

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0609.01 Owen Hatch x2698

**HOUSE BILL 26-1101**

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**HOUSE SPONSORSHIP**

**Espenoza and Soper,**

**SENATE SPONSORSHIP**

**Lindstedt and Pelton B.,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING ADDING CRIMINAL OFFENSES RELATED TO CRITICAL**  
102 **INFRASTRUCTURE COMPONENTS TO CRIMINAL OFFENSES**  
103 **INVOLVING COMMODITY METALS.**

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**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 defines critical infrastructure related to commodity metals and adds several different criminal offenses related to the sale of, possession of, and failure to report stolen critical infrastructure.

The bill prohibits an owner, keeper, or proprietor (owner) of a junk shop, junk store, salvage yard, or junk cart or other vehicle and every

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

collector of or dealer in junk, salvage, or other secondhand property who buys a commodity metal that was part of critical infrastructure (buyer) from paying cash for the commodity metal unless the seller is paid by means of any process in which a picture of the seller is taken.

The bill prohibits a buyer from possessing a commodity metal that was part of critical infrastructure without a certification from the seller or donator of the commodity metal. A buyer who unknowingly takes possession of commodity metals from critical infrastructure as part of a load of otherwise non-commodity metals without a written certification has a duty to notify the appropriate law enforcement agency or municipal code enforcement agency.

An owner of a junk shop, junk store, salvage yard, or junk cart must make their book or register available to a law enforcement agency or municipal code enforcement agency upon request.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-13-111, **amend**  
3 (1)(e), (1.5), (2), (5) introductory portion, (5)(e), (6), (10)(a)(II), and  
4 (10)(a)(III); and **add** (1.6), (8)(b.8), (8)(c.5), and (10)(a)(IV) as follows:

5 **18-13-111. Purchases of commodity metals, critical**  
6 **infrastructure metals, or detached catalytic converters - violations -**  
7 **creation - composition - reports - legislative declaration - definitions.**

8 (1) (e) The book or register ~~shall~~ **MUST** be made available to ~~any~~  
9 ~~peace officer~~ **A LAW ENFORCEMENT AGENCY OR MUNICIPAL CODE**  
10 **ENFORCEMENT AGENCY for inspection at any reasonable time** UPON  
11 **REQUEST.**

12 (1.5) (a) An owner, keeper, proprietor, collector, or dealer is  
13 permitted to pay a seller in cash for any commodity metal or detached  
14 catalytic converter transaction of three hundred dollars or less, **UNLESS**  
15 **THE TRANSACTION INVOLVES A COMMODITY METAL THAT THE PAYING**  
16 **PARTY KNOWS OR SHOULD HAVE KNOWN WAS PART OF CRITICAL**  
17 **INFRASTRUCTURE.**

1 (b) If the transaction costs more than three hundred dollars OR  
2 INVOLVES A COMMODITY METAL THAT THE PAYING PARTY KNOWS OR  
3 SHOULD HAVE KNOWN WAS PART OF CRITICAL INFRASTRUCTURE, the  
4 owner, keeper, proprietor, collector, or dealer shall pay the seller of a  
5 commodity metal or detached catalytic converter by check unless the  
6 seller is paid by means of any process in which a picture of the seller is  
7 taken when the money is paid.

8 (1.6) (a) (I) AN OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR  
9 DEALER SHALL NOT POSSESS A COMMODITY METAL THAT WAS PART OF  
10 CRITICAL INFRASTRUCTURE WITHOUT ALSO POSSESSING A WRITTEN  
11 CERTIFICATION ON THE LETTERHEAD OF THE PERSON WHO TRANSFERRED  
12 THE COMMODITY METAL TO THE OWNER, KEEPER, PROPRIETOR,  
13 COLLECTOR, OR DEALER. THE CERTIFICATION MUST SAY THAT THE  
14 TRANSFEROR MAY LAWFULLY TRANSFER THE COMMODITY METAL AND, IF  
15 AN AGENT OF THE TRANSFEROR IS IN POSSESSION OF THE COMMODITY  
16 METAL, THAT THE TRANSFEROR'S AGENT IS AUTHORIZED TO NEGOTIATE  
17 THE SALE OR OTHER TRANSFER OF THE COMMODITY METAL. AN OWNER,  
18 KEEPER, PROPRIETOR, COLLECTOR, OR DEALER SHALL KEEP THE  
19 CERTIFICATION LETTER WITH THE BOOK OR REGISTER, AS REQUIRED  
20 PURSUANT TO SUBSECTION (1)(d) OF THIS SECTION.

21 (II) AN OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER  
22 WHO KNOWINGLY POSSESSES A COMMODITY METAL THAT WAS PART OF  
23 CRITICAL INFRASTRUCTURE IN VIOLATION OF THIS SUBSECTION (1.6)(a)  
24 COMMITS UNLAWFUL POSSESSION OF CRITICAL INFRASTRUCTURE.

25 (III) THIS SUBSECTION (1.6)(a) DOES NOT APPLY IF THE OWNER,  
26 KEEPER, PROPRIETOR, COLLECTOR, OR DEALER HAS A WRITTEN CONTRACT  
27 WITH THE ORIGINAL SOURCE COMPANY THAT REPRESENTS AND WARRANTS

1 THAT THE COMMODITY METAL THAT WAS PART OF CRITICAL  
2 INFRASTRUCTURE BELONGS TO THE OWNER, KEEPER, PROPRIETOR,  
3 COLLECTOR, OR DEALER.

4 (b) (I) AN OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER  
5 WHO UNKNOWINGLY TAKES POSSESSION OF COMMODITY METALS FROM  
6 CRITICAL INFRASTRUCTURE AS PART OF A LOAD OF OTHERWISE  
7 NON-COMMODITY METALS WITHOUT A WRITTEN CERTIFICATION, AS  
8 DESCRIBED IN SUBSECTION (1.6)(a)(I) OF THIS SECTION, HAS A DUTY TO  
9 NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY OR MUNICIPAL  
10 CODE ENFORCEMENT AGENCY BY THE END OF THE NEXT BUSINESS DAY  
11 AFTER DISCOVERING THE PROHIBITED MATERIAL. WRITTEN CERTIFICATION  
12 RELIEVES THE OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER  
13 FROM PENALTY FOR POSSESSION OF THE PROHIBITED MATERIAL. THE  
14 PROHIBITED MATERIAL MUST BE SET ASIDE AND MUST NOT BE SOLD,  
15 PENDING A DETERMINATION AS TO ITS LEGAL STATUS MADE BY A LAW  
16 ENFORCEMENT AGENCY OR MUNICIPAL CODE ENFORCEMENT AGENCY.

17 (II) AN OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER  
18 WHO UNKNOWINGLY TAKES POSSESSION OF COMMODITY METALS FROM  
19 CRITICAL INFRASTRUCTURE AS PART OF A LOAD OF OTHERWISE  
20 NON-COMMODITY METALS WITHOUT A WRITTEN CERTIFICATION AND DOES  
21 NOT NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY OR MUNICIPAL  
22 CODE ENFORCEMENT AGENCY BY THE END OF THE NEXT BUSINESS DAY IN  
23 VIOLATION OF THIS SUBSECTION (1.6)(b) COMMITS FAILURE TO REPORT  
24 STOLEN CRITICAL INFRASTRUCTURE.

25 (2) Except as otherwise provided in subsection (3) of this section,  
26 the owner, keeper, proprietor, collector, or dealer of any commodity metal  
27 or detached catalytic converter shall make a digital photographic record,

1 video record, or other record that identifies the seller and the commodity  
2 metal or detached catalytic converter that the seller is selling. The digital  
3 photographic record, video record, or other record format shall be  
4 retained for one hundred eighty days, and the owner shall permit a law  
5 enforcement officer OR MUNICIPAL CODE ENFORCEMENT OFFICER to make  
6 inspections of the record.

7 (5) A person who violates subsection (1) of this section by failing  
8 to keep a book or register, ~~any~~ A person who knowingly gives false  
9 information with respect to the information required to be maintained in  
10 the book or register provided for in subsection (1) of this section, and ~~any~~  
11 A person who violates subsection (1.3), (1.5), **(1.6)**, or (2) of this section  
12 commits:

13 (e) A class 5 felony if:

14 (I) The amount is five thousand dollars or more but less than  
15 twenty thousand dollars; OR

16 (II) THE VIOLATION INVOLVES COMMODITY METALS USED IN  
17 CRITICAL INFRASTRUCTURE WITH A VALUE OF MORE THAN TWO THOUSAND  
18 DOLLARS BUT LESS THAN TWENTY THOUSAND DOLLARS;

19 (6) (a) There is a ~~rebuttable presumption~~ PERMISSIVE INFERENCE  
20 that metal purchased by a dealer for the purpose of recycling is a  
21 commodity metal if the commodity metal has a value of fifty cents per  
22 pound or greater for purposes of recycling the commodity metal.

23 (b) THERE IS A PERMISSIVE INFERENCE THAT THE PAYING PARTY  
24 SHOULD HAVE KNOWN THE COMMODITY METAL WAS PART OF CRITICAL  
25 INFRASTRUCTURE IF THERE EXISTS EVIDENCE THAT THE INSULATING  
26 CASING OF A COMMODITY METAL WAS BURNED OR SMOLDERED OFF.

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

1 (b.8) "COVERED INFRASTRUCTURE" MEANS:  
2 (I) COMMUNICATION INFRASTRUCTURE, INCLUDING FIBER-OPTIC  
3 CABLES AND OTHER INFRASTRUCTURE USED FOR:  
4 (A) INTERNET, INCLUDING BROADBAND INTERNET SERVICE;  
5 (B) CABLE COMMUNICATIONS;  
6 (C) WIRELESS COMMUNICATIONS;  
7 (D) TELECOMMUNICATIONS; AND  
8 (E) A PUBLIC SAFETY ANSWERING POINT, AS DEFINED IN SECTION  
9 29-11-101;  
10 (II) TRANSPORTATION INFRASTRUCTURE, INCLUDING  
11 INFRASTRUCTURE USED FOR:  
12 (A) LIGHT RAIL, AS DEFINED IN SECTION 29-35-103;  
13 (B) PASSENGER RAIL;  
14 (C) FREIGHT RAIL;  
15 (D) A PUBLIC ROADWAY SYSTEM; AND  
16 (E) BRIDGES;  
17 (III) HOUSING INFRASTRUCTURE;  
18 (IV) AN ELECTRIC VEHICLE CHARGING STATION; AND  
19 (V) PUBLIC UTILITY INFRASTRUCTURE.  
20 (c.5) "CRITICAL INFRASTRUCTURE" MEANS ANY COMPONENT OR  
21 PART OF A COMMODITY METAL THAT IS USED IN COVERED  
22 INFRASTRUCTURE, THE THEFT OF WHICH POSES AN IMMINENT THREAT TO  
23 LIFE OR THE PHYSICAL SAFETY OF A PERSON, INCLUDING THROUGH SERIOUS  
24 HARM TO THE BASIC SUPPLY OF COVERED INFRASTRUCTURE TO THE  
25 POPULATION OR TO THE EXERCISE OF A CORE FUNCTION OF COVERED  
26 INFRASTRUCTURE.

27 (10) (a) The general assembly hereby finds, determines, and

1 declares that:

2 (II) Such thefts impact every community in Colorado; ~~and~~

3 (III) The regulation of commodity metal or detached catalytic  
4 converter purchases is a matter of statewide concern; AND

5 (IV) IN THE CONTEXT OF COMMODITY METALS THAT MAKE UP  
6 CRITICAL INFRASTRUCTURE, THEIR THEFT REPRESENTS A SIGNIFICANT  
7 THREAT TO COLORADO CITIZENS.

8 **SECTION 2. Applicability.** This act applies to offenses  
9 committed on or after the effective date of this act.

10 **SECTION 3. Safety clause.** The general assembly finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, or safety or for appropriations for  
13 the support and maintenance of the departments of the state and state  
14 institutions.