

CHAPTER 337

CRIMINAL LAW AND PROCEDURE

SENATE BILL 09-284

BY SENATOR(S) Newell, Morse, Shaffer B., Boyd, Foster, Hodge;
also REPRESENTATIVE(S) Levy, Baumgardner, King S., Ryden.**AN ACT****CONCERNING THE AUTHORITY OF A LAW ENFORCEMENT OFFICER UNDER SPECIFIED CIRCUMSTANCES TO PREVENT A PERSON FROM COMMUNICATING WITH SOMEONE OTHER THAN A PEACE OFFICER.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 18-9-312, Colorado Revised Statutes, is amended to read:

18-9-312. Hostages or armed person in geographical area - telephone, electronic, cellular, or digital communications. (1) (a) Notwithstanding the provisions of sections 18-9-302 to 18-9-311, any supervising representative of a law enforcement agency ~~who has probable cause to believe that one or more hostages are being held in the geographical area in which he has jurisdiction~~ shall have the authority to order a previously designated ~~telephone company~~ security employee OF A COMMUNICATIONS OR INTERNET ACCESS PROVIDER to arrange, TO THE EXTENT THE NECESSARY TECHNOLOGY IS REASONABLY AVAILABLE TO THE PROVIDER, to cut, reroute, or divert telephone lines OR CELLULAR OR DIGITAL COMMUNICATIONS SIGNALS IF THE SUPERVISING REPRESENTATIVE HAS PROBABLE CAUSE TO BELIEVE THAT:

(I) A PERSON HAS TAKEN ONE OR MORE OTHER PERSONS HOSTAGE AND IS HOLDING THE HOSTAGES IN THE GEOGRAPHICAL AREA IN WHICH THE SUPERVISING REPRESENTATIVE HAS JURISDICTION; OR

(II) A PERSON HAS BARRICADED HIMSELF OR HERSELF IN A STRUCTURE OR A MOTOR VEHICLE WITHIN THE GEOGRAPHICAL AREA IN WHICH THE SUPERVISING REPRESENTATIVE HAS JURISDICTION AND THE SUPERVISING REPRESENTATIVE HAS A REASONABLE BELIEF THAT THE PERSON IS ARMED WITH A DEADLY WEAPON OR EXPLOSIVE DEVICE AND POSES A DANGER TO HIMSELF OR HERSELF OR OTHERS.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) THE SUPERVISING REPRESENTATIVE OF A LAW ENFORCEMENT AGENCY MAY ORDER THE CUTTING, REROUTING, OR DIVERTING OF TELEPHONE LINES OR CELLULAR OR DIGITAL COMMUNICATIONS SIGNALS PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) ONLY for the purpose of preventing telephone OR OTHER ELECTRONIC, CELLULAR, OR DIGITAL communication by the ~~holder of such hostages~~ HOSTAGE HOLDER OR THE ARMED PERSON with any person other than a peace officer or a person authorized by the peace officer. THE COMMUNICATIONS OR INTERNET ACCESS PROVIDER SHALL RESTORE THE NORMAL OPERATIONS OF THE TELEPHONE LINES OR CELLULAR OR DIGITAL COMMUNICATIONS SIGNALS AS SOON AS PRACTICABLE FOLLOWING RESOLUTION OF THE EXIGENT CIRCUMSTANCES.

(2) The serving ~~telephone company~~ COMMUNICATIONS OR INTERNET ACCESS PROVIDER within the geographical area of a law enforcement agency shall designate a ~~telephone company~~ security official EMPLOYED BY THE PROVIDER and an alternate to provide all required assistance to law enforcement officials to carry out the purposes of this section.

(3) Good faith reliance on an order by any supervising representative of a law enforcement agency shall constitute a complete defense to any action brought against a ~~telephone company~~ COMMUNICATIONS OR INTERNET ACCESS PROVIDER or any of its employees or agents in connection with actions taken under this section. A COMMUNICATIONS OR INTERNET ACCESS PROVIDER AND ITS EMPLOYEES OR AGENTS SHALL NOT BE LIABLE IN ANY CIVIL ACTION TO ANY PERSON OR ENTITY FOR INJURIES, DEATH, OR LOSS TO ANY PERSON OR PROPERTY INCURRED AS A RESULT OF ANY ACT OR OMISSION RESULTING FROM, CONNECTED WITH, OR INCIDENTAL TO COMPLIANCE WITH THIS SECTION.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2009