

CHAPTER 417

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 22-1217

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also SENATOR(S) Ginal, Buckner, Danielson, Hansen, Holbert, Pettersen, Rodriguez, Story, Winter, Zenzinger.

AN ACT

CONCERNING MEASURES TO PREVENT CATALYTIC CONVERTER THEFT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 18-13-111, **amend** (8) introductory portion; and **add** (8)(a.5), (12), and (13) as follows:

18-13-111. Purchases of commodity metals - violations - commodity metals theft task force - creation - composition - reports - legislative declaration - definitions - repeal. (8) ~~For the purposes of AS USED IN this section, unless the context otherwise requires:~~

(a.5) "APPLICABLE FACILITY" MEANS DEALERS, OWNERS, KEEPERS, OR PROPRIETORS OF A JUNK SHOP, JUNK STORE, SALVAGE YARD, OR OTHER SECONDHAND PROPERTY.

(12)(a) THE COLORADO STATE PATROL SHALL DEVELOP AN ASSESSMENT REPORT FOR APPLICABLE FACILITIES TO IDENTIFY THE LEVEL OF CONFORMANCE WITH THE PROVISIONS OF SUBSECTIONS (1) TO (4) OF THIS SECTION.

(b) ON OR BEFORE JULY 1, 2023, AND EACH JULY 1 THEREAFTER, THE COLORADO STATE PATROL SHALL DISTRIBUTE AND MAKE AVAILABLE AN ASSESSMENT REPORT FOR ALL APPLICABLE FACILITIES. THE ASSESSMENT REPORT MUST ENCOURAGE VOLUNTARY COMPLIANCE AND PROVIDE EDUCATION TO APPLICABLE FACILITIES ON THE REQUIREMENTS OF THIS SECTION. IF AN APPLICABLE FACILITY DOES NOT COMPLY WITH THE ASSESSMENT REPORTING REQUIREMENTS DESCRIBED IN THIS SECTION, THE

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.

COLORADO STATE PATROL MAY PROMPT A LAW ENFORCEMENT INSPECTION. THE ASSESSMENT REPORT MUST INCLUDE, AT A MINIMUM:

(I) APPLICABLE FACILITY INFORMATION, SUCH AS THE TYPE OF FACILITY, NAME, PHYSICAL ADDRESS, MAILING ADDRESS, BUSINESS CONTACT NAME, AND CONTACT INFORMATION;

(II) PURCHASES OF COMMODITY METALS INFORMATION, TO INCLUDE THE TYPE OF BOOK OR REGISTER USED, FORMS OF SELLER IDENTITY VERIFICATION, SELLER DOCUMENTATION USED IN THE BOOK OR REGISTER, WHETHER THE BOOK OR REGISTER PROVIDES FOR THE DATE AND PLACE OF PURCHASE, DESCRIPTION AND QUANTITY AND AVAILABILITY OR ACTUAL INSPECTION BY A PEACE OFFICER; AND

(III) APPLICABLE FACILITY RECORDING OF COMMODITY METAL TRANSACTIONS, TO INCLUDE THE TYPE OF METAL COMMODITY TRANSACTION, USE OF AND EMPLOYEE TRAINING ON THE SCRAP THEFT ALERT SYSTEM, MAINTENANCE OF SCRAP THEFT ALERTS, PAYMENT FORMS TO SELLER, AND FORM OF RECORDS KEPT, INCLUDING DIGITAL, PHOTOGRAPHIC, VIDEO, OR OTHER RECORDS;

(c) ON OR BEFORE AUGUST 1, 2023, AND EACH AUGUST 1 THEREAFTER, EVERY APPLICABLE FACILITY SHALL COMPLETE AND SUBMIT THE ASSESSMENT REPORT TO THE COLORADO STATE PATROL.

(d) ON OR BEFORE DECEMBER 1, 2023, AND EACH DECEMBER 1 THEREAFTER, THE COLORADO STATE PATROL SHALL PROVIDE A SUMMARY OF THE ASSESSMENT REPORTS TO THE TASK FORCE AND THE TASK FORCE SHALL CONSIDER THE REPORT AT A MEETING REQUIRED BY SUBSECTION (9)(c) OF THIS SECTION.

(13) (a) THE COLORADO STATE PATROL SHALL DEVELOP AN INSPECTION FORM FOR USE BY STATE, COUNTY, AND LOCAL AUTHORITIES TO USE WHEN INSPECTING APPLICABLE FACILITIES TO PROVIDE STATEWIDE DOCUMENTATION, CONSISTENT WITH THE PROVISIONS IN SUBSECTIONS (1) TO (4) OF THIS SECTION. THE INSPECTION FORM MUST INCLUDE ELEMENTS CONTAINED IN THE ASSESSMENT REPORT, BUT MAY FURTHER PROVIDE INFORMATION TO BE USED IN CRIMINAL INVESTIGATIONS.

(b) THE COLORADO STATE PATROL SHALL PROVIDE STANDARDIZED TRAINING FOR USE BY LAW ENFORCEMENT AGENCIES IN CONDUCTING INSPECTIONS. THIS TRAINING MAY BE IN PERSON, VIA VIDEO, OR USING A WRITTEN MANUAL.

(c) UPON COMPLETION OF A LAW ENFORCEMENT INSPECTION, THE LAW ENFORCEMENT AGENCY SHALL SUBMIT A COPY OF THE INSPECTION FORM TO THE COLORADO STATE PATROL WITHIN TWO WEEKS AFTER COMPLETING THE INSPECTION.

(d) THE COLORADO STATE PATROL SHALL PROVIDE A SUMMARY REPORT OF ALL STATEWIDE INSPECTIONS TO THE TASK FORCE AND THE TASK FORCE SHALL CONSIDER THE REPORT AT A MEETING REQUIRED BY SUBSECTION (9)(c) OF THIS SECTION.

SECTION 2. In Colorado Revised Statutes, **add 24-33.5-230** as follows:

24-33.5-230. Catalytic converter identification and theft prevention grant program - repeal. (1) THERE IS CREATED IN THE COLORADO STATE PATROL,

WITHIN THE AUTHORITY THAT ADDRESSES AUTOMOBILE THEFT PREVENTION, THE CATALYTIC CONVERTER IDENTIFICATION AND THEFT PREVENTION GRANT PROGRAM TO AWARD GRANTS TO RECIPIENTS FOR PUBLIC AWARENESS CAMPAIGNS REGARDING CATALYTIC CONVERTER THEFT, CATALYTIC CONVERTER THEFT PREVENTION PARTS, ASSISTANCE TO VICTIMS OF CATALYTIC CONVERTER THEFT, AND CATALYTIC CONVERTER IDENTIFICATION AND TRACKING EFFORTS. THE STATE PATROL SHALL ADMINISTER THE PROGRAM.

(2) THE STATE PATROL SHALL ADOPT RULES FOR THE PROGRAM. AT A MINIMUM, THE RULES MUST SPECIFY THE FOLLOWING:

(a) THE APPLICATION PROCESS, INCLUDING APPLICATION REQUIREMENTS AND DEADLINES;

(b) CRITERIA FOR SELECTING GRANT RECIPIENTS AND DETERMINING THE AMOUNT OF THE GRANT;

(c) DEADLINES FOR AWARDING GRANTS;

(d) REPORTING REQUIREMENTS AND DEADLINES FOR GRANT RECIPIENTS; AND

(3) IN ORDER TO RECEIVE A GRANT, AN APPLICANT MUST SUBMIT A GRANT APPLICATION TO THE DEPARTMENT. AN APPLICANT MAY INCLUDE BUT IS NOT LIMITED TO AUTO REPAIR BUSINESSES, AUTOMOBILE DEALERS, ASSOCIATIONS FOCUSED ON THEFT PREVENTION, EMERGENCY REPAIR SERVICES, LAW ENFORCEMENT AGENCIES, AND LOCAL GOVERNMENTS. AT A MINIMUM, THE APPLICATION MUST DESCRIBE WHAT WILL BE FUNDED WITH A GRANT AWARD; HOW THE FUNDING WILL HELP REDUCE CATALYTIC CONVERTER THEFT, IF APPLICABLE; AND INCLUDE ANY OTHER INFORMATION REQUIRED BY DEPARTMENT RULES.

(4) (a) THE DEPARTMENT SHALL REVIEW THE GRANT APPLICATIONS AND AWARD GRANTS IN ACCORDANCE WITH DEPARTMENT RULES AND THE REQUIREMENTS OF THIS SECTION. THE DEPARTMENT MAY AWARD GRANTS ON A ONE-TIME BASIS OR MAY AWARD MULTI-YEAR GRANTS.

(b) THE DEPARTMENT MAY REQUIRE A GRANT RECIPIENT TO INCLUDE PROJECT-SPECIFIC INFORMATION IN ITS REPORT MADE PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION.

(c) TO ENSURE FULL BENEFITS AND ACCESS, THE DEPARTMENT SHALL MAKE GRANTS ON A CRITERIA-BASED APPORTIONMENT BASIS TO TARGETED INITIATIVES, INCLUDING TWENTY PERCENT TO VICTIMS, TWENTY PERCENT TO PREVENTION, TWENTY-FIVE PERCENT TO BUSINESS IMPACTS, TWENTY-FIVE PERCENT TO ENFORCEMENT AND THE REMAINING TEN PERCENT FOR ADMINISTRATIVE COSTS. THESE APPORTIONMENTS MAY BE SUBJECT TO MODIFICATION BASED ON THE LIMITED NUMBER OF APPLICANTS OR QUALIFIED OR APPROVED APPLICATIONS IN SPECIFIC INITIATIVES.

(5) (a) A GRANT RECIPIENT SHALL SUBMIT A REPORT TO THE DEPARTMENT IN ACCORDANCE WITH THE DEADLINES SET BY THE DEPARTMENT. THE REPORT MUST INCLUDE:

- (I) A DESCRIPTION OF HOW THE GRANT FUNDING WAS USED;
- (II) ANY OUTCOMES ACHIEVED BY THE GRANT FUNDING; AND
- (III) OTHER METRICS REQUIRED BY DEPARTMENT RULE.

(b) ON OR BEFORE JUNE 30, 2023, AND ON OR BEFORE JUNE 30 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT ON THE PROGRAM TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES. THE REPORT MUST INCLUDE A SUMMARY OF THE INFORMATION REPORTED BY GRANT RECIPIENTS PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION AND INFORMATION REGARDING WHETHER THE PROGRAM IS MEETING THE GOALS DESCRIBED IN THIS SECTION.

- (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

SECTION 3. Appropriation. (1) For the 2022-23 state fiscal year, \$405,871 is appropriated to the department of public safety. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

- (a) \$300,000 for use by the Colorado state patrol for the automobile theft prevention authority; and
- (b) \$105,871 for the purchase of information technology services.

(2) For the 2022-23 state fiscal year, \$105,871 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of public safety under subsection (1)(b) of this section, and is based on an assumption that the office will require an additional 1.0 FTE. To implement this act, the office may use this appropriation to provide information technology services for the department of public safety.

SECTION 4. Effective date. This act takes effect upon passage except that section 1 of this act only takes effect if Senate Bill 22-009 takes effect and becomes law. If section 1 of this act takes effect, it is effective upon the effective date of this section or the effective date of Senate Bill 22-009, whichever is later.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 7, 2022