



**Testimony of
Mike Blank
CTIA**

**In Opposition to
Colorado HB 1090**

**Before the
Colorado House Judiciary Committee**

February 18, 2025

On behalf of CTIA[®], the trade association for the wireless communications industry, I write in opposition to House Bill 1090, relating to deceptive trade practices. We appreciate the goal of protecting consumers from practices that may undermine a consumer’s ability to make informed commercial decisions, and our industry is committed to ensuring consumers have accurate and transparent information. However, robust federal regulations and public industry commitments already exist, thereby making any new state-specific law imposed on our industry potentially duplicative and not in the consumer’s interest.

Industry is Committed to Keeping Consumers Informed

In the competitive wireless marketplace, CTIA and its members have established the *Consumer Code for Wireless Service*¹—an evolving set of principles designed to help consumers make informed decisions when selecting wireless services. This code has been regularly updated since it was first created nearly 20 years ago. Importantly, more than half of the principles contained in the *Consumer Code for Wireless Service* speak to this important issue, with disclosure of rates and terms of service being the first commitment. Further, Principle 5 *establishes a commitment to “clearly and conspicuously” disclosing material charges.*

¹ CTIA, *Consumer Code for Wireless Service* (2020), <https://api.ctia.org/wp-content/uploads/2020/03/CTIA-Consumer-Code-2020.pdf> (“*Consumer Code for Wireless Service*”).



Wireless services are used every day to connect consumers to school, work, and loved ones, and as of 2023, there more than 1.6 wireless connections for every person in the United States.² Consumers tend to use their wireless devices throughout the day, which serves as a tangible reminder of the services they are receiving. Wireless services are thus distinguishable from other products and services where consumers may not even be aware that they are being charged for a service, such as services that may renew on an annual basis. Moreover, wireless providers typically have regular engagement with their customers, including through monthly notices regarding plan terms and itemized costs, as well as through alerts that may be sent in accordance with commitments made as part of the *Consumer Code for Wireless Service*.

Robust Federal Regulation of the Wireless Industry Already Exists

The wireless industry is regulated by the FCC, which has its own regulatory regime to protect consumers from surprise or unfair fees and billing practices, including broadband labeling and Truth-in-Billing regulation. The FCC's rules already require the wireless industry to convey relevant information to consumers and prevent unfair or deceptive fees. CTIA's members have for years embraced regulatory efforts already undertaken by the FCC to ensure consumers have clear information about service charges and to help protect consumers from fraud and unauthorized third-party fees. These rules and policies effectively prevent and hold wireless providers responsible for any unfair or deceptive fees.

FCC Broadband Labeling: Implementing a Congressional directive, the FCC adopted requirements for broadband labeling in 2023.³ These requirements will ensure consumers are given clear, accurate, and transparent information to guide their purchasing decisions. Under these new broadband consumer label rules, all wireless consumers will have access to easy-to-understand labels modeled on the nutrition labels that appear on food products. The labels clearly lay out key information about prices (including monthly and one-time fees, and the availability of discounts and bundles), the amount of data included in the base price, typical upload and download speeds that consumers can expect, and a provider's network management and privacy practices. Importantly, in adopting its

² See CTIA, *2023 Annual Survey Highlights*, at 5 (July 25, 2023), <https://www.ctia.org/news/2023-annual-survey-highlights>.

³ See *Empowering Broadband Consumers Through Transparency*, Order, CG Docket No. 22-2, DA 23-617 (CGB rel. July 18, 2023).



directive, Congress clearly intended that the FCC should regulate the advertising of broadband on a *national* level.⁴

FCC's Truth-in-Billing: For nearly two decades, wireless voice providers have abided by the FCC's Truth-in-Billing requirements, which are broad, binding principles that ensure voice providers offer information on customers' bills that is clear and not misleading.⁵ The Truth-in-Billing rules have also served to help protect consumers from fraud and unauthorized third-party charges. Importantly, the FCC created a comprehensive framework that affords providers flexibility in their billing procedures without discouraging the introduction of new pricing plans or impairing the ability of providers to adopt improvements to their billing systems or bill structures.⁶

Therefore, the law should clearly exempt services that are regulated by the FCC.

Title 47 U.S.C.: It is not clear if the requirements in the bill is consistent with federal law, which plainly states that “no State or local government shall have any authority to regulate the entry of or *the rates charged by any commercial mobile service . . .* except that this paragraph shall not prohibit a State from regulating the *other* terms and conditions of commercial mobile services.”⁷ It is also not clear if the proposed exceptions in the legislation related to “tax or fees imposed by a government entity on the transaction” would include the wide range of monies wireless providers collect at the behest and with the blessing of government regulators.

Wireless Services are Already Regulated by the FCC

Commitments made by wireless service providers through the *Consumer Code for Wireless Service*, coupled with regulatory protections adopted by the FCC, serve today to provide protection and clarity to consumers regarding their commercial decisions. Given the incentives wireless

⁴ Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, § 60504(a), 135 Stat. 429, 1244 (2021).

⁵ *Truth-in-Billing and Billing Format*, First Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 7492 (1999) (“FCC Truth-in-Billing R&O”); *Truth-in-Billing and Billing Format; National Association of State Utility Consumer Advocates’ Petition for Declaratory Ruling Regarding Truth-in-Billing*, Second Report and Order, Declaratory Ruling, and Second Further Notice of Proposed Rulemaking, 20 FCC Rcd 6448 (2005).

⁶ See FCC Truth-in-Billing R&O, 14 FCC Rcd at 7499, ¶ 10

⁷ 47 U.S.C. § 332(c)(3)(A) (emphasis added); see also, e.g., *MCI Telecommunications Corp. v. FCC*, 822 F.2d 80 (D.C. Cir. 1987).



providers have to ensure their trusted relationship is maintained with consumers, CTIA urges Colorado to recognize the dynamics within the competitive wireless marketplace and refrain from imposing a new state law on the wireless industry that would be unnecessary, duplicative, and not in the consumer interest.

If Colorado ultimately enacts a law regarding unfair and deceptive fees, any new law should expressly exempt services already regulated by the FCC for the reasons stated above.

House Judiciary

02/19/2025 01:30 PM

HB25-1142 Increase Crim Penalty for Failure to Exit Premises

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Siena Krueger Against themselves	This bill would threaten my right to peacefully protest. I have a constitutional right to assemble, and I have seen multiple instances of police officers asking assemblies of peaceful protestors to leave an area. Sometimes, the police put pressure on the protestors by threatening tickets, writing the protestors up, arresting them, or even threatening violence or adopting a threatening posture against them. I want to protect people who wish to protest and spread awareness about how a bill, law, or a corporate policy could affect their daily lives. It is very important to me that people be able to strike and peacefully protest. If religious people can stand on street corners and preach, then protestors should be able to stand on those same street corners and attempt to educate the public about their causes or generally demonstrate.
Rachel Ward Against themselves	This measure is a clear danger to and violation of the constitutionally enshrined right of Americans to peacefully assemble and protest. We must not let that pillar of democracy be eroded.
Elizabeth Geoffroy Against themselves	I am against bill HB25-1142 because I believe it to be a direct infringement on American's 1st amendment rights. This bill would give an immense amount of power to the government and peace authorities while taking away an immense amount of power from the people they are sworn to protect and serve. This power could easily be used to suppress the people's right to protest and is a step in the direction of total authoritarianism. This bill would dramatically skew power in the government's favor, thereby taking it away from the public.
Aspen Kate Against themselves	This bill is a short-sighted attack on the First Amendment that will disempower citizens from exercising their rights to free speech. This country is built on protest, on the backs of the common person making their voices heard as a group. To strip this right from people is a step towards a fascist police state. The Founding Fathers,

	<p>members of the Boston Tea Party, the wheelchair users who blocked the capital to get us the ADA, they would all be made criminals by this anti-American bill.</p>
<p>Joe Honsberger Against themselves</p>	<p>This is nothing more than a violation of the first amendment, of the right to free speech and assembly.</p> <p>This will unnecessarily increase violence and property damage, and put not just demonstrators at risk, but also first responders, including police.</p> <p>Absolutely no good will come by this.</p> <p>If you care about the constitution, your constituents, or human rights, you have to oppose this.</p> <p>Otherwise, you need to go help and tell your children that you are evil failure who hates all the people you are supposed to represent.</p>
<p>Keven C Against themselves</p>	<p>This bill erodes civil rights and creates a chilling effect on lawful protest and organizing. Increasing criminal penalties does not make our communities safer—fully funding education, healthcare, public libraries, and public institutions does. While the sponsor has proposed an amendment to exclude lawful union activity from the criminal penalties, we believe this is not nearly enough—no amendment can make this bill acceptable.</p>
<p>Zachary Sobell Against themselves</p>	<p>I am a member of the CWA 7799 union. I am a staff researcher at CU Boulder, and I oppose this bill. This bill erodes our civil rights, and creates a chilling effect on our right to lawful, peaceful</p>
<p>Zachary Sobell Against themselves</p>	<p>I am a member of the CWA 7799 union. I am a staff researcher at CU Boulder, and I oppose this bill. This bill erodes our civil rights, and creates a chilling effect on our right to lawful, peaceful protesting and organizing. Increased criminal penalties do not create safer communities. Fully funding education, healthcare, public libraries, and public institutions does. Please do not take this step to make</p>

	organizing stronger labor unions for under compensated workers more difficult.
<p>Heidi Leathwood Against 350 Colorado</p>	<p>Dear Chair Mabrey and members of the Committee,</p> <p>Thank you very much for accepting my testimony. On behalf of 350 Colorado and our 20,000 members, I urge you to vote no on HB25-1142. 350 Colorado is a grassroots organization founded to work on environmental injustice and other root causes of the climate crisis. Around the globe, peaceful protesters have sought to bring more awareness and attention to environmental injustice, and the climate crisis, often risking arrest to do so. The right to a clean and healthy environment has been recognized by the UN as a fundamental human right. Nonviolent direct action is an important part of all movements to achieve basic human rights protections, and the movement to demand that government protect the right to a clean and health environment, including a stable climate, is no exception.</p> <p>Laws such as the bill proposed here today, HB25-1142 are unfortunately being used across the US and the world to try to put a chilling effect on peaceful protest. People put their bodies on the line, literally, in nonviolent direct action, to protect others, at great cost to themselves, because of the courage of their convictions. There is no reason to make the penalty for that a felony. There is no legislative declaration for this bill, and it is reasonable to make the assumption, that like other attempts in the US and globally to criminalize peaceful protest, this is the intent of this law. Please vote NO.</p>
<p>Olivia Walters Against themselves</p>	<p>One of the great things about this country is the right to freedom of speech. This bill would dramatically decrease our abilities to practice that freedom of speech. With the threat of a class 6 felony by showing up to a protest, many people will be deterred from practicing their right to protest and assemble. A freedom this country was built on. A freedom that could lose someone their right to vote if they were charged with a felony. This bill is not only putting our freedom of speech at risk, it is also putting into question our second amendment right. A person who "causes a peace officer to believe that THE PERSON possesses a deadly weapon commits a CLASS 5 FELONY." Meaning any individual loses their rights to bear arms and their right to vote. The vague wording of this proposed update could also result in a felony charge for someone who may not have a weapon and may just cause a peace officer to believe they have a weapon. We all know how frequently our peace officers make a mistake and misjudge if someone has a deadly weapon or not. Just look at the countless cases of unnecessary police</p>

	<p>brutality in our state because the officer thought they saw a gun when it was a wallet or a phone. This bill puts people who are carrying to defend themselves at risk, and puts people who are stereotyped by peace officers at risk of losing their right to vote in this country.</p> <p>I do not support this bill passing, it is clearly too severe of a punishment for actions that are protected for Americans. Please use your position of power to protect our rights.</p>
<p>Anastasia Hill Against themselves</p>	<p>Chairperson and Members of the Judiciary Committee,</p> <p>I am writing to express my strong opposition to House Bill 25-1142, which proposes increasing the criminal penalty for failing or refusing to leave a premises or property upon request of a peace officer. While I understand the intent behind this bill, its consequences would disproportionately harm vulnerable populations, expand the reach of the criminal justice system in problematic ways, and create unnecessary legal burdens.</p> <p>My concerns with House Bill 25-1142:</p> <p>Disproportionate Impact on Vulnerable Communities:</p> <p>This bill escalates what is currently a misdemeanor offense to a felony, which could have severe repercussions for homeless individuals, protestors, and those experiencing mental health crises. Law enforcement often interacts with individuals who are disoriented, disabled, or unable to comply immediately due to circumstances beyond their control. Elevating this charge to a felony fails to account for these complexities and may lead to unjust criminalization of already marginalized groups.</p> <p>Increased Prison Sentences Without Justification:</p> <p>By reclassifying this offense as a Class 6 or Class 5 felony, this bill risks increasing incarceration rates without any demonstrated public safety benefit. Colorado has been making progress toward reducing unnecessary incarceration and addressing over-policing in certain communities. This bill directly contradicts those efforts by imposing harsher penalties for an offense that does not inherently involve violence or harm.</p>

	<p>Risk to First Amendment Rights:</p> <p>The language of the bill is broad enough that it could be used against peaceful protestors, journalists, and activists who do not immediately comply with police orders. Protesting on public property, especially in tense situations, sometimes involves delayed compliance with dispersal orders. Criminalizing this as a felony could chill free speech and the right to assemble in Colorado.</p> <p>Financial Burden on Taxpayers:</p> <p>Increasing penalties from misdemeanors to felonies means longer court proceedings, higher incarceration costs, and added burdens on public defenders—all of which will cost taxpayers more money without a clear benefit to public safety. This bill would divert resources away from critical social programs that actually address root causes of crime, such as mental health care, housing, and community-based interventions.</p> <p>Overreach in Law Enforcement Authority:</p> <p>Current laws already allow law enforcement to remove individuals from premises when they pose a threat or are engaged in criminal behavior. This bill unnecessarily expands police discretion, increasing the potential for abuse of power and targeting of certain groups. Felony charges should be reserved for serious, violent crimes—not situations where someone is slow to comply with an order to leave.</p> <p>Ultimately, I believe House Bill 25-1142 is an overly punitive and unnecessary expansion of the criminal code. Instead of solving real public safety issues, it would criminalize vulnerable populations, increase incarceration rates, and infringe on civil liberties—all while creating higher costs for taxpayers. I urge the Judiciary Committee to reject this bill and instead focus on policies that address de-escalation, mental health services, and community-based interventions rather than relying on excessive criminal penalties.</p> <p>Thank you for your time and consideration.</p>
<p>Karyn Murphy Against themselves</p>	<p>Good afternoon, my name is Karyn Murphy. I am a master of social work student at MSU Denver. I'm here to strongly oppose bill HB25-1142.</p>

	<p>The ability to protest is a cornerstone of democracy. It is one way that communities can voice their concerns and hold those in power accountable. Criminalizing protesters for simply being present will discourage people from participating in demonstrations out of fear.</p> <p>This bill does not protect public safety. It suppresses public voice. Instead of silencing community members, we should be listening to them. I urge you to reject HB25-1142. Thank you.</p>
<p>Valerie Passerini Against themselves</p>	<p>I couldn't be more against this bill if I tried. The sponsor is an attorney and should know better. At a time where Trump and his unelected henchman Musk are dismantling our government with nary any pushback in Congress (talking to you supposed Democrats) we have a state legislator trying to make it more difficult and have people incur felony charges at the discretion of Colorado law enforcement who have shown themselves to be anything but protectors of free speech. In fact, they are outwardly antagonistic, see settlements from the George Floyd protests. Not that it matters since that money doesn't come out of their pensions or affect them in any way. The police's discretion is already wide and this bill does nothing to strengthen the rights to peacefully assemble.</p> <p>Please oppose HB 25-1142.</p>
<p>Rachel Ward Against themselves</p>	<p>This measure is a clear danger to and violation of the constitutionally enshrouded right of Americans to peacefully assemble and protest. We must not let that pillar of democracy be eroded.</p>
<p>Jeffrey Magnani Against themselves</p>	<p>Re HB25-1142</p> <p>I am deeply concerned about this bill. It appears to create additional criminal liability for protestors, while under the status quo, if people commit crimes, they can already be charged, and it further appears that even refusal to disperse can currently be charged (though as a misdemeanor rather than a felony). I am alarmed about the prospect of our state legislature handing more power to law-enforcement agencies to determine what to charge people with, particularly</p>

	<p>people addressed in protesting, which the great majority of the time is for redress of grievances, a right protected by the first amendment to the Constitution. It would be a move ripe for abuse.</p> <p>This bill furthermore comes at one of the most difficult times in the history of the American Republic, as the federal executive appears to be illegally arrogating more authority to itself. And we also just saw a massive protest at the state capitol against federal abuse and overreach, as well as smaller protests in several locations around Colorado.</p> <p>I see no redeeming qualities to this bill.</p>
<p>Garrett Royer Against Sierra Club Colorado</p>	<p>Mr. Chair and Members of the Committee,</p> <p>My name is Garrett Royer and I'm the Acting Chapter Director for the Colorado Chapter of the Sierra Club. I'm submitting this testimony on behalf of our organization's Legislative Committee which represents over 100,000 members and active supporters across the state of Colorado. We urge the House Judiciary Committee to vote no on HB25-1142.</p> <p>The earliest days of the environmental movement in the United States have been rooted in public protest and assembly which subsequently resulted in the founding of Earth Day in the 1970s and eventually the creation of critical agencies and necessary protections such as the Environmental Protection Agency and the Clean Air and Water Act. These hugely important laws exist for the benefit of all Americans and would not have been possible without the brave voices of climate activists decades ago.</p> <p>If HB25-1142 is passed, it would hinder the ability of advocates, communities, and grassroots activists to organize. The potential of a misapplied felony charge could very likely cause a chilling effect on individuals exercising their 1st amendment rights. As a staff member of an organization that was founded on the beliefs of free speech and advocacy, as well as a dues paying member of the Sierra Club Progressive Workers Union, the potential for my ability to assemble to be curtailed is deeply troubling. We have a constitutional right to</p>

	<p>peaceably assemble that should not be restrained by fear of arrest or prosecution.</p> <p>This is an especially concerning piece of legislation given the current political climate. Many vulnerable communities live in fear of their voices being silenced and this legislation raises questions about how the legislation would be enforced, potentially leading to selective enforcement against politically unpopular protests. It is the right of every individual to protest and assemble, HB25-1142 creates too many ambiguities and risks the First Amendment rights of Coloradans. Please vote no on this legislation.</p>
Emily Hatton Against themselves	I believe that increasing the penalty for failing to disperse a protest from a misdemeanor to a felony is an infringement on the right to protest. This violates the right to assemble guaranteed by the first amendment of the constitution.
Willow Moon Against themselves	This bill is disgraceful. It puts in the hands of police officers the excessive power to disperse protesters at their subjective will. It gives them the right to decide whether free citizens may exercise their right to protest, by relying on the unreliable integrity of the police officer to consider something a potential crime. This bill will be abused immediately and fully, and reads as though it is in fact designed to be legally abused without oversight or repercussion, at the expense of free speech and the American people. This bill also does not define the term "premises" and states it as a broad and vague wording that is again, ripe for abuse. As written, this bill gives any police officer the right to enter any premises, without warrant, under the subjective guise of suspicion. The American people have a right to protect their homes and properties from unlawful entry, whether it is hosting, adjacent to, or in some way involved in protest demonstrations. This bill is abhorrent, and a direct and blatant attack on the rights of the American people. Dismiss this bill immediately. Shame on those who have written and proposed it.
Addie Lopshire-Bratt Against themselves	This bill is an affront to free speech and free assembly. It gives an immense amount of power for undertrained, overzealous police officers to literally remove someone's right to vote simply for protesting. Do not pass this bill, or we will see Colorado cave to the growing fascist movement in the US
Debra Taylor	I ask for No votes on this Bill. At a time when our voices and our rights are being removed, I think this Bill promotes additional loss of

Against themselves	rights. This Bill 25-1142, is too general. Sit-ins, arm linking, chanting, any actions that are non destructive ought to be protected, not lumped into a fear Bill. Please vote No.
Jason Rose Against themselves	<p>Honorable House Judiciary Committee members, the proposed increase for penalties under House Bill 25-1142, which reclassifies certain offenses from misdemeanors to felonies, raises serious concerns regarding justice and the overall effectiveness of the bill's intended goals. While public safety remains an essential and indispensable concern, the proposed penalty alterations are a disproportionate and sweeping overreaction that neglects the contextual aspects of foundational civil rights, the criminal justice system, educational and psychology learning theories, and evidence-based approaches to deterrence.</p> <p>As already written and enforced, misdemeanors serve as an appropriate response for nonviolent offenses, such as the actions in question in this house bill. Current legal consequences under the aforementioned charges, which range from fines to potential jail time with an ensuing criminal record, already act as a sufficient deterrent for most individuals in which these penalties can disrupt and redirect behaviors without resorting to overly punitive measures. For the vast majority of individuals who are not engaged in violent crime or pose a direct threat to public safety, misdemeanors provide a sufficient legal framework to address noncompliance without resorting to the more damaging and life-long consequences of felony convictions.</p> <p>However, escalating the noted offenses to a felony is not only an excessively punitive response, but it is also unlikely to provide any meaningful increase in deterrence, as outlined below:</p> <p>1. Lack of Evidence for Deterrence: There is no substantial evidence to suggest that simply increasing the severity of a penalty will lead to greater deterrence (Bun et al., 2020). Research on deterrence in the criminal justice system has demonstrated that the severity of punishment alone is not a significant factor in preventing criminal behavior or reducing recidivism. In fact, it was found that increasing the risk of apprehension and the outcome of a conviction is more influential in reducing crime than raising the expected severity of punishment (Bun et al., 2020).</p>

	<p>Moreover, from a psychological perspective, behavioral chaining and operant conditioning offer insights into why a misdemeanor penalty is the most appropriate response. In operant conditioning, behavior is shaped by consequences, with positive or negative reinforcement following specific actions. Punishment must occur swiftly and directly follow the behavior to be effective. Research shows that immediate, direct consequences are more successful in reducing undesired behavior than delayed or overly severe punishments. Raising penalties to a felony weakens the immediate connection between the offense and the consequence, diminishing its ability to deter future noncompliance. Intensifying a misdemeanor to a felony does not necessarily address either of these factors, especially in situations where an individual may not be fully cognizant of the legal consequences at the time of their action or where the individual is acting out of confusion, distress, or a lack of understanding of law enforcement orders.</p> <p>2. Increased Legal and Social Consequences Are Disproportionate: A felony conviction brings with it severe consequences, such as long-term disenfranchisement, loss of civil rights, and significant barriers to employment and housing that far outweigh the initial offense of noncompliance. The collateral consequences of a felony conviction can have long-lasting and profound effects on an individual's ability to reintegrate into society. Furthermore, the emphasis on harsher punishment fails to address any underlying origins of the noncompliance, such as mental health issues or social and racial stressors, that might be at play during the interaction in question. Finally, such proposed language of a presumptive weapon, without evidence, threatens to embolden disproportionate policing tactics and responses, inflaming current racial tension and foundationally targeting brown and black citizens, eroding any fragment of safety.</p> <p>3. Intensification of Punishment May Escalate Tensions Rather Than Protect: Increasing the criminal penalties for noncompliance behavior could have the unintended effect of escalating tensions between law enforcement and community members. Research has shown that de-escalation strategies utilized by police are particularly effective in interactions with individuals who may be dealing with emotional distress, substance use, or a mental health crisis (Lavoie et al., 2022). By treating noncompliance as a felony offense rather than a misdemeanor, this bill risks creating an adversarial relationship that might lead to more significant confrontation and harm for the individual involved and law enforcement officers (Lavoie et al., 2022). In some cases, such escalation through punitive power could lead to</p>
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	<p>the unnecessary criminalization of individuals who might otherwise have been addressed through non-punitive means.</p> <p>In conclusion, no substantial evidence supports that increasing punishments from misdemeanors to felonies will enhance public safety by deterring noncompliant behaviors; instead, the proposed changes seem to be security theater, providing the illusion of increased safety at the expense of civilians exercising their foundational rights (i.e., peaceful protesting). However, the telluric consequences to prospective defendants are dangerously tangible, as the bill risks over-criminalizing a behavior that does not pose a significant threat while simultaneously imposing financial and social burdens on the criminal justice system and the prospective defendants. I urge the committee to reconsider the bill and explore alternative approaches that balance the need for accountability with broader goals of fairness and de-escalation that minimize disenfranchisement and barriers to reentry into society.</p> <p>Thank you for your time and sincere consideration of the above:</p> <p>Jason Rose, Ph.D. (he/him)</p> <p>References:</p> <p>Bun, M.J.G., Kelaher, R., Sarafidis, V. & Weatherburn, D. (2020). Crime, deterrence, and punishment revisited. <i>Empirical Economics</i>, 59, 2303–2333. https://doi.org/10.1007/s00181-019-01758-6</p> <p>Lavoie, J., Alvarez, N. & Kandil, Y. (2022). Developing community co-designed scenario training for police mental health crisis response: A relational policing approach to de-escalation. <i>J Police Crim Psych</i> 37, 587–601. https://doi.org/10.1007/s11896-022-09500-2</p>
<p>Clayton Snell Against themselves</p>	<p>I strongly oppose House Bill 25-1142, which significantly increases the criminal penalties for individuals who fail or refuse to leave a premises when requested by law enforcement. This bill is not only dangerous but also a direct threat to the right to protest, disproportionately targeting activists, demonstrators, and marginalized communities.</p>

	<p>By escalating penalties to felony charges, the bill gives law enforcement excessive power to criminalize peaceful protesters who may not immediately comply with dispersal orders—orders that are often given arbitrarily or to suppress dissent. Peaceful assembly is a constitutional right, and this bill would create a chilling effect on free speech by introducing the risk of life-altering legal consequences for those engaging in civil disobedience.</p> <p>Furthermore, vague language in the bill leaves room for abuse, allowing police discretion to determine when someone "constitutes a danger," potentially leading to wrongful arrests and legal battles for individuals simply exercising their rights.</p> <p>I urge Representative Jacque Phillips to reconsider her sponsorship of this bill and to stand with those who value democratic freedoms. Laws should protect the right to protest, not suppress it through intimidation and excessive punishment. I call on Representative Phillips to rescind her sponsorship of HB 25-1142 and to support measures that uphold civil liberties rather than erode them.</p>
<p>Austin Malone Against themselves</p>	<p>I do not agree with the proposal</p>
<p>Cedric Pansky Against themselves</p>	<p>In a time of rising fascism around the world, we need to reflect upon the fact that our constitutionally guaranteed right to protest is one of the people's primary methods to counteract authoritarianism. The push to silence the voices of the people is the exact thing we should NOT be doing, and we know this. It is well documented in many times in history. In no time, in no place, were those who tried to silence voices on the right side of history. The very fact this bill is being suggested should be seen as a shame on everyone involved.</p>
<p>Brian Corcoran Against themselves</p>	<p>Restricting peaceful protest is not only unamerican and unconstitutional it is evil and malicious reject this bill and attempts to destroy our freedoms.</p>
<p>Sarah Donnelly Against</p>	<p>This bill undermines the fundamental right to protest, a cornerstone of our democracy. Increasing criminal penalties for failing to leave a premises when requested by a peace officer could deter peaceful</p>

<p>themselves</p>	<p>demonstrations and stifle voices calling for change. Representative Phillips campaigned on addressing real issues like expanding affordable housing, strengthening the local economy, and ensuring that every voice is heard, not on restricting civil liberties. This bill distracts from the pressing concerns everyday Coloradans face and fails to address the root causes of societal problems. We must prioritize policies that uplift our communities, not those that suppress our rights.</p>
<p>Tyler Griffis Against themselves</p>	<p>To the members of the Judiciary Committee,</p> <p>I would like us all to consider the weight of this proposal. Consider that the law is not always just. There are still living former Freedom Riders and other Civil Rights Movement activists. Are you, as a would-be supporter of this bill, prepared to look them in the eye and say "I believe your actions back then were deserving of 1-3 years in prison or a fine of \$100,000. I believe you deserved a felony for not leaving whites-only establishments when the police ordered you to"?</p> <p>This may sound like an extreme case irrelevant to Colorado, but remember that we are in uncertain times, when the very foundations of our Republic are under question. Are you prepared to hand a would-be dictator the power he needs to suppress effective civil disobedience? Who knows what constitutional showdowns we have coming our way, where the power of the state may be at odds with what is just and right, just as in the Jim Crow South. Do not hand future oppressors tools that will be used against us.</p>
<p>Brice Maiurro Against themselves</p>	<p>To Whom It May Concern:</p> <p>This bill represents an ideology that Denver should not partake in. This is a bill of oppression. This an active move to further punish protestors in a time where protesting is critical. This is a nonpartisan issue. We all deserve a right to free speech, and there is absolutely no reason to further criminal those who are serving as advocates for the country they believe we could be. I do not want to move closer to a police state, nor do my fellow Denverites that I talk to each and every day. Colorado has a unique chance of resisting this current administration and being a beacon of light in these dark times. Don't diminish that light with unnecessary persecution.</p> <p>Thank you,</p>

	Brice Maiurro
<p>Todd Battistelli</p> <p>Against themselves</p>	<p>I encourage the committee to vote against HB25-1142.</p> <p>In a time of increasing authoritarian threat in America, we cannot enact laws that will be weaponized against peaceful protesters.</p> <p>HB25-1142 offers no protection to non-violent protesters against a felony charge for what is currently, and appropriately, a misdemeanor offense.</p> <p>If the authors and sponsors of the bill want to target those who might violently attack law enforcement officers during an eviction, they can submit a bill with more narrowly targeted language.</p> <p>As currently written, HB25-1142 threatens to limit even further the non-violent options Coloradans have for acting against unjust government actions.</p>
<p>AnnieZean Dunbar</p> <p>Against themselves</p>	<p>To the House Judiciary Committee,</p> <p>I am sending this testimony in opposition to the proposed bill HB25-1142, which increases the Criminal Penalty for Failure to Exit Premises. As a private citizen, I do not understand why anyone would be treated to criminal prosecution if they were in their residence or a private place. It is of grave concern to propose a bill that would punish people for engaging in their inalienable rights of refusing to leave their private property at the request of an officer. Our homes have been, until now, spaces of private sanctuary, and to remove the protection of this right and punish people for refusal is not only dangerous, it is in opposition to our values as Americans. Refusal against tyranny and the overreaching of the state has always been part of the American way, something that every person is entitled to regardless of color, creed, or class. The bill proposed by Representative Jacque Phillips is confusing because it bill opens up the door to authoritarian actions by officers who have the discretion to understand not only what compliance means but also what refusal means. This isn't a bill to protect citizens, but it can be used against communities, especially those who are overpoliced and treated with suspicion. I fear the intentions and the impacts of this bill may not be as altruistic as one would imagine and would open the opportunity</p>

	<p>for breaches in human rights and civil liberties for the people of Colorado.</p> <p>Thank you,</p> <p>Dr Dunbar</p>
<p>John Ramstead Against themselves</p>	<p>This bill is tyrannical in nature and would directly discourage the people of Colorado from feeling safe to express themselves through their constitutionally protected rights of free speech and protest. This bill would allow riot police, who are often deployed en masse against peaceful demonstrators, to further punish innocent civilians who are often not given enough time to disperse before the batons come out anyway. In the face of the Trump administration this bill would simply put more legal weapons in the hands of a would be dictator. I urge you all to demonstrate your commitment to the people of Colorado and their rights by voting now on this bill.</p>
<p>Scott Andre Against themselves</p>	<p>Hello,</p> <p>I am writing as a Colorado citizen who supports the right to peacefully protest. I believe the proposed bill would be harmful to one's constitutional rights as an American, and I strongly oppose this hearing item.</p>
<p>Jonna Hodges Against themselves</p>	<p>Not only does this bill infringe upon our constitutionally protected right to assemble and the first amendment, but it's a transparent attempt to silence the public in light of the very unpopular and anti democratic policies and agenda of the current presidential administration. Protest is not convenient and it's meant to be disruptive, the people don't have a lobbying budget but we have our bodies and voices. If you pass this law, you will not only violate the rights we elected you to protect, but you will undermine a primarily peaceful way the public has to communicate their displeasure with the function of government. We need to think long term here and I encourage law makers to work to ensure the public continues to have the right to peacefully assemble. Against the monied interest fueling this bill, it's all the people have.</p>
<p>Joel Brown Against themselves</p>	<p>I strongly oppose this bill. The right to petition the government for a redress of grievances is sacred to our democracy. I will publicize the name of any member that votes for this and send a ton of mail to remind all the registered voters in your district at primary time if you support this bill.</p>

<p>Audrey Logan Against themselves</p>	<p>To the members of the judiciary committee,</p> <p>I am writing to demand that you vote against this bill. In this time of uncertainty, our 1st amendment rights are more critical than ever. When the government is taking illegal action against its people, we the people need to be able to stand up and protest. This bill would be stripping people of our rights.</p>
<p>Jessica Corey Against themselves</p>	<p>This is a reactionary bill that is poorly conceived. Increasing criminal penalties has rarely, if ever, been an effective solution to the problems we face as a society. The types of people this likely largely targets are homeless, drug addicted and mentally ill individuals, as these are the populations who are likely to not leave when asked. We do not need to drag our mentally ill brethren with more criminal penalties when our competency system is fundamentally broken. This will not increase public safety—mental health resources, addiction resources, and housing supports are the way to avoid this problem. Instead, you are going to pay more money running people through the felony system for no benefit. These are cases that prosecutors likely offer a misdemeanor to anyways, even if made a felony, so what is this bill really accomplishing?</p> <p>I am suprised this bill came from someone with an ADC contract—I would expect someone who works with vulnerable populations to know better than to try to run through this half baked bill that will not fix the problem. I urge all lawmakers to vote against this bill and instead look at common sense solutions to fix the issue.</p>
<p>Siena Krueger Against themselves</p>	<p>I grew up around Dallas, Texas and have spent a significant amount of time in the south of the U.S. I have seen horrid hatred towards black and Latinx people, to the extent of racist people putting them in physical danger. Non-white men get treated very differently in Texas when they're wearing a suit compared to when they're wearing a t-shirt and sweat pants. I have seen sexist treatment, from women getting interrupted, to companies asking women to wear more jewelry in the workplace. I myself am queer, and there are several reasons to never come out in Texas except in secret, to select friends. One of my good friends was homeless as a 16 year old and had to get rides to high school in order to keep pursuing her academic potential in math... because she told her parents she is lesbian.</p> <p>I thought, when I moved to Colorado, that these issues wouldn't persist... but they do. They are more subtle and they are often</p>

	<p>institutional. How can I say I have a problem with the way my fellow humans are treated? How can I express hope that fair compensation and safety in the workplace is offered to all? I have a right to peacefully protest.</p> <p>Also in Dallas and even in Denver, police have been called and have escalated tensions on otherwise peaceful protestors. Mustard gas has been used to break up protests in which people have even been simply sitting and chanting. I have been afraid for my and my friends' safety because there is a general tone of risk which now comes with protest.</p> <p>Essentially, there has been punishment enough for protestors. We have a constitutional right to gather and express our concerns. I don't want more threat of punishment, like felonizing gatherings and increasing ticket prices around it. Police have the power to decide punishments for everyday people, and not of all of them abide by our rights and the law. All it takes is one bad apple in the bunch, and soon a whole group of protestors could be injured and/or punished, especially when police are given more jurisdiction to punish protestors as they desire. I am concerned about this and oppose this bill, which could discourage and punish people for gathering under their constitutional right.</p>
<p>Christopher Curry Against themselves</p>	<p>I am writing to call for this legislation to be dropped from consideration. A bill allowing felony charges for exercising first amendment rights is an injustice and must be revoked. Strengthen First Amendment protections and vote no against this legislation.</p>
<p>Nina Andoloro Against themselves</p>	<p>I am against the bill to increase penalties for anyone refusing to disperse at protests. It is our right to protest.</p>
<p>Katessia Robertson Against themselves</p>	<p>Hello.</p> <p>I am disappointed in the introduction of this bill. There are many other things that are a much higher priority for our communities than increasing criminal penalties for folks exercising their first amendment rights of protesting. Much higher priority things are: housing, food security, immigrant rights, and protection of vulnerable community groups, but I digress. Protesting occurs for a reason, people are upset about policies existing that take rights away from</p>

	<p>oppressed groups and need to speak out against it. We should not put our communities under further attack through signing this bill. Protesting should continue to stay protected as it is under our constitution. Police officers should not have authority over protesters in this way. Many times, police officers cause extreme harm to folks who protest. This would give them more power to harm folks even more. We should not allow police officers to exert more force, brutality, and harm to our communities. Protesting is a protected right that should be granted to all people, let's keep it that way.</p> <p>I oppose this bill.</p> <p>With gratitude,</p> <p>Katessia Robertson, a concerned citizen.</p>
<p>Shoshana Aal Against themselves</p>	<p>Hello my name is Shoshana Aal, I am a resident of Lakewood, Colorado</p> <p>I am calling to encourage you to strongly oppose HOUSE BILL 25-1142. This bill is an attack on the constitutional rights of free speech and the right to assemble. If it passes, any person who expresses dissent could arbitrarily become a felon at a police officer's discretion. We already live in a world where our freedom to speak is being chipped away, our freedom to be heard and to be represented. As a person with a doctorate in psychology I can attest to the fact that these freedoms were decided upon by our forefathers wisely. Because, not only does being able to speak up in protest ensure that we are all represented, it also decreases the need for people to engage in more aggressive actions to be heard. A human in pain can never remain quiet while their pain goes untreated, and making it illegal for them to express themselves to the world only means that they now have no choice but to act illegally. It does not decrease the pain, it does not quiet the person, it does not solve the problem. And more people will keep coming, in pain and needing to speak. Please, just let us speak and assemble peacefully!</p> <p>This bill, proposed by democrat member(s) of the Colorado Assembly, coincides with the mobilization of protestors voicing their dissent against Trump's right-wing and authoritarian agenda. If this bill passes, protestors could become felons and lose their right to vote while serving jail time. This is a hugely disproportionate punishment for practicing the long-held and respected tradition of civil disobedience in our country.</p>

	<p>Again, I ask you to strongly oppose HOUSE BILL 25-1142 and, I ask that you use your position and your power to address the reasons why people protest, demonstrate, and assemble instead of stifling their voices. Please stand with all people of Colorado and their rights to speak, assemble, and be protected from unreasonable penalties.</p> <p>Thank you for your time and I appreciate your opposition to HB 25-1142.</p> <p>Sincerely, Shoshana</p>
<p>Madeleine Grigg Against themselves</p>	<p>The right to free assembly is a fundamental tenant of the bill of rights and the exercise of this right has been an integral mechanism to advancing the civil rights of minoritized groups such as people of color, people with disabilities, and women. More recently, protest has been used to voice dissent about quasi-autocratic policies and executive orders being enacted undemocratically at the federal level. The right to peacefully gather is integral to the livelihood of our democracy and to maintaining primacy of free speech.</p> <p>The language of the bill includes a mention of "a peace officer who has probable cause to believe a crime is occurring and that the person constitutes a danger to themselves or others." The lack of clarity around "probable cause" leaves inordinate space for an officer's subjective discretion; what constitutes a danger to others is not operationalized in the bill language. Brandishing the threat of a class 6 felony against those who may be merely exacting an inconvenience unto the public (i.e. using sidewalk space, picketing in at the entrance of a storefront, etc.) is a disproportionate response. Police accountability is just as important as public accountability. Denver recently had to pay out upwards of 2.5 million dollars in settlements for police's excessive use of force against protestors in 2020, so it is clear that officers are still in the process of being trained to distinguish between active criminal activity and methods of nonviolent protest.</p> <p>We are in a critical era where the threat of losing our democracy is prevalent. Heavy-handed legislation such as HB25-1142 discourages peaceful protest and quells dissent, leaving bad actors in government to wage wars on our fundamental rights unimpeded. We must keep</p>

	<p>protest and free assembly accessible and fair. For this reason I am strongly against HB25-1142.</p>
<p>Margaret Scruggs Against themselves</p>	<p>I encourage you to strongly oppose HOUSE BILL 25-1142. This bill is an attack on the constitutional rights of free speech and the right to assemble. If it passes, any person who expresses dissent could arbitrarily become a felon at a police officer's discretion. This bill does not provide firm limits to application and leaves too much interpretive power to any member of the police force.</p> <p>This bill, proposed by democrat member(s) of the Colorado Assembly, coincides with the mobilization of protestors voicing their dissent against Trump's right-wing and authoritarian agenda. If this bill passes, protestors could become felons and lose their right to vote while serving jail time. This is a hugely disproportionate punishment for practicing the long-held and respected tradition of civil disobedience in our country.</p> <p>Again, I ask you to strongly oppose HOUSE BILL 25-1142 and, I ask that you use your position and your power to address the reasons why people protest, demonstrate, and assemble instead of stifling their voices. Please stand with all people of Colorado and their rights to speak, assemble, and be protected from unreasonable penalties.</p> <p>Thank you for your time and I appreciate your opposition to HB 25-1142.</p> <p>Sincerely, Margaret Scruggs</p>

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Mr Chair and Members of the Committee,

My name is Garrett Royer and I'm the Acting Chapter Director for the Colorado Chapter of the Sierra Club. I'm submitting this testimony on behalf of our organization's Legislative Committee which represents over 100,000 members and active supporters across the state of Colorado. We urge the House Judiciary Committee to vote no on HB25-1142.

The earliest days of the environmental movement in the United States have been rooted in public protest and assembly which subsequently resulted in the founding of Earth Day in the 1970s and eventually the creation of critical agencies and necessary protections such as the Environmental Protection Agency and the Clean Air and Water Act. These hugely important laws exist for the benefit of all Americans and would not have been possible without the brave voices of climate activists decades ago.

If HB25-1142 is passed, it would hinder the ability of advocates, communities, and grassroots activists to organize. The potential of a misapplied felony charge could very likely cause a chilling effect on individuals exercising their 1st amendment rights. As a staff member of an organization that was founded on the beliefs of free speech and advocacy, as well as a dues paying member of the Sierra Club Progressive Workers Union, the potential for my ability to assemble to be curtailed is deeply troubling. We have a constitutional right to peaceably assemble that should not be restrained by fear of arrest or prosecution.

This is an especially concerning piece of legislation given the current political climate. Many vulnerable communities live in fear of their voices being silenced and this legislation raises questions about how the legislation would be enforced, potentially leading to selective enforcement against politically unpopular protests. It is the right of every individual to protest and assemble, HB25-1142 creates too many ambiguities and risks the First Amendment rights of Coloradans. Please vote no on this legislation.

To the members of the Judiciary Committee,

I would like us all to consider the weight of this proposal. Consider that the law is not always just. There are still living former Freedom Riders and other Civil Rights Movement activists. Are you, as a would-be supporter of this bill, prepared to look them in the eye and say "I believe your actions back then were deserving of 1-3 years in prison or a fine of \$100,000. I believe you deserved a felony for not leaving whites-only establishments when the police ordered you to"?

This may sound like an extreme case irrelevant to Colorado, but remember that we are in uncertain times, when the very foundations of our Republic are under question. Are you prepared to hand a would-be dictator the power he needs to suppress effective civil disobedience? Who knows what constitutional showdowns we have coming our way, where the power of the state may be at odds with what is just and right, just as in the Jim Crow South. Do not hand future oppressors tools that will be used against us.

Tyler G., solar installer, Fort Collins