (d) The owner, keeper, proprietor, collector, or dealer shall
19 include the following in the book or register:

20 (I) The date, TIME, and place of each purchase of the commodity
21 metal, or detached catalytic converter, FIBER-OPTIC CABLE, OR
22 TELECOMMUNICATIONS INFRASTRUCTURE MATERIAL; and

23 (II) The description and quantity of the commodity metal, or
24 detached catalytic converter, FIBER-OPTIC CABLE, OR
25 TELECOMMUNICATIONS INFRASTRUCTURE MATERIAL purchased.

26 (1.3) (a) A purchaser of commodity metals, or detached catalytic
27 converters, FIBER-OPTIC CABLES, OR TELECOMMUNICATIONS

1 INFRASTRUCTURE MATERIALS shall:

2 (I) Sign up with the scrap theft alert system maintained by the
3 Institute of Scrap Recycling Industries, Incorporated, or its successor
4 organization, to receive alerts regarding thefts of commodity metals, ~~or~~
5 detached catalytic converters, FIBER-OPTIC CABLES, OR
6 TELECOMMUNICATIONS INFRASTRUCTURE MATERIALS in the purchaser's
7 geographic area;

8 (III) Use the alerts to identify potentially stolen commodity
9 metals, ~~or~~ detached catalytic converters, FIBER-OPTIC CABLES, OR
10 TELECOMMUNICATIONS INFRASTRUCTURE MATERIALS, including training
11 the purchaser's employees to use the alerts during the purchaser's daily
12 operations.

13 (b) A purchaser of commodity metals, ~~or~~ detached catalytic
14 converters, FIBER-OPTIC CABLES, OR TELECOMMUNICATIONS
15 INFRASTRUCTURE MATERIALS shall maintain for ninety days copies of any
16 theft alerts received and downloaded pursuant to subsection (1.3)(a) of
17 this section. A purchaser shall also maintain documentation that the
18 purchaser educates employees about, and provides to employees, scrap
19 theft alerts.

20 (1.5) (a) An owner, keeper, proprietor, collector, or dealer is
21 permitted to pay a seller in cash for any commodity metal, ~~or~~ detached
22 catalytic converter, FIBER-OPTIC CABLE, OR TELECOMMUNICATIONS
23 INFRASTRUCTURE MATERIAL transaction of three hundred dollars or less.

24 (b) If the transaction costs more than three hundred dollars, the
25 owner, keeper, proprietor, collector, or dealer shall pay the seller of a
26 commodity metal, ~~or~~ detached catalytic converter, FIBER-OPTIC CABLE, OR
27 TELECOMMUNICATIONS INFRASTRUCTURE MATERIAL by check unless the

1 seller is paid by means of ~~any~~ A process in which a picture of the seller is
2 taken when the money is paid.

3 (2) Except as otherwise provided in subsection (3) of this section,
4 the owner, keeper, proprietor, collector, or dealer of ~~any~~ A commodity
5 metal, ~~or~~ detached catalytic converter, FIBER-OPTIC CABLE, OR
6 TELECOMMUNICATIONS INFRASTRUCTURE MATERIAL shall make a digital
7 photographic record, video record, or other record that identifies the seller
8 and the commodity metal, ~~or~~ detached catalytic converter, FIBER-OPTIC
9 CABLE, OR TELECOMMUNICATIONS INFRASTRUCTURE MATERIAL that the
10 seller is selling. The digital photographic record, video record, or other
11 record format shall be retained for one hundred eighty days, and the
12 owner shall permit a law enforcement officer to make inspections of the
13 record.

14 (4) The information entered in the book or register, as provided
15 in subsection (1) of this section, need not be kept for a period longer than
16 three years after the date of purchase of the commodity metal, ~~or~~ detached
17 catalytic converter, FIBER-OPTIC CABLE, OR TELECOMMUNICATIONS
18 INFRASTRUCTURE MATERIAL.

19 (8) As used in this section, unless the context otherwise requires:

20 (d) "Dealer" means ~~any person~~ AN INDIVIDUAL, business, or entity
21 that buys, sells, or distributes, for the purpose of recycling, processing, or
22 smelting, ~~any~~ A commodity metal, ~~or~~ detached catalytic converter,
23 FIBER-OPTIC CABLE, OR TELECOMMUNICATIONS INFRASTRUCTURE
24 MATERIAL on a wholesale basis. For the purposes of this subsection
25 (8)(d), a transaction between a dealer and a motor vehicle dealer is not a
26 wholesale sale.

27 (g) (I) "TELECOMMUNICATIONS INFRASTRUCTURE MATERIAL"

1 MEANS EQUIPMENT THAT SUPPORTS ANY FACILITY, TOWER, POLE,
2 BUILDING, ANTENNA, OR OTHER STRUCTURE CONSTRUCTED FOR THE SOLE
3 OR PRIMARY PURPOSE OF SUPPORTING WIRELESS SERVICE FACILITIES.

4 (II) "TELECOMMUNICATIONS INFRASTRUCTURE MATERIAL"
5 INCLUDES CELLULAR MODEMS AND SERVERS, AS WELL AS BATTERIES,
6 GENERATORS, AND OTHER POWER SOURCES USED TO PROVIDE BACKUP
7 POWER TO WIRELESS SERVICE FACILITIES.

8 **SECTION 3.** In Colorado Revised Statutes, **amend** 18-4-505 as
9 follows:

10 **18-4-505. First degree criminal tampering.** (1) Except as
11 provided in sections 18-4-506.3 and 18-4-506.5, a person commits the
12 crime of first degree criminal tampering if, with intent to cause
13 interruption or impairment of a service rendered to the public by a utility
14 or by an institution providing health or safety protection, the person
15 tampers with property of a utility or institution. First degree criminal
16 tampering is a class 2 misdemeanor.

17 (2) IF A PERSON COMMITS FIRST DEGREE CRIMINAL TAMPERING BY
18 TAMPERING WITH CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE, AS
19 DEFINED IN SECTION 24-33.5-1624 (1)(a), THE DISTRICT COURT SHALL DO
20 ONE OR BOTH OF THE FOLLOWING:

21 (a) SENTENCE THE PERSON TO THE CUSTODY OF THE EXECUTIVE
22 DIRECTOR OF THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST
23 THE MIDPOINT IN THE PRESUMPTIVE RANGE BUT NOT MORE THAN TWICE
24 THE MAXIMUM TERM AUTHORIZED IN THE PRESUMPTIVE RANGE, AS
25 SPECIFIED IN SECTION 18-1.3-501 (1)(a.5); OR

26 (b) IMPOSE A FINE OF UP TO TWICE THE AMOUNT OF THE FINE
27 AUTHORIZED IN SECTION 18-1.3-501 (1)(a.5).

1 **SECTION 4. Act subject to petition - effective date -**

2 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
3 the expiration of the ninety-day period after final adjournment of the
4 general assembly; except that, if a referendum petition is filed pursuant
5 to section 1 (3) of article V of the state constitution against this act or an
6 item, section, or part of this act within such period, then the act, item,
7 section, or part will not take effect unless approved by the people at the
8 general election to be held in November 2026 and, in such case, will take
9 effect on the date of the official declaration of the vote thereon by the
10 governor.

11 (2) This act applies to offenses committed or sales transactions
12 involving fiber-optic cables or telecommunications infrastructure
13 materials occurring on or after the effective date of this act.